

RIBBLE VALLEY BOROUGH COUNCIL

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Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** is at **6.30pm** on **THURSDAY, 12 MARCH 2020** at the **TOWN HALL, CHURCH STREET, CLITHEROE.**

I do hope you can be there.

Yours sincerely

M. H. Scott

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 meetings held on 6 February 2020 – 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 Economic Development and Planning – copy enclosed.
- ✓ 6. Repair Work to Preserve Champion Flood Pool – report of Director of Economic Development and Planning – copy enclosed.

- ✓ 7. Validation of Planning Applications – report of Director of Economic Development and Planning – copy enclosed.

INFORMATION ITEMS

- ✓ 8. Annual Position Statements – Housing – report of Director of Economic Development and Planning – copy enclosed.
- 9. Reports from Representatives on Outside Bodies (if any).
- ✓ 10. Capital Programme 2020/21 – report of Director of Resources – copy enclosed.
- ✓ 11. Revenue Monitoring 2019/20 – report of Director of Resources – copy enclosed.
- ✓ 12. Appeals:
 - a) 3/2019/0390 – change of use from offices to dwellings (4 No bungalows and 2 No houses) at Health Rack Ltd, Dutton Manor Mill, Clitheroe Road, Dutton – appeal dismissed.
 - b) 3/2018/0507 – outline application for up to 10 No self-build dwellings with all matters reserved save for access at The Stables, Chaigley Road, Longridge – appeal dismissed.
 - c) 3/2019/0554 – The Three Millstones Inn, Waddington Road, West Bradford, new single storey building at the rear of the public house to create an additional guest bedroom – appeal dismissed.

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

DECISION ITEMS

None.

INFORMATION ITEMS

None.

<u>INDEX OF APPLICATIONS BEING CONSIDERED</u> <u>MEETING DATE: THURSDAY, 12 MARCH 2020</u>						
	<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 ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR APPROVAL:					
	3/2019/0951	1		SK	AC	Land at Pendle Road Clitheroe
	3/2019/0953	8		SK	AC	Land at Pendle Road Clitheroe
C	APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR REFUSAL:					
					NONE	
D	APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING BEING SATISFACTORILY COMPLETED					
	3/2019/0907	16		AB	DEFER	Land off Clitheroe Road Whalley
	3/2019/1085	27		LE	DEFER	Land South West of Whalley Road, Barrow
	3/2020/0004	39		JM	DEFER	Land at Primrose Works Primrose Road, Clitheroe
E	APPLICATIONS IN 'OTHER' CATEGORIES:					
					NONE	

LEGEND

AC Approved Conditionally

R Refused

M/A Minded to Approve

AB Adam Birkett

AD Adrian Dowd

LE Laura Eastwood

HM Harriet McCartney

JM John Macholc

RB Rebecca Bowers

SK Stephen Kilmartin

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No 5

meeting date: THURSDAY, 12 MARCH 2020
title: PLANNING APPLICATIONS
submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

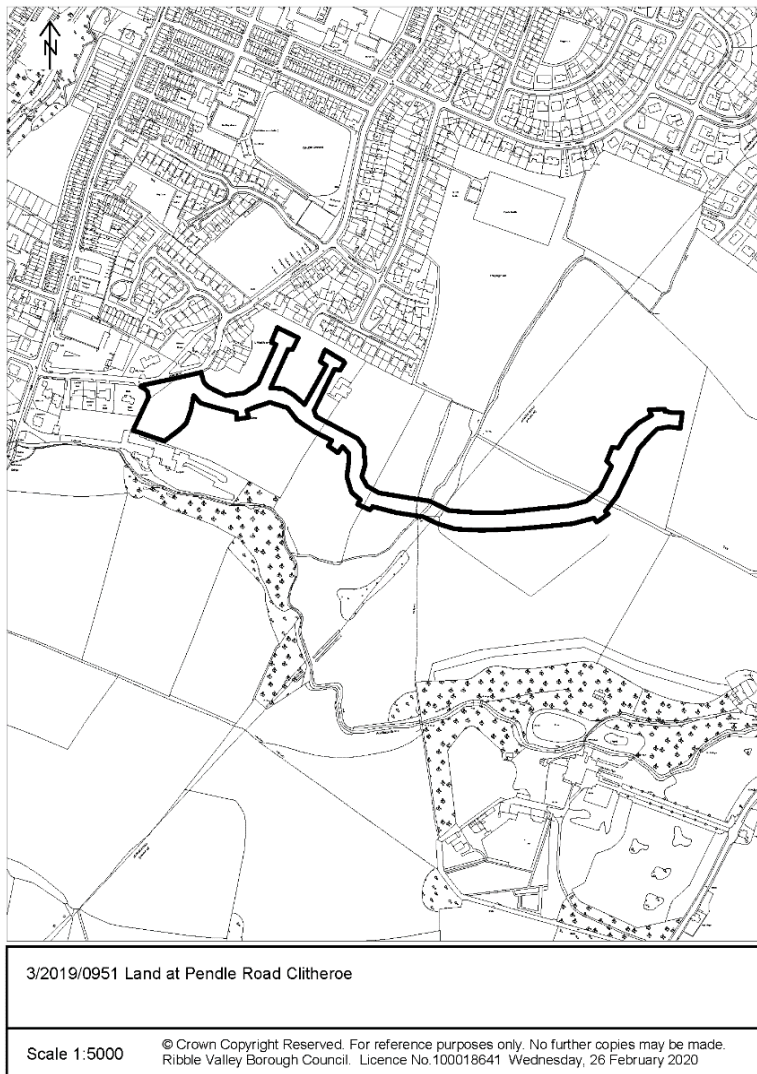
PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION REF: 3/2019/0951

GRID REF: SD 374290 440802

DEVELOPMENT DESCRIPTION:

PROPOSED SPINE ROAD LINKING PHASE 1 TO PHASES 2, 3, 4 AND 5 OF OUTLINE PLANNING PERMISSION 3/2015/0895. LAND AT PENDLE ROAD CLITHEROE



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

CLITHEROE TOWN COUNCIL:

Clitheroe Town Council have raised no objections in respect of the proposal.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

LCC Highways have raised no objection to the proposal. Original observations in respect of the absence of a 3.5m wide cycleway/footway have been addressed through the receipt of amended details.

UNITED UTILITIES:

No objections subject to the imposition of conditions that requires the proposed spine road to remain unused until the drainage infrastructure has been completed in accordance with the approved details.

LCC ARCHAEOLOGY:

LCC Archaeology recommend that the application is not determined until an appropriate heritage statement and/or proposed archaeological mitigation strategy has been submitted to and agreed by the Local planning Authority.

LLFA:

The LLFA have no objection to the proposal, subject to the requirements of conditions 65, 66, 68, 69, 70, 71 and 72 of planning permission 3/2015/0895 being satisfied in full.

ENVIRONMENT AGENCY:

The Environment agency have raised no objections to the proposal.

ADDITIONAL REPRESENTATIONS:

One letter of representation has been received objecting to the proposal on the following grounds:

- The spine road will increase the risk of trespass to an adjacent existing business
- The drainage proposals will increase the amount of surface water being discharged into adjacent/nearby watercourses
- Vehicle recognition cameras will not be sufficient to ensure that private motor-vehicles will not use the Littlemoor access

1. Site Description and Surrounding Area

- 1.1 The application relates to greenfield land located within the designated Standen Strategic Site (DS1 allocation). The extent of land to which the application relates commences at the western extents of phases 2, 3 and 4 (detailed consent yet to be granted) and extends westward whereby the site area terminates with an interface on the southern side of Littlemoor Road.

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

- 2.1 The submitted details seek consent for the construction of a spine road to serve the Standen Strategic site. It is proposed that the spine road will link phases 2, 3 and 4 (reserved matters consent yet to be granted) to Littlemoor Road. As such the proposed road will run east to west through the site to serve not only the aforementioned phases, but all future phases of development.
- 2.2 It is proposed that the spine road will consist of a 2m wide footway at its northern extents, a carriageway width of 6.75m, a 2.5m landscape margin at its southern extents with a 3.5m shared cycleway/footway on the opposing side of the landscape margin.
- 2.3 Members will note that it is not intended for the highways interface with Littlemoor to be utilised by the private motor-vehicle, with the access solely being for use by emergency vehicle and buses. This matter is controlled by condition 55 of the original outline consent which states that 'Means of vehicular access shall be from Pendle Road and Littlemoor. In the case of Littlemoor the access shall only be used for buses and emergency vehicles'.
- 2.4 At this stage, following full adoption by LCC Highways, it is proposed that ANPR's (Automatic Number Plate Recognition Cameras) will be installed, in tandem with appropriate signage and road-marking to ensure that use of the access remains restricted. Given it is likely that the vehicular access will be formed prior to adoption, it is considered essential to impose a condition that will require details of how the access will be restricted during the interim period and that such details shall be submitted prior to any works relating to the spine road being commenced.

3. **Relevant Planning History**

3/2015/0895 - Application to vary conditions 1 (Development to be carried out in accordance with approved details), 2 (Plan reference), 3 (Phasing), 4 (Design code), 8 (Phase 01 particulars), 12 (Reserved matters requirements), 21 (Buffer zone), 40 (Energy/Sustainability), 42 (Energy / Sustainability BREEAM), 59 (Pedestrian/Cycle linkages), 62 (Employment site), 63 (Retail centre), 64 (Roundabout /Highway Improvements) and removal of condition 41 (Code for Sustainable Homes) of previously approved outline planning consent 3/2012/0942 (Erection of 1040 residential dwellings comprising: 728 market homes, 312 affordable homes, 156 of the total (1040) would be for elderly people (ie over 55 years of age) of which 78 would be affordable, 0.8ha to be reserved for retirement living within the total of 1040 homes, 0.5ha for local retail, service and community facilities (Classes A1 to A4, B1 and D1), 2.25 ha for employment (Class B1) accommodating up to a maximum gross floorspace of 5,575m², 2.1 ha of land for a primary school site, public open space including green corridors and areas for tree planting and landscaping, an improved (roundabout) junction between Pendle Road the A59, new vehicular, pedestrian and cycle accesses onto Pendle Road and Littlemoor, new pedestrian and cycle accesses onto Worston Old Road, New pedestrian and cycle access from the end of Shays Drive, Roads, sewers, footpaths, cycleways, services and infrastructure including: A sustainable urban drainage system,; New services such as gas, electricity, water and telecommunications). (Approved with conditions)

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 EN4 – Biodiversity and Geodiversity
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 DME6 – Water Management
Policy DMB5 – Footpaths and Bridleways

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

5. **Assessment of Proposed Development**

5.1 Principle of Development:

5.1.1 Notwithstanding other development management considerations the principle of the development for residential purposes has been established as acceptable through the granting of outline consents 3/2012/0942 and 3/2015/0895. The site has also been identified as the Strategic Site for the Borough within the adopted Core Strategy which anticipates that the site will be developed in a comprehensive and sustainable manner as a mixed site to meet a significant proportion of the Borough's housing requirement in the plan period. The range of uses will include housing (including affordable housing), employment, community uses, local retail and service provision to serve the site, open space and recreational uses.

5.1.2 Given the proposal relates to infrastructure that will serve the Strategic Site it is not considered that the proposal raises any direct conflicts with the development strategy for the Borough.

5.2 Impact upon Residential Amenity:

5.2.1 Given the nature of the proposal and taking into account that the principle of the development of the land for residential purposes (including associated infrastructure) has been established as acceptable through an extent consent, it is not considered that the proposed spine road will be of detriment to nearby existing or future residential amenities.

5.3 Matters of Design/Visual Amenity:

5.3.1 Whilst it is accepted that the spine road will have a notable visual impact upon the character of the immediate landscape, such impacts were taken account of as part of the overall assessment of the quantum of development approved as part of the original outline planning permission to which this application relates.

5.3.2 As such, whilst the visual impact of the proposal is likely to be significant, given that the proposal is for infrastructure to serve further phases of development that are yet to receive detailed consent, it is considered that the principle of the impacts upon the landscape character of the area have already been deemed as

acceptable by virtue of the granting of the overall outline consent for the Standen Strategic Site.

5.4 Highway Safety and Accessibility:

5.4.1 The Highway Development Control section have raised no objection to the proposal following the inclusion of a 3.5m wide shared cycleway/footway on the southern side of the proposed spine road.

5.5 Landscape/Ecology:

5.5.1 The application has been accompanied by an Ecological Assessment which concludes that the majority of the habitat to be lost within Phases 2, 3 and 4, including the spine road, comprises largely of improved grassland. The assessment further concludes that the aforementioned habitat is an intensively managed grassland with low species diversity and as such the potential ecological impact of the spine road is considered to be very low.

5.6 Other Matters:

5.6.1 It is noted that LCC Archaeology recommend that the application is not determined until an appropriate heritage statement and/or proposed archaeological mitigation strategy has been submitted to and agreed by the Local planning Authority. As such, it is considered reasonable and necessary to impose a condition that such details be submitted prior to the commencement of any development relating this phase of development. The authority does not consider that the application cannot be determined in the absence of such information, particularly given the methodology for such mitigation and investigation works is frequently secured via planning condition.

6. Observations/Consideration of Matters Raised/Conclusion

6.1 Taking account of the above matters and all material considerations, it is considered that the proposed development is in full compliance and alignment with the development strategy for the borough insofar that it relates to infrastructure that will enable the further development of the designated Strategic Site.

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

1. 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:

- 6263/SP-01-1 Rev: D
- 6263/SP-01-2 Rev: C
- 6263/SP-01-3 Rev: D
- 6263/SP-01-4 Rev: E
- 6263/SP-01-5 Rev: D

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

Landscape and Ecology

2. The landscaping proposals hereby approved shall be implemented in the first planting season following first use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 10 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.

All trees/hedgerow shown as being retained within the approved details shall be retained as such in perpetuity.

REASON: To ensure the proposal is satisfactorily landscaped and trees/hedgerow of landscape/visual amenity value are retained as part of the development.

3. 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: To protect trees/hedging of landscape and visual amenity value on and adjacent to the site or those likely to be affected by the development hereby approved.

Flooding and Drainage

4. The drainage infrastructure shall be constructed in accordance with the following submitted details: 6263-SP-03-(1D, 2C, 3C, 4C and 5D). The proposed spine road shall not be used until the drainage infrastructure has been completed in accordance with the approved details.

REASON: to ensure associated development from wider development sites can be drained in the most sustainable way.

Heritage and Archaeology

5. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological investigation and mitigation. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To enable the appropriate archaeological recording, excavation and analysis of any surviving upstanding earthworks and buried below-ground archaeological remains of interest.

Highways

6. No development shall take place until details of measures to restrict the use of the Littlemoor access, pre-adoption by the Highways Authority, have been submitted to and agreed by the Local planning Authority. For the avoidance of doubt the submitted details shall provide timings for the installation of such measures in concert with the Littlemoor access being formed. The agreed measures shall remain in place until such a time when

the Highways Authority install permanent measures pursuant to condition 55 of outline consent 3/2015/0895.

REASON: To ensure the safe operation of the immediate highway and to ensure the consent hereby approved remains compliant and pursuant to the outline consent to which it relates.

BACKGROUND PAPERS

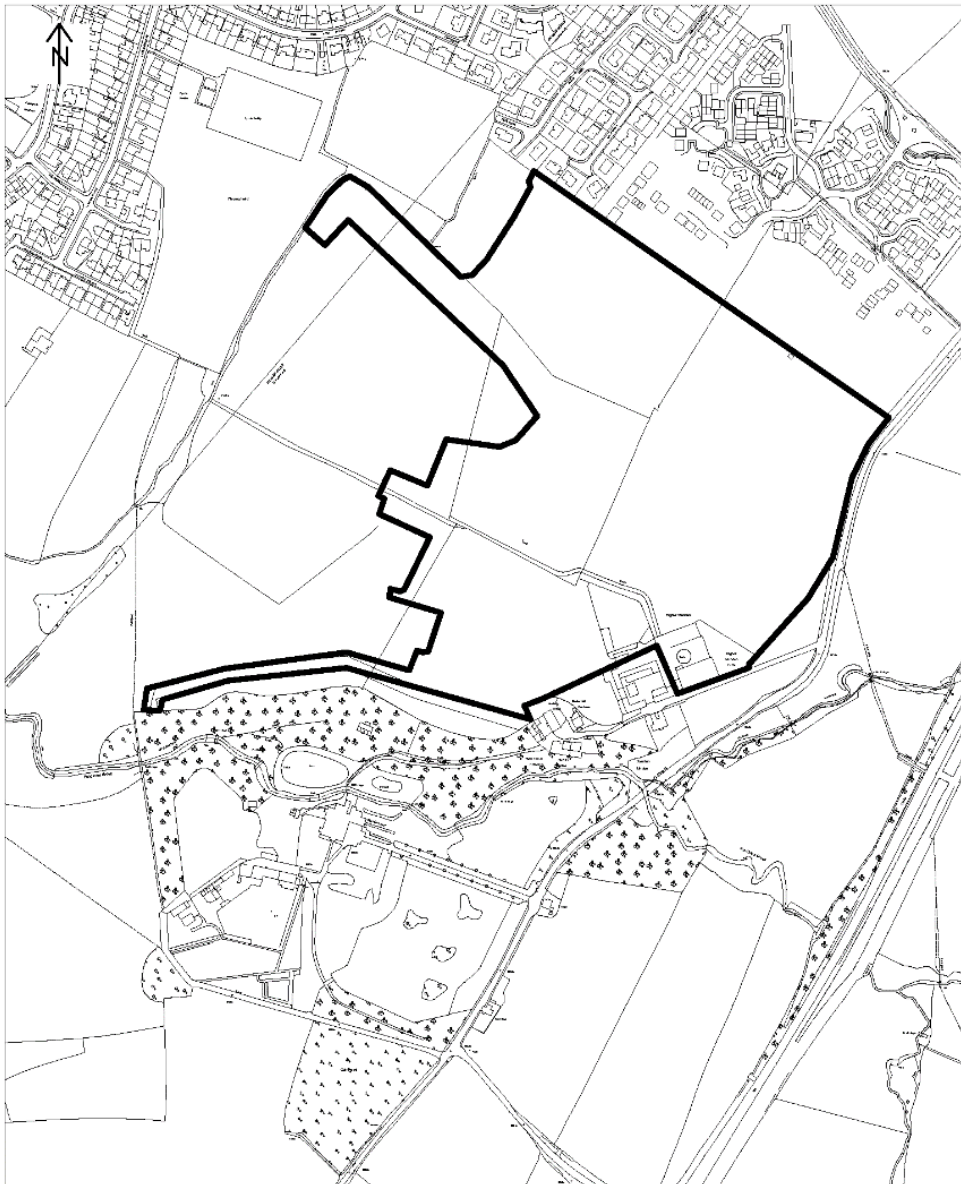
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0951

APPLICATION REF: 3/2019/0953

GRID REF: SD 374290 440802

DEVELOPMENT DESCRIPTION:

PHASES 2, 3 AND 4 OF OUTLINE PLANNING PERMISSION 3/2015/0895. LAND AT PENDLE ROAD, CLITHEROE



3/2019/0953 Land at Pendle Road Clitheroe

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

CLITHEROE TOWN COUNCIL:

No representations received in respect of the application.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

LCC Highways have raised no objection to the proposal.

UNITED UTILITIES:

No objections subject to the imposition of conditions relating to foul and surface water drainage.

LCC ARCHAEOLOGY:

LCC Archaeology recommend that the application is not determined until an appropriate heritage statement and/or proposed archaeological mitigation strategy has been submitted to and agreed by the Local planning Authority.

LLFA:

The LLFA would have no objection to the latest development proposals, subject to the requirements of conditions 65, 66, 68, 69, 70, 71 and 72 of planning permission 3/2015/0895 being satisfied in full.

ENVIRONMENT AGENCY:

The Environment agency have raised no objections to the proposal.

LCC EDUCATION:

LCC Education have responded stating as per the s106 agreement for outline 3/2012/0942 (varied by S73 application 3/2015/0895), the final primary and secondary education contribution will be calculated following the approval of the reserved matters should consent be granted.

ADDITIONAL REPRESENTATIONS:

No letters of representation have been received in respect of the application.

1. **Site Description and Surrounding Area**

- 1.1 The application relates to greenfield land located within the designated Standen Strategic Site (DS1 allocation). The extent of land to which the application relates commences at the southern of phase 1 of the development and extends in a southerly and westerly direction.
- 1.2 The north-western extents of the site benefits from a direct interface with the shared boundary of a number of existing residential properties off Gills Croft and Shays Drive. The site is predominantly greenfield in nature with vehicular access to the site being provided via phase 1 of the development off Pendle Road.

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

- 2.1 The submitted details seek reserved matters consent for the erection of 426 dwellings including associated infrastructure, landscaping and green-infrastructure provision pursuant to outline consent 3/2015/0895.
- 2.2 It is proposed that the development will consist of a mixture of single storey, two-storey, 2.5 storey and three storey buildings, with the latter being in the form of apartments that will be sited in key locations. The overall arrangement proposes a mixture of character areas with the development being served by a central spine road, off of which are located a number of smaller perimeter blocks, private drives and cul-de-sacs.
- 2.3 The layout follows closely the principles and parameters established at outline stage with the development being complimented by extensive green infrastructure which accommodates a wide network of pedestrian routes, with a main cycle-route also being accommodated which follows largely the trajectory of the main central spine road.

3. **Relevant Planning History**

3/2015/0895 - Application to vary conditions 1 (Development to be carried out in accordance with approved details), 2 (Plan reference), 3 (Phasing), 4 (Design code), 8 (Phase 01 particulars), 12 (Reserved matters requirements), 21 (Buffer zone), 40 (Energy/Sustainability), 42 (Energy / Sustainability BREEAM), 59 (Pedestrian/Cycle linkages), 62 (Employment site), 63 (Retail centre), 64 (Roundabout /Highway Improvements) and removal of condition 41 (Code for Sustainable Homes) of previously approve outline planning consent 3/2012/0942 (Erection of 1040 residential dwellings comprising: 728 market homes, 312 affordable homes, 156 of the total (1040) would be for elderly people (ie over 55 years of age) of which 78 would be affordable, 0.8ha to be reserved for retirement living within the total of 1040 homes, 0.5ha for local retail, service and community facilities (Classes A1 to A4, B1 and D1), 2.25 ha for employment (Class B1) accommodating up to a maximum gross floorspace of 5,575m², 2.1 ha of land for a primary school site, public open space including green corridors and areas for tree planting and landscaping, an improved (roundabout) junction between Pendle Road the A59, new vehicular, pedestrian and cycle accesses onto Pendle Road and Littlemoor, new pedestrian and cycle accesses onto Worston Old Road, New pedestrian and cycle access from the end of Shays Drive, Roads, sewers, footpaths, cycleways, services and infrastructure including: A sustainable urban drainage system,; New services such as gas, electricity, water and telecommunications). (Approved with conditions)

3/2016/0324 - Phase 01 Reserved Matters application (access, layout, scale, external appearance and landscaping) for the erection of 229 dwellings pursuant to outline consent 3/2015/0895. (approved with conditions)

Members will note that there are a number of other relevant discharge of conditions application that relate to the development site that have been omitted for clarity.

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement DMI2 – Transport Considerations

Key Statement EN3 – Sustainable Development and Climate Change
Key Statement EN4 – Biodiversity and Geodiversity
Key Statement H1 – Housing Provision
Key Statement H2 – Housing Balance
Key Statement H3 – Affordable Housing

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 DME6 – Water Management
Policy DMB5 – Footpaths and Bridleways

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

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 Notwithstanding other development management considerations the principle of the development for residential purposes has been established as acceptable through the granting of outline consents 3/2012/0942 and 3/2015/0895. The site has also been identified as the Strategic Site for the Borough within the adopted Core Strategy which anticipates that the site will be developed in a comprehensive and sustainable manner as a mixed site to meet a significant proportion of the Borough's housing requirement in the plan period. The range of uses will include housing (including affordable housing), employment, community uses, local retail and service provision to serve the site, open space and recreational uses.

5.1.2 As such, given the site benefits from an outline extant consent to which this application remains pursuant, it is not considered that the proposal, notwithstanding other development management considerations, raises any potential for significant conflict with the development strategy for the borough as embodied with the adopted development plan.

5.2 **Impact upon Residential Amenity:**

5.2.1 Notwithstanding phase 1 of the development, the proposal only benefits from a direct interface, at its north-western extents, with a small number of existing residential properties that front Gills Croft and Shays Drive. In this respect consideration must be given for the potential of the development to have a detrimental impact upon existing residential amenities.

5.2.2 In respect of the above existing dwellings, the submitted details propose that the dwellings will be orientated in a manner that will result in a proposed front elevation to existing shared boundary interface distance of no less than 15m with a front elevation to existing rear elevation interface distance of approximately 26m. These interface distances are considered to be in excess of the 10.5m and 21m offset distances usually secured by the authority. As such it is not considered that the proposed development will have any undue impact upon existing residential amenity by virtue of direct -overlooking, loss of light or an overbearing impact.

5.3 Matters of Design/Visual Amenity:

- 5.3.1 Extensive negotiation has been undertaken to ensure the proposed development remains compatible with the landscape character of the area whilst responding positively to the inherent character and pattern of development found within Clitheroe.
- 5.3.2 A number of amendments have been undertaken in respect of the elevational treatment of the dwellings including the adoption of a varied materials palette that ensures a level of visual continuity with phase 1 of the development whilst allowing the proposed housing to respond positively to the peripheral semi-rural nature of the site.
- 5.3.3 Amendments have been secured that has resulted in a number of the house-types benefitting from additional architectural detailing and features to ensure that the proposal achieves a greater deal of visual synergy with phase 1. An extensive suite of trim trail equipment to encourage naturalistic play has also been secured, with the equipment being scattered throughout the green infrastructure areas along main pedestrian routes.
- 5.3.4 Taking into account the revised details, the proposal is considered to be of an appropriate scale and design when taking into account the character of the immediate area and it is not considered that the proposal will be of detriment to the character and visual amenities of the area. It is further considered that the layout and provision of green infrastructure is in broad accordance with the overall principles established at outline stage by the overarching masterplan for the site.

5.4 Highway Safety and Accessibility:

- 5.4.1 LCC Highways have raised no objections in respect of the proposed development.

5.5 Landscape/Ecology:

- 5.5.1 The application has been accompanied by an Ecological Assessment which concludes that the majority of the habitat to be lost within Phases 2, 3 and 4, including the spine road, comprises largely of improved grassland. The assessment further concludes that the aforementioned habitat is an intensively managed grassland with low species diversity and as such the potential ecological impact of the spine road is considered to be very low.
- 5.5.2 It is envisaged that significant ecological and biodiversity uplift will be resultant from the development through the significant provision of integral green infrastructure, landscaping and tree-planting. No details have been provided in respect of nesting/roosting provisions for building dependant species or species of conservation concern. As such, a condition will be imposed that requires such details to be submitted prior to the commencement of development.

5.6 Other Matters:

- 5.6.1 It is noted that LCC Archaeology recommend that the application is not determined until an appropriate heritage statement and/or proposed archaeological mitigation strategy has been submitted to and agreed by the Local planning Authority. As such, it is considered reasonable and necessary to impose a condition that such

details be submitted prior to the commencement of any development relating this phase of development. The authority does not consider that the application cannot be determined in the absence of such information, particularly given the methodology for such mitigation and investigation works is frequently secured via planning condition.

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

- 6.1 It is considered that the detailed design and layout of the proposal is in broad compliance with the parameters and principles established as acceptable at the outline planning stage and as such it is not considered that the proposal will have any undue impact upon the character or visual amenities of the area or existing or future residential amenities.
- 6.2 It is for the above reasons and having regard to all material considerations and matters raised that the application is recommended for approval.

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

1. 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:

TW/HSF/CL/01 – Colour CAD Site Layout
TW/HSF/AHP/01 – Adopted Highways Plan
Landscape Proposals: 16078 01 Rev: F
Landscape Proposals: 16078 02 Rev: F
Landscape Proposals: 16078 03 Rev: F
Landscape Proposals: 16078 04 Rev: F
Landscape Proposals: 16078 05 Rev: F
Proposed Materials Sheet Layout TW/HSF/ML/01
Proposed Materials Sheet Layout TW/HSF/ML/02
Site Sections - TW/HSF/SSE/01
Site Sections - TW/HSF/SSE/02
Storey Heights Plan - TW/HSF/SHP/01
Storey Heights Plan - TW/HSF/SHP/02

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

Landscape and Ecology

2. The landscaping proposals hereby approved shall be implemented in the first planting season following first use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 10 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.

All trees/hedgerow shown as being retained within the approved details shall be retained as such in perpetuity.

REASON: To ensure the proposal is satisfactorily landscaped and trees/hedgerow of landscape/visual amenity value are retained as part of the development.

3. 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 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 species site plan and include details of plot numbers and identify the actual wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be incorporated into the identified individual dwellings during their construction and be made available for use before each such dwelling is occupied 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 minimise/mitigate the potential impacts upon protected species resultant from the development.

4. 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: To protect trees/hedging of landscape and visual amenity value on and adjacent to the site or those likely to be affected by the development hereby approved.

Flooding and Drainage

5. In accordance with the approved Drainage Strategy Ref 6263 P2/SK01-(1B, 2B, 3B, 4B, 5B and 6B), foul and surface water shall be drained on separate systems.

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

Heritage and Archaeology

6. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological investigation and mitigation. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To enable the appropriate archaeological recording, excavation and analysis of any surviving upstanding earthworks and buried below-ground archaeological remains of interest.

Further Control over Development

7. The garage(s) hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household(s) and shall not be used for any use that would preclude the ability for their use for the parking of private motor vehicles, whether or not permitted

by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

REASON: To ensure to ensure that adequate parking provision is retained on site that limits the visual impact of the parked motor-vehicle upon the street scene/area.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, no alterations to the roof shall be undertaken and no buildings or structures shall be erected within the curtilage of the dwellings hereby approved 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 character and visual amenities of the immediate area.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0953

D APPLICATIONS ON WHICH COMMITTEE 'DEFER' THEIR APPROVAL SUBJECT TO WORK 'DELEGATED' TO THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING BEING SATISFACTORILY COMPLETED

APPLICATION REF: 3/2019/0907

GRID REF: SD 373582 437748

DEVELOPMENT DESCRIPTION:

OUTLINE APPLICATION FOR THE ERECTION OF ONE NEW DWELLING AND ASSOCIATED WORKS AT LAND OFF CLITHEROE ROAD, WHALLEY BB7 9AQ



3/2019/0907 Land off Clitheroe Road Whalley BB7 9AQ

Scale 1:2500

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Ribble Valley Borough Council. Licence No.100018641 Wednesday, 13 November 2019

CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Whalley Parish Council objects to the application. This additional build causes further problems for users of the access road which leads to the 'Dick Leigh Chainsaw' business. Large vehicles use this access road which is of only a single-track nature. Meeting other traffic is a problem. On occasions lorries have had to back-up when returning to Clitheroe Road and on others, the goods have had to be transported from the business along the access road, and then to the lorry parked on Clitheroe Road.

If a bungalow is to be built on the 'spare land', the probability of unreasonable parking on the access road increases and the functioning of the business further deteriorates. Economic vitality is essential to the Borough and key strand of the Core Strategy. Upon this basis Whalley Parish Council therefore objects to this planning application.

Barrow Parish Council – object strongly to the proposed new dwelling as follows: -

1. The proposed site lies outside of the settlement boundary of Barrow, in open countryside, where there is no justification for the creation of a new dwelling. Giving consent to this application would cause harm to RVBC's development strategy and create a harmful precedent for similar unjustified proposals.
2. The proposed dwelling would result in a cramped and discordant feature that would be detrimental to the character and visual amenity of the surroundings.
3. The Core Strategy states that there is zero need for additional dwellings in Barrow. Also, there is no defined need for additional bungalows in Barrow.
4. The proposed dwelling will cause highway issues for users of the access road and business customers to Dick Leigh Chainsaw Specialists, a business which has been established for over 30 years. The road is very narrow and the proposed site is currently used as a passing place for the newly erected properties and visitors to Ashleigh and the business. Users of this road are already experiencing problems when meeting oncoming vehicles and these issues will be worse with the loss of a passing place. The proposed site was previously referred to as a 'turning area' on plans submitted in 2014, demonstrating its importance to the access road.
5. The proposed site is very small and there is insufficient room for the parking spaces associated with the dwelling. The likelihood of inconsiderate and dangerous parking and vehicle manoeuvring on the access road will be increased.
6. There are no pavements on the access road and there does not appear to be space to include any so pedestrian access to the proposed dwelling causes some concern.
7. The owners of Ashleigh and Dick Leigh Chainsaw specialists have a right of uninterrupted access in their deeds and installed the access road at their own expense. They also funded the widening of the entrance onto Clitheroe Road to improve visibility. The erection of seven new dwellings adjacent to the access road has already had an impact on the accessibility of their property and removing the passing place will be detrimental to their business. The impact that the proposed dwelling would have on the business access and thus economic viability of Dick Leigh Chainsaw Specialists needs to be carefully considered.

8. The public right of way adjacent to the site must be kept clear at all times.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

No objection subject to conditions.

ADDITIONAL REPRESENTATIONS:

Fifty-three (53) letters of objection have been received including 46 from employees of a local business and raise the following concerns:

- The access road to the adjacent business at Ashleigh is too narrow and does not allow two vehicles to pass.
- Road to be widened and made up to adoptable standard as a requirement of previous planning permission (3/2014/0725).
- Turning space has been built but not in the approved location as required by planning permission (3/2014/0725).
- Adjacent land levels have been raised up by 1.4 metres and the gabion wall and fencing is an eyesore – will this site be the same.
- Section of footpath along Clitheroe Road left uneven and unfinished.
- Vehicles travelling in opposite directions along the access road to Ashleigh have to mount footpath to pass. The development could result in vehicles reversing out onto Clitheroe Road.
- The existing public footpath should remain with clear visibility.
- This land was to be landscaped.
- Increased flooding due to outflow into the culvert from adjacent development of 9 dwellings.
- No visitor parking is being provided.

One letter of support has been received.

1. **Site Description and Surrounding Area**

- 1.1 The application site is an irregular shaped parcel of land that appears to have previously been rough grassland but in recent years has been surfaced with aggregate and used as a storage area and depot in conjunction with the residential development that has taken place on the adjacent land. The land is no longer required for this purpose.
- 1.2 The site is bound to the north by retaining gabion walls and close boarded fencing which delineates the rear gardens of new residential properties to the north. To the east of the site is a minor watercourse which runs through a small woodland area. The site is contained to the west by a single-track access which originally served Ashleigh, a residential property to the south, and the associated commercial enterprise, Dick Leigh Chainsaws, which maintains and repairs arboricultural machinery and equipment. Four of the seven two-storey townhouses approved under application 3/2014/0725 are now also served via the access track and are located on its western side fronting onto Clitheroe Road.

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

- 2.1 This application seeks outline consent for the erection of a single detached bungalow with all matters reserved except for access.

3. **Relevant Planning History**

3/2014/0725 – Proposed erection of 7 no. dwellings and associated works. Approved with Conditions

3/2015/0477 – Variation of condition 2 (to allow for a double rather than a single garage for House Type A Plot 1) on planning permission 3/2014/0725. Approved with Conditions

3/2016/0374 – Erection of 9 dwellings and associated works. Approved with Conditions

3/2017/0603 – Erection of nine dwellings and associated works. Approved with Conditions

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN2 – Landscape

Key Statement EN4 – Biodiversity and Geodiversity

Key Statement EN5 – Heritage Assets

Key Statement H1 – Housing Provision

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DMH3 – Dwellings in the open countryside and AONB

Policy DME1 – Protecting Trees and Woodland

Policy DME3 – Site and Species Protection and Conservation

National Planning Policy Framework

5. **Assessment of Proposed Development**

5.1 This is an outline planning application with all matters reserved except for access. The main considerations are the principle of the proposed development and highway safety. However, the matters of visual appearance, residential amenity and biodiversity/ecology do have to be given some consideration.

5.2 **Principle of Development:**

5.2.1 The Council is able to demonstrate a deliverable five-year housing land supply as evidenced by the Housing Land Availability Schedule (HLAS) September 2019 and therefore the relevant policies for determining the application can be afforded full weight.

5.2.2 Key Statement DS1 of the Core Strategy provides the Development Strategy for the Borough and directs the majority of new housing development towards the Principal Settlements and also focuses some development towards the more sustainable Tier 1 settlements. The application site is located on the edge of and directly adjoining the Tier 1 Village of Barrow.

5.2.3 Key Statement DS1 identifies the settlement of Barrow as a Tier 1 Village where some of the development within the Borough will be directed. Key Statement DS1 confirms that: -

'the scale of planned housing growth will be managed to reflect existing population size, the availability of, or the opportunity to provide facilities to serve the development and the extent to which development can be accommodated within the local area.'

- 5.2.4 The proposal site lies immediately adjacent to the settlement boundary of the village of Barrow in an area defined as open countryside. As such Core Strategy Policy DMG2 is engaged. Policy DMG2 (Strategic Considerations) states that: -

Development should be in accordance with the Core Strategy development strategy and should support the spatial vision.

1. Development proposals in the principal settlements of Clitheroe, Longridge and Whalley and the Tier 1 Villages should consolidate, expand or round-off development so that it is closely related to the main built up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement.

- 5.2.5 Considering the definition of consolidation, expansion or rounding-off in the Core Strategy Glossary it is considered that the application site would represent expansion. The site could not be considered 'rounding-off' despite two thirds of the perimeter being already built up as the definition of 'rounding-off' refers specifically to development of land *within* the settlement boundary.

- 5.2.6 Development in the open countryside is also dealt with by the second part of the policy: -

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.*
- 6. The development is compatible with the enterprise zone designation.*

- 5.2.7 As the application site lies outside a defined settlement area it must meet at least one of the considerations listed in Policy DMG2. Core Strategy Policy DMH3 relates specifically to dwellings in the open countryside and the AONB and states that residential development will be limited to development essential for the purposes of agriculture or residential development which meets an identified local need; the appropriate conversion of buildings to dwellings and; the rebuilding or replacement of existing dwellings.

- 5.2.8 In order to satisfy policies DMG2 and DMH3 in principle new residential development in the open countryside must meet an identified local housing need or one of the other criteria.

5.2.9 The development proposes the erection of one market dwelling within the open countryside which does not meet an identified local need and as such the proposed development is contrary to Policies DMG2 and DMH3. Where there is a conflict with the development plan the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The other material considerations in respect of this development are assessed below.

5.3 Design and visual appearance:

5.3.1 The development plot is a small parcel of undeveloped land that is left over following residential development on adjacent land. As described above, the site has been used by the applicant as a construction compound during the development of neighbouring land. The adjacent residential development is reaching a stage of completion and therefore the applicant now seeks permission for an additional dwellinghouse.

5.3.2 The application site lies outside the settlement of Barrow as defined on the Proposals Map. However, on the ground the land is seen very much as part of the built-up area. The site is enclosed by residential development on two sides and a watercourse and woodland on the other and it does not contain any noteworthy features such that it contributes significantly to the visual amenity of the area.

5.3.3 As denoted on the Proposals Map, the application site is an exclave of open countryside land surrounded by settlement; the development of the land for a single bungalow would result in a more rational settlement boundary that would be defined by existing landscape features. Furthermore, the development site is completely screened from views from the east by woodland and can only be seen in the context of the existing built-up area of Barrow. Whilst the erection of a new dwelling will cause harm to the countryside by virtue of the creation of new built development on a greenfield site, the development would not be viewed as sporadic or visually harmful.

5.3.4 The size of the bungalow as denoted on the sketch drawing would be similar in scale and size to dwellings on the adjacent site that is currently under construction by the same developer. The size of the dwelling would also be restricted by the plot size which would result in a rear garden of a reasonable but modest size.

5.3.5 Subject to the use of appropriate external materials that respect the immediate locality and a design approach that is in keeping with the local area it is considered that the proposals would not result in an undue visual impact.

5.4 Amenity of Neighbouring Residents:

5.4.1 There is a requirement to consider the potential impact of the development of the amenity of neighbouring residents. The proposal is for the erection of a single storey bungalow and there would be a conditional requirement, should consent be granted, that the dwelling provides only single storey living accommodation.

5.4.2 112 Clitheroe Road is located on the opposite side of the single lane access and there are no habitable room windows in the side elevation of 112 Clitheroe Road facing the proposed development site. The proposed development would not adversely impact any existing residents through loss of light, privacy or outlook.

5.4.3 In regard to the residential amenity of the potential future occupants of the dwellinghouse for which consent is sought, the front elevation of the property would be more than 12 metres from the closest two-storey element of 112 Clitheroe Road and therefore there would be sufficient outlook and light to any habitable room windows on the principal elevation. To the north there is a level change up to the newly constructed dwellings which adjoin the application site. The northern site boundary currently comprises a gabion retaining wall up to the garden level of the adjacent residential plot (plot 11) and a 1.8-metre-high close boarded fence above. This boundary was identified on approved landscaping plans for the adjacent site as a hedgerow, although it is noted that the adjacent development has not yet reached a stage of completion. Nevertheless, the existing boundary treatment is unsightly and it would not be acceptable to retain it in its current form. A boundary solution to protect the amenities of existing and future residents could be achieved but careful consideration should be given to its design and appearance with details to be submitted at reserved matters stage.

5.4.4 To the rear the garden length would range from 6-10 metres long and some areas of the garden would have a shadow cast over it for parts of the day. However, it is considered that overall the standard of residential amenity would be acceptable subject to design considerations at reserved matters stage.

5.5 Highway Safety:

5.5.1 The majority of neighbour objections concern the impact of the proposals on the highway, specifically the capacity and suitability of the single lane access track that serves four dwellings fronting Clitheroe Road and Ashleigh with its associated chainsaw repair business which generates both LGV and HGV vehicle movements. It is understood that the application site is used as a passing place on the occasions that cars or delivery vehicles are faced with oncoming vehicles. Development of the site would preclude this; however, the application site is private land and there is no requirement for the applicant to maintain the land to provide a passing facility.

5.5.2 It is noted that planning application 3/2014/0725 for the erection of 7 new dwellings facing Clitheroe Road, Barrow, denoted the widening of the access track from 3.25 metres to around 4.5 metres in width. During a visit to the site in late November 2019 it was found that the track had not been widened in accordance with the previously approved plans and measurements provided by a neighbouring resident indicated that the track width was on average 4 metres. However, following discussions with the applicant works have been undertaken to widen the track by the required amount and the access track now accords with the previously approved details.

5.5.3 The access track, now 4.5 metres wide, is sufficient for two cars to pass. Whilst it is likely that some reversing manoeuvres may be necessary, for example when there are LGV or HGV deliveries to the nearby chainsaw repair business, the County Highways Officer has raised no concerns and considers that the site can comfortably accommodate two off-street parking spaces to serve the proposed new dwelling.

5.6 Other Considerations:

5.6.1 There are trees adjacent to the eastern boundary of the plot. The proposed dwelling could be accommodated within the site without encroaching with the root protection areas of these trees. Should consent be granted, permitted development rights could be removed by condition at reserved matters stage to ensure that there would be no building within the RPA of trees on adjacent land, to ensure that the amenity of adjacent residents are protected and to ensure that an acceptable private amenity space is retained for future occupants.

6 Conclusion

6.1 Policy DMG2 seeks to underpin the settlement hierarchy for the borough to ensure the delivery of sustainable development. Policy DMH3 seeks to protect the open countryside and designated landscape areas from sporadic or visually harmful development. The thrust of both policies is to deliver both sustainable patterns of development and to accord with the overarching Core Strategy vision. The overarching Core Strategy vision is as follows:

The Ribble Valley will be an area with an exceptional environment and quality of life for all, sustained by vital and vibrant market towns and villages acting as thriving service centres, meeting the needs of residents, businesses and visitors.

We will seek to create an area with unrivalled quality of place, respecting the unique natural, social and built heritage of the area.

New development to meet the needs of the area for growth, services and quality of life will be managed to ensure the special characteristics of the area are preserved for future generations.

6.2 Whilst the development conflicts with Policies DMG2 and DMH3 it is considered that the site is well-related to the settlement boundary of Barrow and would result in the creation of a more logical, definitive settlement boundary without any outward expansion. Furthermore, the development would not be viewed as sporadic or visually harmful and would accord with the overarching vision for the Borough.

RECOMMENDATION: That the application be DEFERRED AND DELEGATED to the Director of Economic Development and Planning for approval subject to it being publicised in accordance with the requirements of article 15(3) of the Development Management Procedure Order and there being no new issues raised by any representations and subject to the following conditions:

1. An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted 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: This condition is required to be imposed by the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be limited to no more than 1 dwelling and shall be carried out in accordance with the following plans and documents:

1305-PL01A Location Plan

REASON: To define the permission and in the interests of the proper development of the site.

3. The details in respect of the submission of any reserved matters shall be in substantial accordance with the submitted Sketch Scheme (Option E) (Ref: 1305-Sk05)

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

4. The height of the dwelling proposed in any subsequent reserved matters application(s) pursuant to this consent shall not exceed one storey in height.

REASON: To clarify the scope and nature of the consent and in the interests of the amenity of the area and the residential amenity of neighbouring occupants.

5. The application for 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), notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.

REASON: To protect the appearance of the locality and in the interests of the amenities of local residents.

6. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees identified to be retained in the Arboricultural Constraints Appraisal (Bowland Tree Consultancy, September 2019) shall be protected in accordance with the BS5837:2012 [Trees in Relation to Demolition, Design & Construction].

The protection zone must cover the entire branch spread of the trees, [the area of the root soil environment from the trunk to the edge of the branch spread] and shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection/exclusion zone, in addition no impermeable surfacing shall be constructed within the protection zone.

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

REASON: In order to ensure that 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.

7. 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, details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites shall have been submitted to, and approved in writing by the Local Planning Authority.

Thereafter the approved provisions shall be implemented and made available for use prior to the occupation of the dwelling hereby approved.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and protected species.

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

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

9. 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.

10. No building or engineering operations within 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 and within the interests of highway safety.

11. Either prior to commencement of the development hereby approved or as part of the first reserved matters application a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials within the confines of the site;
- iii. storage of plant and materials used in constructing the development;
- iv. wheel washing facilities and/or road sweeping facilities (as appropriate);
- v. measures to control the emission of dust and dirt during construction;
- vi. the timing and routing of construction vehicles to and from the site;
- vii. contact details for the site manager.

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the adjacent properties and the interests of highway safety the above information is required prior to the commencement of the development.

NOTE: The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. Further details can be found by contacting PROWplanning@lancashire.gov.uk

BACKGROUND PAPERS

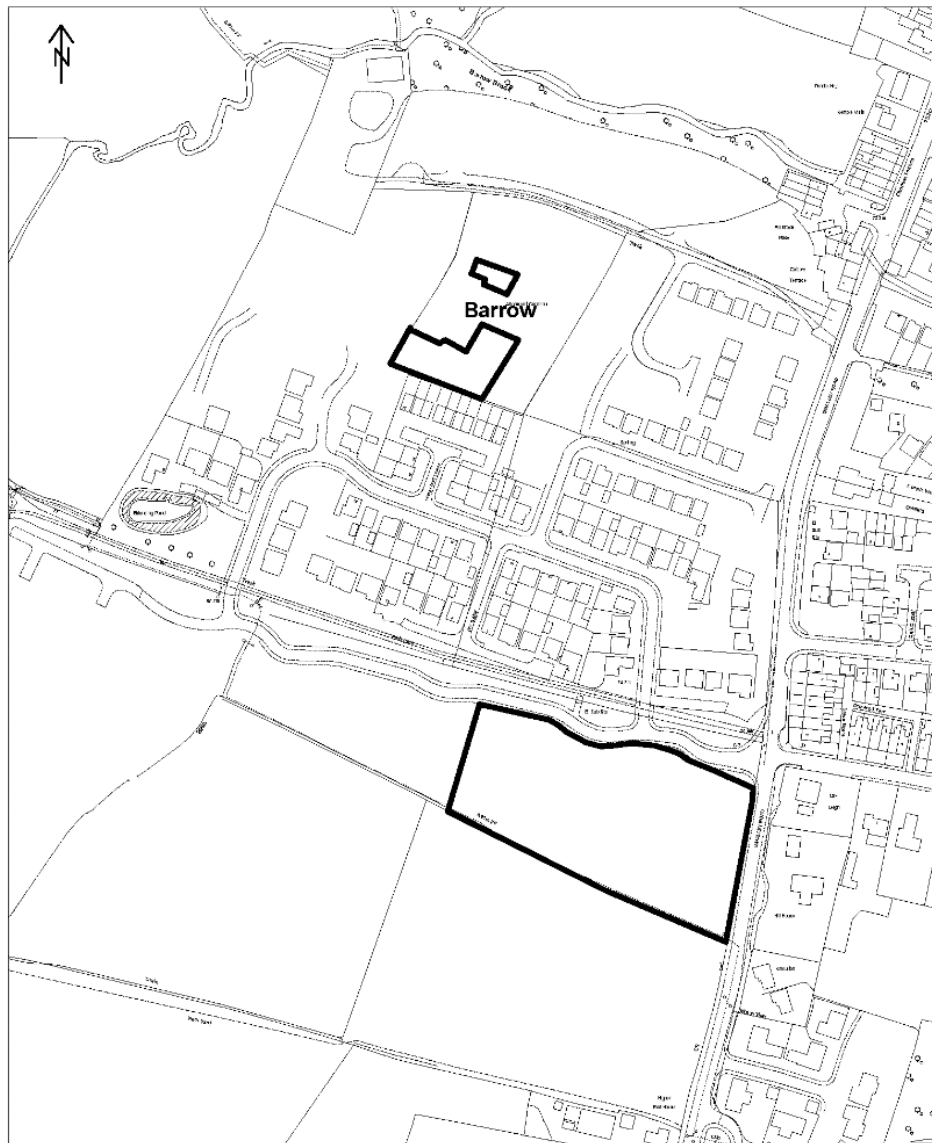
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0907

APPLICATION REF: 3/2019/1085

GRID REF: SD 373527 437948

DEVELOPMENT DESCRIPTION:

ERECTION OF 21 DWELLINGS ON PHASE 5, AND PARTIAL RE-PLAN OF THE DEVELOPMENT APPROVED UNDER PLANNING PERMISSION 3/2018/0924 TO CHANGE THE TENURE OF 7 DWELLINGS; VEHICULAR ACCESS, CAR PARKING, LANDSCAPING TREATMENT AND ASSOCIATED ENGINEERING OPERATIONS. LAND SOUTH WEST OF BARROW AND WEST OF WHALLEY ROAD BARROW



3/2019/1085 Land south west of Barrow and west of Whalley Road Barrow

Scale 1:2500

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Ribble Valley Borough Council. Licence No.100018641 Wednesday, 22 January 2020

CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

TOWN COUNCIL: Object to the proposal for the following reasons:

- Object to more dwellings in Barrow without improvements in infrastructure although do acknowledge that the whole site previously received consent on appeal and that it is within numbers included in the core strategy.
- There is a shortfall in affordable housing and in particular one bedroomed housing.
- Disappointed that Lancashire County Council have not taken the option to build a new school.
- The houses fronting Whalley Road are too high and should be two storey.
- There is a lack of green space and open space within the development.
- Lack of play areas
- Loss of hedgerow
- Request conditions regarding delivery times and wheel washing facilities.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

No objections in principle following the submission of revised drawings.

EAST LANCASHIRE HOSPITALS NHS TRUST:

The NHS have requested a contribution of £38,754 to provide increased capacity for acute and planned health services within the Trust's Area for the first year of occupation.

LCC EDUCATION:

No requirement for a financial contribution in respect of primary school places, however a financial contribution of £72,555.48 is required in respect three secondary school education places.

LANCASHIRE FIRE AND RESCUE:

No objections but gave advice with respect to access for fire appliances and water supplies that the development must adhere to satisfy building regulations.

CADENT GAS NETWORKS:

No objection but request that an informative is added regarding the presence of pipelines within the site boundary.

ADDITIONAL REPRESENTATIONS:

One letter of objection has been received from a neighbour who considers that the site should be used for a new school as originally intended.

1. Site Description and Surrounding Area

- 1.1 The application site is a parcel of land located in part of the residential development site known as "Barrowlands" which is to the West of Whalley Road in Barrow. It is within part of a large development site which was granted outline consent at appeal, before being approved by the Secretary of State for the erection of up to 504 dwellings. (3/2012/0630)

This large development site has been split into two parcels. The site is within the draft settlement boundary of Barrow and is a committed housing site.

- 1.2 The application includes two parcels of land, one part of the application site is within the southern parcel, and approval is sought on this for the construction of 21 dwellings on an area which was originally offered as a site for the construction of a new school under the reserved matters application for the southern parcel 3/2017/0050.
- 1.3 The application also seeks consent for the re-plan of part of the northern parcel to change the tenure of 7 dwellings; this parcel was granted reserved matters consent in 2017 (3/2017/0064) for the erection of 183 dwellings.
- 1.4 Barrow Brook runs to the North of the larger development site and the railway line is to the East, it is bounded to the West by Whalley Road to the opposite side of which is more housing. The application site lies within the settlement boundary

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

- 2.1 This application seeks detailed consent for the construction of 21 houses on a plot of land within the southern parcel of the larger development site (phase 5) and the change of tenure of 7 houses within the previously approved development (3/2018/0924) on the northern parcel; vehicular access, car parking, landscaping and associated engineering operations.

3. **Relevant Planning History**

3/2012/0630 – Outline application for the provision of up to 504 residential units (falling within use Class C3), including affordable housing, with three new vehicular and pedestrian accesses onto Whalley Road, on site landscaping, formal and informal open space and associated infrastructure works including a new foul water pumping station - appeal allowed

3/2013/0099 – Outline application for the provision of up to 190 residential units (falling within use Class C3), including affordable housing, with three new vehicular and pedestrian accesses onto Whalley Road, on site landscaping, formal and informal open space and associated infrastructure works including a new foul water pumping station – appeal allowed

3/2018/0924 - Erection of 35 dwellings on the site of former allotments and the re- plan of part of the development approved under the reserved matters reference 3/2017/0064, including an additional 4 dwellings (resulting in a total of 39 additional dwellings)

3/2019/0012 – Full planning application for details of the layout, scale and appearance of the buildings and landscaping of a residential development of 233 dwellings and associated works.

3/2017/0050 – Application for approval of Reserved Matters for details of the layout, scale and appearance of the buildings and landscaping of a residential development of 225 dwellings and associated works on the southern part (Parcel B) of the overall site following planning permissions 3/2012/0630 & 3/2016/0820.

3/2017/0064 - Approval of Reserved Matters for details of the layout, scale and appearance of the buildings and landscaping for a residential development of 183

dwelling and associated works on the northern part (Parcel A) of the overall site following planning permissions 3/2012/0630 and 3/2016/0820

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS 1 - Development Strategy
Key Statement DS2 - Presumption in Favour of Sustainable Development
Key Statement EN2 - Landscape
Key Statement EN3 - Sustainable Development and Climate Change
Key Statement EN4 — Biodiversity and Geodiversity
Key Statement H1 — Housing Provision
Key Statement H2 — Housing Balance
Key Statement H3 — Affordable Housing
Key Statement DMI1 — Planning Obligations
Key Statement DM12 — Transport Considerations

Policy DMG1 — General Considerations
Policy DMG2 — Strategic Considerations
Policy DMH1 — Affordable Housing Criteria
Policy DMG3 — Transport and Mobility
Policy DME2 — Landscape and Townscape Protection
Policy DMB4 — Open Space Provision
Policy DME3 — Site and Species Protection and Conservation
Policy DME6 — Water Management
Policy DMB5 — Footpaths and Bridleways

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

5. **Assessment of Proposed Development**

5.1 **Principle:**

- 5.1.1 The principle of this development remains acceptable given its location within a committed housing site and part of a wider strategic site for the borough. Outline planning permission was granted at appeal (reference 2012/0630) for up to 504 residential units. The construction of 21 dwellings and change of tenure of 7 already approved would not result in housing numbers over that stipulated by the outline consent, the total number across the whole site currently stands at 455 and would be 476 if this permission is granted.
- 5.1.2 The site is located within the draft settlement boundary of Barrow and the principle of the residential development accords with Core Strategy Key Statement DS1 which states that as a part of the overall apportionment of future housing development in the Borough, Barrow is regarded as a Tier 1 Settlement.
- 5.1.3 Both Key Statement DS1 and DMG2 of the Core Strategy, when taken together, permit development proposals in the Tier 1 Settlements, including Barrow, which accord with the development strategy and consolidate, expand or round-off development so that it is closely related to the main built up area. Being located within the draft settlement boundary, and surrounded by an approved development

which is currently under construction, the site is considered to be a sustainable location.

5.1.4 It is noted that on the original outline consent (2012/0630) that dwellings were shown on the parcel of land where consent is sought for 21 dwellings but on the reserved matters (2017/0050) that part of the site was set aside for the provision of a new school.

5.1.5 Lancashire County Council have not expressed any wish for this site to be developed as a school, they have confirmed that they will waive the requirement for a school on the site and instead accept financial contributions towards the delivery of education elsewhere within the Borough. Whilst this may be disappointing for the local area the County Council have determined this following a full assessment of current educational needs.

5.2 Housing Mix:

5.2.1 The proposal on the southern parcel is for 16, 4 bedroomed dwellings and 5, 3 bedroomed dwellings and the properties for which the tenure is changed are 3, 1 bed bungalows, 3, 2 bed houses and 1, 3 bed house.

5.2.2 The mix on the southern parcel is biased towards larger properties but across the site as a whole there is a still a good mix of 1, 2, 3 and 4 bedroom properties including bungalows.

5.2.3 Six affordable houses and one open market over 55s bungalow is to be provided through a change of tenure on the larger site which is included in the red edge site plan and will result in more affordable housing across the site as a whole. This has been agreed in principle with the Council's Strategic Housing Officer and will be secured through a Section 106 agreement.

5.2.4 The section 106 is currently in draft form and a schedule of the types and tenures has been received from the developer. The draft includes a clause that: "No more than 50% (fifty per cent) of the Market Dwellings within the Development shall be Occupied before the Owners have constructed and made the Affordable Housing Units within the Development available to an Affordable Housing Provider in accordance with the approved Affordable Housing Scheme and the terms of this Deed" The provision of the affordable housing will be secured though the legal agreement and is therefore in accordance with policy DMH1.

5.3 Highway Safety and Accessibility:

5.3.1 The site is located within a much larger housing development served by several new estate roads and therefore the principle of development has already been established. The applicant has had discussions with LCC's highway engineer with regard to the internal layout and a set of amended plans has been submitted following this which addressed some technical concerns.

5.3.2 The proposal is considered acceptable in principle in terms of highway safety and accessibility. The bin carry distances and provision of pedestrian footways shown are acceptable.

5.3.3 Conditions requiring electric vehicle parking points and parking and turning areas to be laid out prior to occupation of the dwellings will be imposed and confirmation of any additional conditions recommended by LCC is awaited.

5.4 Design:

5.4.1 The scheme presented is a fairly typical modern housing design consisting of a mixture of two storey dwellings arranged around a cul-de-sac. The site forms part of a larger site and it is considered that the design presented is acceptable in this location. Whilst some concerns have been raised by the Parish Council with regard to the heights of some of the dwellings facing Whalley Road, the plans show that these are the Leamington and Canterbury type both of which are 2 storey.

5.4.2 The scale and general layout of the site was established by the outline approval, there is a variety of house types and materials across the whole site with some being in stone and others in brick and render which gives some visual interest.

5.4.3 This proposal is in keeping with the general pattern of development and reflects the style and materials across the site, with slight variations due to different housebuilders. The site is surrounded by other dwellings either under construction or for which there is extant consent.

5.4.4 The site is some distance from the AONB and as on previous approvals it is not considered that the proposals will harm long distance views or the visual quality of the area.

5.5 Landscaping:

5.5.1 A detailed landscaping scheme has been submitted which shows that existing trees along the southern boundary of the 21-house site will be retained, there will be a soft landscaped buffer to Whalley Road and the estate road as well as planting of new trees. The proposals put forward are considered acceptable.

5.5.2 Conditions requiring implementation of the landscaping scheme and future maintenance will be imposed.

5.6 Open space:

5.6.1 It is noted that there is no area of public open space provided as part of this application, however when considered in conjunction with the housing site as a whole the provision is considered acceptable and there is a large area provided in close proximity to the site. A contribution to off site recreation will also be sought.

5.7 Biodiversity:

5.7.1 The application, as with other previous proposals for the Barrowlands site, is accompanied by an ecological appraisal which makes recommendations to enhance biodiversity and these recommendations should be adhered to. Measures should be incorporated in the development such as bat and bird boxes and landscaping which will maintain or enhance biodiversity across the site. Conditions are recommended to this effect.

5.8 Heritage/Cultural:

5.8.1 The application site(s) are not within or located close to any designated heritage assets and is surrounded by the larger housing site it forms part of. As such there are no envisaged cultural or heritage impacts.

5.9 Residential Amenity/ Noise:

5.9.1 The proposed dwellings meet acceptable interfacing distances and there are no envisaged issues of overlooking or overshadowing. There may be some disturbance during the construction of the site but this is an inevitable short term impact of any development.

5.10 Flood risk and drainage:

5.10.1 United Utilities and the Lead Local Flood Authority have previously raised no objection to residential development of this site but have not yet formally responded to consultations on this application. It is not envisaged that any objections would be raised given that they have not objected to previous applications however conditions may be required which will be confirmed with them in due course.

5.11 Developer Contributions:

5.11.1 LCC Education have requested a financial contribution of £72,555.48 be provided in respect of 3 secondary school education places. They have earmarked two schools that can potentially expand to meet the additional need.

5.11.2 The planning policy team have advised in their consultation response that LCC have agreed to waive their requirement for a school. There is a Section 106 agreement for the application on the southern parcel for 252 dwellings, ref: 2019/0012 (not including the area previously earmarked as a school) this secures contributions towards 21 secondary places (£498,482) and 45 primary places (£708,898). In addition to this there is a S106 on the former allotments site ref: 2018/0924 (the area where it is proposed to change the tenure of 7) this secures contributions towards 3 secondary places (£71,212) and 5 primary (£78,767). Therefore, the development on this site still secures contributions to education provision notwithstanding the fact that there will not be a school on the site.

5.11.3 In respect of highway improvements, the original outline approval secured a number of off-site highway improvements which will be met and triggered as part of the larger residential development. The highway officer has no objection to this proposal but requested an updated site plan to reflect the technical approval for the purposes of the section 38 agreement, this plan (REV E) was received on 24th February 2020.

5.11.4 A contribution to off-site recreation will be required using the standard formula for calculation of the required amount. The developer has had discussions with Barrow Parish Council with regards to this and would like this money to be directed towards community facilities. The Parish Council have provided a list of projects that they would like these contributions to be used towards, such as maintenance and enhancement of public areas and facilities. This will be discussed as part of the section 106 negotiations.

5.11.5 As detailed earlier, in accordance with Policy DMH1, a development of this size would require 30% of the dwellings to be affordable which in this case would be 7, the application proposes that this requirement is met by changing the tenure of 7 units within the adjacent site. The type/size/tenure mix of affordable properties is detailed earlier in this report and this, along with the above-mentioned highway works and education contribution will be secured within the Legal Agreement.

5.11.6 The NHS have requested contributions towards acute health care services in the East Lancashire trusts area however, para 56 of the NPPF states that Planning Obligations must only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

It is not considered that the request would meet these tests as it is not demonstrated which specific providers would benefit or how the contribution would be directly related to this development.

5.12 Other Matters:

5.12.1 The Parish Council and a local resident have raised a number of concerns with regards to the proposal but the issues raised are covered in the appraisal above.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Economic Development for the satisfactory completion of a Legal Agreement, within 3 months from the date of this Committee meeting or delegated to the Director of Planning in conjunction with the Chairperson and Vice Chairperson of Planning and Development Committee should exceptional circumstances exist beyond the period of 3 months.

Any conditions required by the Highway and Lead Local Flood authorities will be imposed as necessary following the receipt of consultation responses in addition 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:

Plans

Boundary treatment plan - COMP/BTP/004 – dated 11.11.19

Detailed site layout - COMP/DSL/01- dated 11.11.19

Highway Materials - 4424-Eng-110A- dated 20.11.19

House types- undated

Land disposal plan - COMP/LDP/02- dated 11.11.19

Landscaping - 6198.02- dated Oct.19

Location plan - WR-LP-01- dated 16.1.17
Longsections Sheet 1 - 4424-Eng-200B- dated 19.11.19
Longsections Sheet 2 - 4424-Eng-201B- dated 19.11.19

Drainage Layout – 4424-Eng-101B- dated 18.11.19
Section 38 adoptions plan - 4424-Eng-114A- dated 21.11.19
Street scenes - SS-01- dated 18.11.19
Topographical survey – allotments- dated 10.7.2018
Topographical survey – balancing ponds- dated 10.7.2018
Tree Survey - TREE SURVEY AND ROOT PROTECTION AREAS- dated Oct.19
Vehicle Swept Path – 4424-Eng-VSP-SDW- dated 24.2.20
Waste Management Plan – Comp/WMPO/03- dated 11.11.19

Housetypes
Bungalow 4
Bungalow 4 – Semi
Leamington Lifestyle
Shaftesbury
Welwyn
Henley
Cherry and Hornbeam
Canterbury

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

Materials

3. The dwellings hereby permitted shall be constructed in complete accordance with the material details included on COMP/MP/05 - Materials Plan received 11/11/19.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality.

Details

4. The development shall only be carried out in conformity with the level details included on the following drawings:
Detailed site layout COMP/DSL/01 11.11.19
Site layout and Street scene SS-01 18.11.19

REASON: To protect the appearance of the locality and in the interests of the amenities of local residents.

Residential Amenity

5. 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 and land uses.

Ecology and trees

6. The development hereby approved shall be carried out in complete accordance with the recommendations and ecological enhancement measures detailed within Section 5 of the submitted Ecological Survey and Assessment (Ref: 2019-288 - November 2019).

REASON: In the interests of biodiversity and to enhance opportunities for species of conservation concern and reduce the impact of development.

7. No above ground level works shall commence or be undertaken on the construction of any dwelling 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 (there shall be at least 1 nest brick/bat tile per dwelling) of artificial bird nesting boxes and artificial bat roosting site per individual dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be incorporated into those individual dwellings during construction and be made available for use before each such dwelling is occupied 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 species.

8. All trees identified to be retained on approved plan "TREE SURVEY AND ROOT PROTECTION AREAS" shall be enclosed with temporary protective fencing in accordance with BS5837:2012 [Trees in Relation to Demolition, Design & Construction]. The fencing shall be retained during the period of construction and no work, excavation, tipping, or stacking/storage of materials shall take place within such protective fencing during the construction period.

REASON: To ensure that existing trees are adequately protected during construction in the interests of the visual amenity of the area.

9. Any removal of vegetation, including trees and hedges, should be undertaken outside the nesting bird season (March to August) unless an up-dated pre-clearance check has been carried out by a licensed ecologist on the day of removal and no nesting birds are present. The up-dated pre-clearance check shall be submitted to the Local Planning Authority prior to the removal of any trees and/or hedges.

REASON: To ensure that there are no adverse effects on the favourable conservation status of birds and to protect the bird population from damaging activities.

10. No development, including any site preparation, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until a detailed method statement for the removal or long-term management/eradication of Himalayan Balsam on the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Himalayan Balsam during any operations such as mowing, strimming or soil movement.

It shall also contain measures to ensure that any soils brought to the site are free of the seeds/ root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall thereafter proceed in strict accordance with the duly approved method statement.

REASON: Himalayan Balsam is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment.

REASON FOR PRE-COMMENCEMENT CONDITIONS: The removal of invasive species from the site needs to take place prior to work commencing on site.

11. No above ground works shall commence on site until details of a scheme for any external building or ground mounted lighting/illumination, shall have been submitted to and approved in writing by the local planning authority.

For the avoidance of doubt the submitted details shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution and shall include details to demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated.

The lighting schemes shall be implemented in accordance with the approved details and retained as approved

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 and to minimise/mitigate the potential impacts upon protected species resultant from the development

12. Notwithstanding the submitted details, prior to any dwelling being occupied, details/elevations at a scale of not less than 1:20 of the proposed boundary walling, gates and fencing shall have been submitted to and approved by the Local Planning Authority and these details shall identify the measures to be taken to encourage habitat connectivity throughout the site. 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 and to enhance biodiversity.

13. Within three months of commencement of development on site, a scheme/timetable of phasing for the approved landscaping areas shall have been submitted for the written approval of the Local Planning Authority. The development shall be carried out in strict accordance with the duly approved timings and phasing's and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

REASON: To ensure the proposed landscaped areas are provided on a phase by phase basis.

14. Prior to occupation of the first dwelling, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas (other than within curtilages of buildings), shall be submitted to and approved in writing by the Local Planning Authority. The site thereafter shall be managed and maintained in accordance with the approved plan for a minimum period of 25 years.

REASON: To ensure the proper long-term management and maintenance of the landscaped areas in the interests of visual amenity and biodiversity enhancement.

Highways

15. Each dwelling shall have been provided with an electric vehicle charging point in a location suitable to enable electric vehicles to be charged at the dwelling prior to first occupation.

REASON: To ensure that the development provides adequate and appropriate sustainable transport options and in the interest of lowering emissions resultant from vehicular movements associated with the development.

16. All car parking and manoeuvring areas, shown on the approved plans, shall be marked out and made available for use before each dwelling, to be served by such areas, is brought into use. The approved parking and manoeuvring areas shall be permanently maintained as approved thereafter.

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

BACKGROUND PAPERS

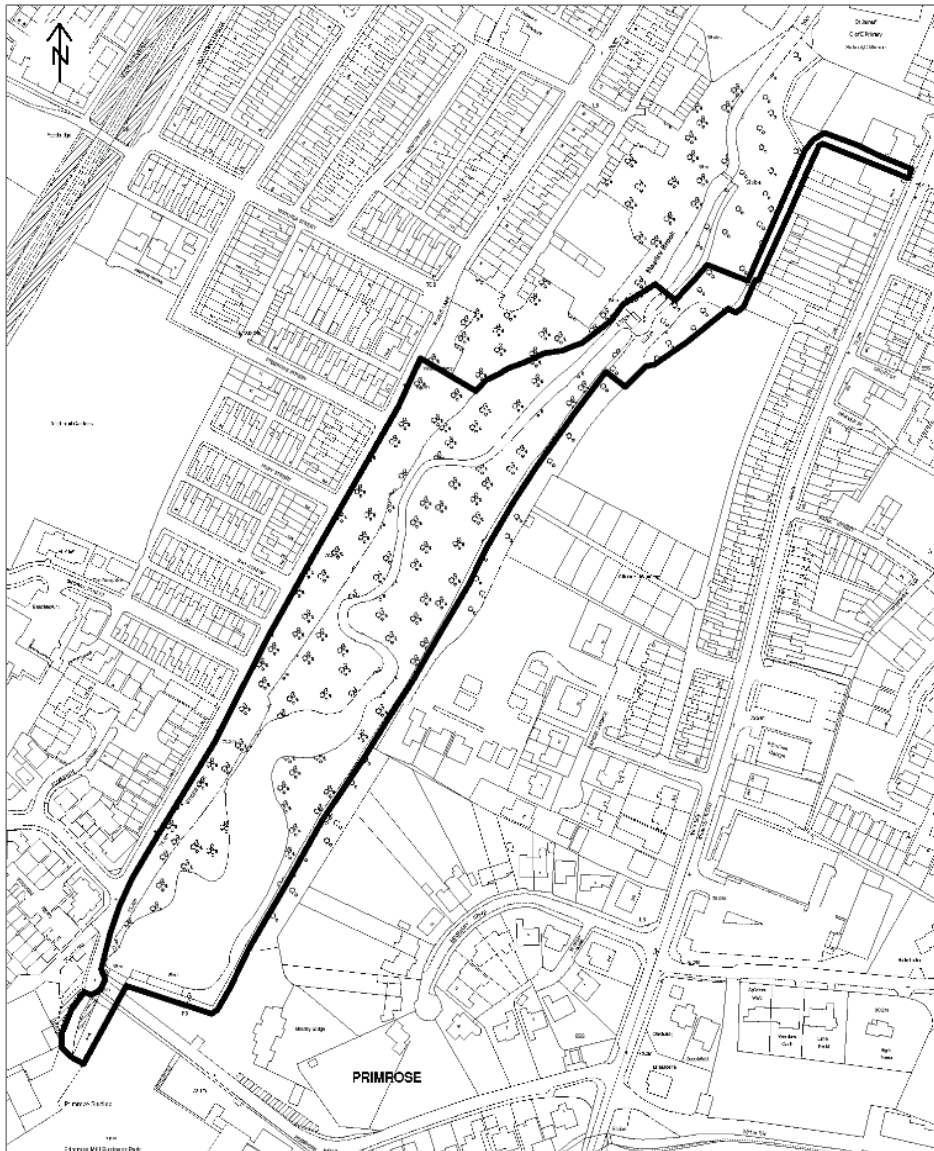
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F1085

APPLICATION REF: 3/2020/0004

GRID REF: SD 373753 440773

DEVELOPMENT DESCRIPTION:

VARIATION OF CONDITIONS 2 (APPROVED PLANS), 4 (FOOTPATH ENTRANCE) AND 5 (FLOOD RISK ASSESSMENT) FROM PLANNING PERMISSION 3/2019/0388 TO ALLOW CHANGES TO DESIGN, FOOTPATH ENTRANCE AND FLOOD RISK ASSESSMENT – PRIMROSE LODGE, CLITHEROE



3/2019/0388 Land at Primrose Works Primrose Road Clitheroe

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

TOWN COUNCIL:

No Comments received.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

No objections but advise that the highway works proposed on Woone Lane will require the applicant to enter into a S278 Agreement.

LLFA:

No comment to make as the conditions of the original consent were not imposed by the LLFA

ENVIRONMENT AGENCY:

No observations received at the time of preparing this report.

ADDITIONAL REPRESENTATIONS:

One letter of concern relating to clarification on the proposed pedestrian access.

1. Site Description and Surrounding Area

1.1 Primrose Mill Lodge lies between Whalley Road and Woone Lane in Clitheroe. Primrose Lodge comprises a former mill lodge, Mearley Brook and semi-natural broadleaved woodland situated south of Clitheroe town centre. Within the surrounding landscape, built up urban areas are located adjacent to the site boundaries and extend west and north-east of the site. To the south, open agricultural land features pockets of woodland and hedgerows along field boundaries.

2. Proposed Development for which consent is sought

2.1 Detailed consent has been previously granted under 3//2019/0388 and work has commenced. This proposal clarifies the location of the access point onto Woone Lane, has minor changes to the design and provides details of the Fish Pass, fencing specification and additional Flood Risk Assessment.

2.2 The proposed Fish Pass is located at the southern end of the lodge and goes under the main highway bridge towards Primrose Studios.

2.3 The proposed footpath entrance from Woone Lane is opposite George Street and would involve the removal of approximately 17 mm of stone wall with much of the remainder of the wall reduced to a height of .25m with a chestnut pale fence situated to the rear of the wall and hedgerow plated behind the fence.

3. Relevant Planning History

3.1 The development of Primrose Lodge has been an objective of the Council for over 20 years and permission was granted under 3/2019/0388 for the restoration and enhancement of the lodge.

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement EN3- Sustainable Development and Climate change

Key Statement EN4-Biodiversity and Geodiversity

Key Statement EN5-Heritage Assets

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 Principle of Development:

5.1.1 The principle has been established with the previous consent.

5.2 Impact upon Residential Amenity:

5.2.1 It is acknowledged that the proposed development will introduce public access to an existing piece of currently inaccessible land in relatively close proximity to residential dwellings which may result in limited disturbance due to visitors of the site. The main consideration relates to the impact the proposed pedestrian entrance would have on the residential amenity of the nearby properties due to the use of the access with the coming and goings of the users of the Lodge. It is accepted that there may be an increase in activity but it is considered that having regard to current vehicular and pedestrian movement this would not generate sufficient harm to warrant a refusal.

5.2.2 There is always the need to balance the public benefit and environmental benefits of a scheme against any harm to residential amenity and in this case it is important to note that this piece of land was identified as the open space associated with the surrounding residential development.

5.3 Visual Amenity/External Appearance:

5.3.1 The removal of the wall and its reduction in height does alter the visual appearance but it is not considered to be unduly harmful. The fencing is mostly enclosed within the site and only some elements of the proposed fish pass would be visible from a public vantage point, this would not be detrimental especially when viewed against the public benefits of the scheme. The visible elements of the fish pass would be a mixture of reinforced concrete and steel beams.

5.4 Highway Safety:

5.4.1 The Highway Authority raises no objection in relation to the proposed entrance on to Woone Lane. Road. Further details of the extent of wall to be removed for the Woone Lane access will need to be submitted and agreed before use of this access. This will be secured by condition.

5.5 Landscape/ Arboricultural/Ecological issues:

5.5.1 The proposal now includes further clarification in relation to tree removal and coppicing and the Councils Countryside officer has no objection to the extent of the works.

5.6 Drainage:

5.6.1 At the time of preparing this report the Environment Agency had not commented but given the previous comments it is considered that conditions could be imposed to mitigate any concerns in relation to drainage or flooding issues resulting from the development.

6 Observations/Consideration of Matters Raised/Conclusion

6.1 Considering all of the above and having regard to all material considerations the proposal is considered to be acceptable.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Economic Development and Planning for approval subject to the satisfactory consultation response from the Environment Agency and subject to the following conditions:

Plan related

1. 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:

Title	Reference
Location Plan	PLBGPLP01
Primrose Lodge Footpath and Access Plan	DPLACVP01 Rev H
Primrose Lodge Footpath and Access Plan	DPLACVP02 Rev A
Fish Pass General Arrangement	EVY0823-01Rev P2
Fish Pass General Arrangement	EVY0823-01Rev P2
General Arrangement and Specification Plan	DPLDG01 Revision F
Planting and Species specification document	2/13/2019

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

Drainage

2 Prior to the commencement of the construction of the fish pass (ref: drawing EVY0823-01Rev P2) and footbridge full details of the materials of the fish pass shall be submitted to and approved in writing by the Local Planning Authority. No work on the fish pass or footbridge shall commence until further details to comply with the requirements of the Environment Agency have been submitted and agreed to the satisfaction of the Local Planning Authority.

The fish pass shall, thereafter, be constructed in accordance with the approved materials.

REASON: In the interest of visual amenity.

Highways

- 3 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.

- 4 Demolition or construction works shall not take place outside 08:00 hours to 17:00 hours Mondays to Fridays nor at any time on Saturdays, Sundays or Bank Holidays.

REASON: To protect the amenities of the nearby residents.

- 5 This permission shall be carried out in accordance with the Traffic Management Plan documents received on the 20/06/19 and 21/06/19.

REASON: To protect existing road users in the interest of highway safety.

- 6 This proposal shall be in accordance with the recommendations of the Bowland Ecology report dated April 2019.

Prior to public access to the site the location of the additional bat boxes within the site shall be submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be erected in accordance with the approved details prior to public access to the site.

REASON: To encourage and promote biodiversity.

Any further conditions as advised by Environment Agency

INFORMATIVES:

Environmental permit - advice to applicant for flood risk activities

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Environmental permit - advice to applicant for waste activities

Any development using waste or other material for engineering works may require an environmental Permit, unless it is exempt from the need for a permit. If a permit is required, it must be obtained prior to commencing the activity and the applicant should allow three months for the determination of a standard rules permit and four months for the determination of a bespoke permit. Waste transported to and from the development must only be carried by a registered waste carrier.

If planning permission is granted, the applicant should arrange a meeting with the Environment Agency to discuss the permitting implications. For information, the applicant will have to agree a waste recovery plan with the Environment Agency for any activity involving the recovery of waste on land as part of End 3 the Environmental Permit (unless the activity is exempt from the need for a permit).

Please contact our National Customer Call Centre (Tel: 03708 506 506) for advice prior to commencing work. General waste advice is available at:

<https://www.gov.uk/topic/environmental-management/waste>

The public register is available at:

<https://www.gov.uk/guidance/access-the-public-register-for-environmental-information>

The applicant is advised that it should contact LCC Highways at an early stage as the proposed works on to Woone Lane would require a S218 Agreement with the County Council.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2020%2F0004

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>Costs app received</u>	<u>Date of Inquiry or Hearing if applicable</u>	<u>Progress</u>
3/2018/0582 R of permission in principle	21/05/2019	Land to the south of Chatburn Old Rd Chatburn	Changed to Hearing Procedure		8/10/19 10.00am Cttee Rm 1	Appeal Allowed Costs application partially awarded to appellants. 23/01/2020
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	Appeal Dismissed 19/02/2020
3/2019/0497 R of pp	29/10/2019	DJP Domestic Appliances Ltd 1-3 King Lane Clitheroe	CAS			Awaiting Decision
3/2019/0390 R of Prior Approval	26/09/2019	Dutton Manor Mill Clitheroe Road Dutton	WR			Appeal Dismissed 07/02/2020
3/2019/0554	11/11/2019	Three Millstones Waddington Rd West Bradford	WR			Appeal Dismissed 24/02/2020
3/2019/0698 R	02/01/2020	Wilkinsons Farmhouse Simonstone Lane Simonstone	HH			Awaiting Decision
3/2019/0698 R	22/01/2020	Land at Hawthorne Place Clitheroe	WR			Statement due 26/02/2020
3/2018/0246 R (Enforcement appeal)	05/12/2019	12 Poplar Drive Longridge	WR			Awaiting Decision
3/2018/0932 R (Enforcement appeal)	20/02/2020	Bolton Peel Farm Bolton by Bowland Road Bolton by Bowland	WR			Statement due 02/04/2020
3/2018/1105 R	09/01/2020	Higher College Fm Lower Road Longridge	Hearing		17/03/20 Council Chamber	
3/2019/0561 R	Awaiting start date from PINS	Pewter House Farm, Carr Lane Balderstone	WR (to be confirmed by PINS)			

<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>Costs app received</u>	<u>Date of Inquiry or Hearing if applicable</u>	<u>Progress</u>
3/2019/0777 R	Awaiting start date from PINS	8 Back Lane Rimington	WR (to be confirmed by PINS)			
3/2019/0822 R of tree work application	13/12/2019	Crafnant 14 Whinney Lane Langho	Environmental Procedure			Awaiting Decision
3/2019/0556 R	Awaiting start date from PINS	Oakhaven Showley Road Clayton le Dale	WR (to be confirmed by PINS)			
3/2019/0622 R	Awaiting start date from PINS	3 Old Road Chatburn	WR (to be confirmed by PINS)			
3/2019/0448 R	Awaiting start date from PINS	land at Wiswell Ln Whalley	Inquiry (to be confirmed by PINS)			
3/2019/1021 R	Awaiting start date from PINS	Birley Fold Farm Saccary Lane Mellor	HH (to be confirmed by PINS)			
3/2019/0510 R	Awaiting start date from PINS	Land SW of Clitheroe Golf Club Whalley Road Barrow	Hearing (to be confirmed by PINS)			

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No. 6

meeting date: THURSDAY, 12 MARCH 2020
title: REPAIR WORK TO PRESERVE CHAMPION FLOOD POOL
LOCATED ALONG TINKLERS LANE, SLAIDBURN,
submitted by: NICOLA HOPKINS – DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING
principal author: ALEX SHUTT – COUNTRYSIDE OFFICER

1 PURPOSE

- 1.1 For Committee to consider a request for a grant towards the preservation of Champion Flood Pool. The information and Annex within this report has been supplied by Hilary McGuire – RSPB Conservation Advisor Forest of Bowland
- 1.2 Relevance to the Council's ambitions and priorities
- Community Objectives – To protect and enhance the existing environmental quality of our area.
 - Corporate Priorities – To protect and enhance priority species and habitats identified in the Lancashire Biodiversity Action Plan.
 - Other Considerations – None.

2 BACKGROUND

- 2.1 Champion Flood Pool is a naturally occurring wetland, about 50m wide and 80m long located along Tinklers Lane, Slaidburn, at SD74865221. The pool provides critical habitat for several species of breeding wader including lapwing, curlew, redshank, oystercatcher and snipe. See Annex 1 for a summary of the pairs of waders recorded at Champion flood pool since 2014. The damp, soft ground at the pool edges is full of rich invertebrate life on which these species and their chicks feed. The rushy areas surrounding the pool provide cover from predators, and the standing open water provides a continual source of invertebrates as the pool slowly shrinks throughout the summer.
- 2.2 These species, commonly known as the breeding wader assemblage, have all undergone serious declines in recent years. Lapwing numbers in England and Wales have dropped by 60% since the 1960s, curlew have declined by nearly 50% since the mid-1990s, and redshank populations have fallen by 35% since 1995. Redshank are the rarest of Bowland's breeding waders, with the 2019 survey recording just 23 pairs. The two pairs found at Champion flood pool in 2019 thus represent a significant proportion of this small and vulnerable population. These species are all threatened by landscape scale drainage of wetlands and farmland, so it is crucial that we maintain the remaining good habitat where it still exists.
- 2.3 Champion Flood Pool was enhanced in 2012 by the addition of a right-angle pipe to allow water level control and an earth banking to protect the adjacent stone wall from erosion. The edges of the pool were also expanded to provide a long muddy edge on which breeding waders could feed. As a result, good numbers of all five species have been recorded breeding at Champion Flood Pool over the past five years.

3 REQUEST FOR GRANT FUNDING (MARCH 2020)

- 3.1 A historical stone field drain, which has been blocked for several years has recently opened up again, allowing water to drain out of the flood pool. If allowed to continue, this drainage will render the pool unusable by the birds which rely on it as breeding and feeding habitat. An agricultural contractor would be able to reverse the drainage issue by closing the land drain with a mini-digger.
- 3.2 The land is farmed by Mr. Martin Waddington who has managed the surrounding farm sympathetically for waders for many years. Mr. Waddington has provided agreement for the work to be carried out and a grant is sought to cover the cost for this work. A verbal quote has been provided by D & G M Cowking Ltd - Agricultural and Farm Contractors for £248.00. Hilary McGuire, Conservation Advisor for Bowland with the RSPB, will be present on the day the work is carried out.
- 3.3 It is proposed to use the Voluntary, Community and Social Enterprise Organisations grant budget to fund this work.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:
- Resources – There is sufficient funding available within the Voluntary, Community and Social Enterprise Organisations grant budget to fund this work.
 - Technical, Environmental and Legal - None.
 - Political – None.
 - Reputation – The Council's reputation for protecting and enhancing the existing environmental quality of our area will be upheld.
 - Equality & Diversity – None.

5 CONCLUSION

- 5.1 Restoring the ability of Champion Flood Pool to retain water throughout the summer will provide an immediate and substantial positive impact on the breeding waders which return to Bowland each spring. Many farms in Bowland are working closely with the RSPB to maximise their wader habitat and waders on these farms are bucking the national trend of steep declines. Maintaining good habitat is critical to securing a future for waders in Bowland and preventing them disappearing as they are sadly doing from many areas of the UK.

6 RECOMMENDED THAT COMMITTEE

- 6.1 Approve utilising the Voluntary, Community and Social Enterprise Organisations grant scheme to fund the works to seal the land drain at Champion Flood Pool, at a cost of £248.

ALEX SHUTT
COUNTRYSIDE OFFICER

NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

Annex 1

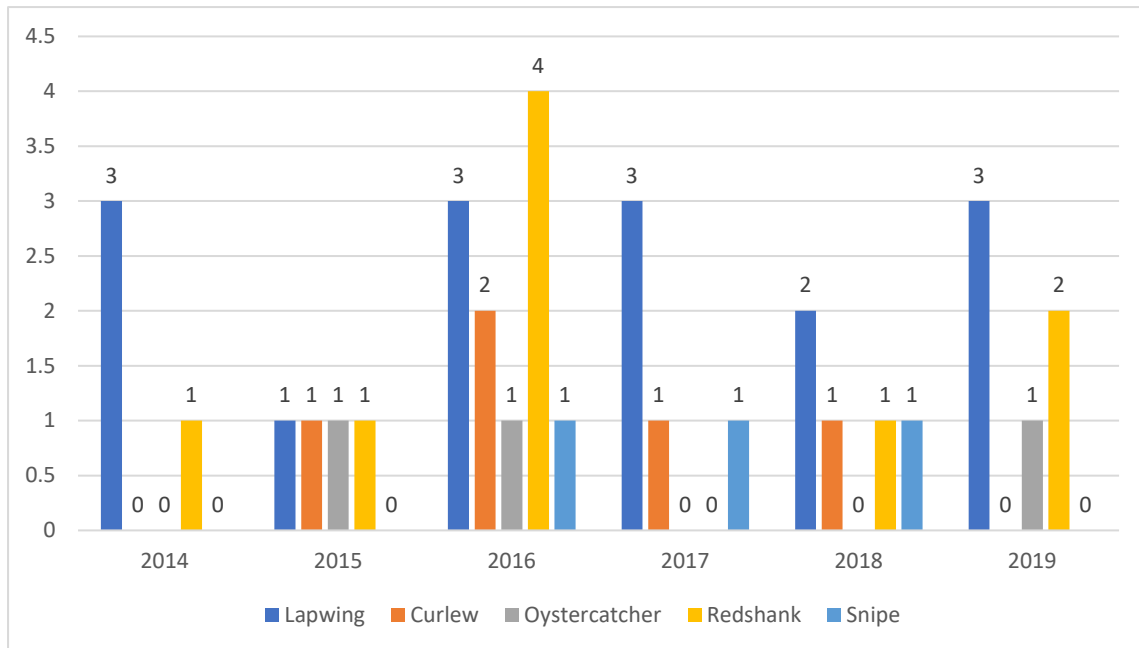
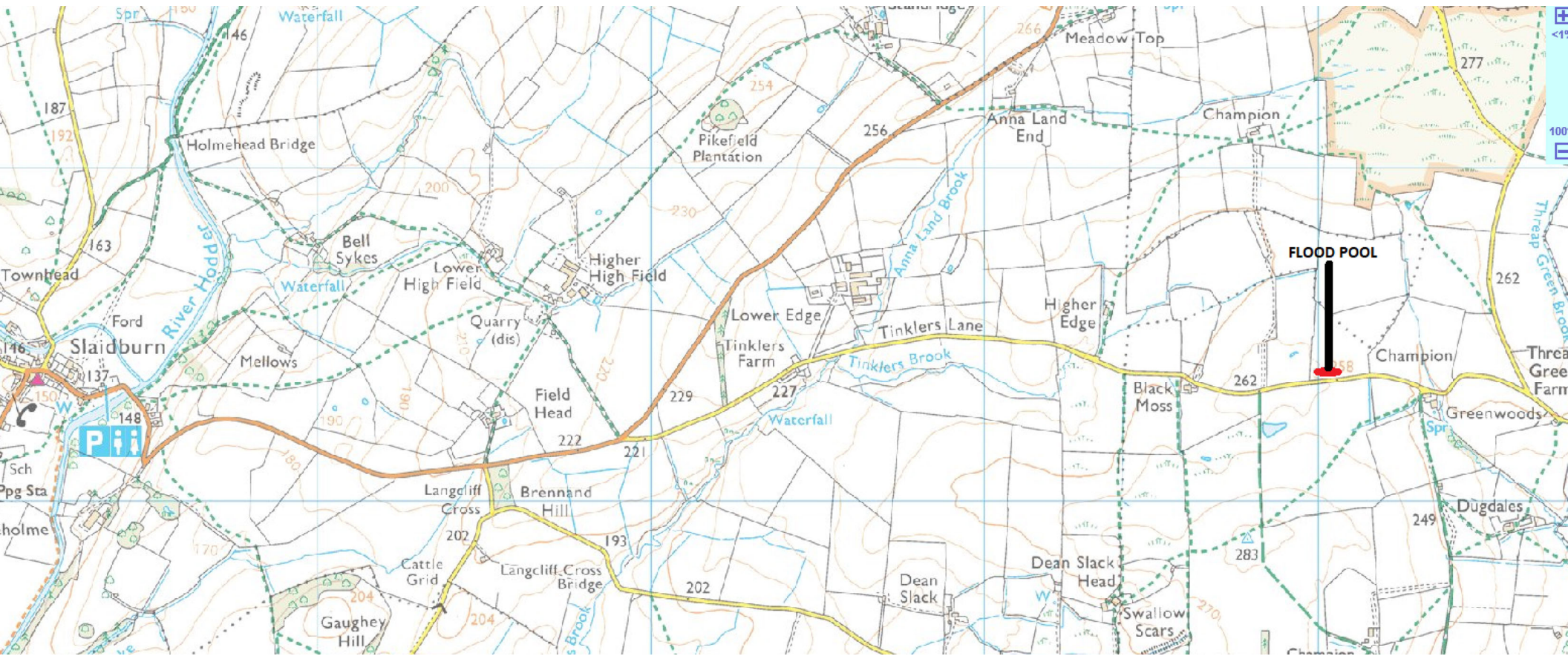


Figure 1: Breeding pairs of wader species recorded at Champion Flood Pool since 2014

Annex 2



RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No 7

meeting date: THURSDAY, 6 MARCH 2020
 title: VALIDATION OF PLANNING APPLICATIONS
 submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING
 principal author: JOHN MACHOLC, HEAD OF PLANNING SERVICES

1 PURPOSE

- 1.1 To seek Member approval in relation to an administrative charge in connection with the validation process of planning applications that are subsequently withdrawn before the applications are made valid. It is requested that Members confirm and adopt the charging regime from 31 March 2020 which shall include all currently invalid applications.
- 1.2 Relevance to the Council's ambitions and priorities:
- Community Objectives – } To be a well-managed Council, providing efficient
 - Corporate Priorities – } services based on identified customer need.
 - Other Considerations – None.

2 BACKGROUND

- 2.1 Members will be aware that fees and charges are reviewed on an annual basis as part of the budget setting process.
- 2.2 Upon receipt of all applications every application is checked to ensure that all appropriate information has been submitted in accordance with the adopted validation checklist. If sufficient information is contained the application is made valid and registered as a valid application. If the application is incomplete the applicant is contacted and advised what additional information is required to allow the processing of the application.
- 2.3 In most instances additional information is provided efficiently to enable the application to be made valid. However there are instances when there is a significant delay and on occasion the applications are either sent back or removed from the system. There are also cases when following the request for additional information, the applicant asks for the application to be withdrawn and request the fee to be returned.

3 ISSUES

- 3.1 It is important that the Council seek ways of improving the service and reviews the cost and time associated with each element of the application process. It is evident that when an application is withdrawn and the fee returned a considerable amount of work has been spent on the application. It is considered that only partial refunds should be given and that an administrative charge should be levied to take account of the work.
- 3.2 It is submitted that a minimum fee of £50 or 10% of the application fee if greater, should be charged. The applicant should also be advised that the files will be disposed of and not retained by the Council or returned to the applicant and that unless a justified reason has been given for the delay of additional information, the file will be disposed of after 2 months and a partial refund awarded.

3.3 Evidence would suggest that over 80% of initial applications when first received are invalid with vast majority made valid within a week. Currently only a small percentage are requested to be withdrawn with a full refund (20 per year) but an operation of a more robust system with invalid applications returned within a shorter period of time could generate a revenue of between £1000-£5000 depending on the application fee submitted with the application.

Total invalid refunds - 2018/19			
Refunded £	Fixed Charge £	10%	Total fee £
1540.00	50	154	204
96.00	50	9.6	50
172.00	50	17.2	50
80.00	50	8	50
172.00	50	17.2	50
96.00	50	9.6	50
206.00	50	20.6	50
2362.00	350.00	236.20	504

4 RISK ASSESSMENT

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

- Resources – No immediate implications.
- Technical, Environmental and Legal – None.
- Political – N/A.
- Reputation – No direct implications.
- Equality & Diversity – No implications identified.

5 RECOMMENDED THAT COMMITTEE

5.1 Adopt the fee charging schedule as per paragraph 3.2 of the report for invalid applications that are withdrawn.

5.2 Publicise the new fee charge as widely as possible and inform the main users of the planning application service directly.

JOHN MACHOLC
HEAD OF PLANNING SERVICES

NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING

BACKGROUND PAPERS

None.

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

JM/P&D/060320

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 8

meeting date: THURSDAY, 12 MARCH 2020
title: ANNUAL POSITION STATEMENTS - HOUSING
submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING
principal author: COLIN HIRST, HEAD OF REGENERATION AND HOUSING

1 PURPOSE

1.1 To consider the approach to the use of Annual Position Statements for 2020/21.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives – The information in this report relates to the delivery of housing which is a key theme of the adopted Core Strategy.
- Corporate Priorities – This information is relevant to the adopted Core Strategy which is a spatial expression of corporate priorities.
- Other Considerations – To demonstrate that the Council is a well-run authority.

2 BACKGROUND

2.1 Following the revisions recently introduced to the National Planning Policy Framework (NPPF) in 2019, an option to use an Annual Position Statement (APS) to confirm a local authority's housing delivery position, namely five-year supply, was introduced. Councils can utilise the APS on an annual basis, following examination by an Inspector, to demonstrate that their housing land supply was robust.

2.2 This issue has been discussed at the Local Plan Working Group and further consideration has been given in particular to the use of the tool as a way of supporting the authority in dealing with planning appeals.

2.3 In effect, with an agreed APS, the Council's housing land supply position would be fixed for 12 months (subject to predetermined timescales) and would avoid the need to debate such evidence at planning appeals. Members will be aware that considerable time can be taken up in appeals and related expense in establishing the housing land supply. In the right circumstances there are merits in using the APS.

3 ANNUAL POSITION STATEMENTS

3.1 At present the supply of land and delivery of housing is regularly monitored by this Council with a report being published twice a year. The Housing Land Availability Study (HLAS) contains full monitoring details, including consultation with the housebuilding industry, and establishes the Council's position in relation to sites with planning permission, those under construction and completions. The collated information in this report is used to inform the Council's five-year housing land position, which is regularly reported to Members.

- 3.2 The introduction through the revised NPPF of the APS process brings a formal process to effectively test the evidence and data of the housing land study through submission to the Secretary of State and consideration by a Planning Inspector. The process firstly tests whether the Council has followed the correct process in terms of the use of APS being applicable, adequate consultation being undertaken and then whether the evidence is sufficient to substantiate the supply position being claimed. In preparing a recommendation, the Inspector will consider the evidence submitted with the process. The process does not allow for the Inspector to seek further clarification or information or for stakeholders to provide additional information. There is no hearing or public examination process. The assessment is based on the information provided from which the Inspector forms a view and makes a recommendation.
- 3.3 As indicated above, there are set timeframes for the process. The APS takes a 1 April base date for the evidence (which is consistent with the Council's monitoring processes) and Local Planning Authorities who wish to use this tool need to advise the Planning Inspectorate by 1 April each year that they intend to submit an APS for examination. The statement (together with all the relevant evidence) has to be submitted by 31 July in order to be considered. The Planning Inspectorate will then issue their recommendation in October. If the Local Planning Authority accepts the recommendation (which may include the discounting of sites based on evidence) the Local Planning Authority can then use the process to confirm their housing land supply until the following October.
- 3.4 In the following year, Local Planning Authorities may work towards adopting a new supply position through the Examination and adoption of a new Local Plan, or may progress a further APS through the annual process. However, caution has to be raised in that there are strict requirements in relation to the eligibility to use this tool. Firstly, Local Planning Authorities can only use this process if they are seeking to produce a statement based on a recently adopted plan, or having produced an APS, they are then seeking the following year to review that previous statement.
- 3.5 The critical issue here is that the plan, that sets out the strategic housing requirement, has to have been recently adopted with a defined window that is relatively narrow. To be classed as such it has to be adopted between 1 May and 31 October for it to be considered recently adopted in the period up to the following 31 October. If the plan is adopted between 1 November and 31 March, the plan will only be considered recently adopted up until the October of that same year.
- 3.6 In Ribble Valley's case the strategic housing requirement has been established through the Core Strategy, which as Members will be aware, is no longer capable of being considered recently adopted and in fact as previous reports have illustrated, the fact that the plan is now beyond its five-year anniversary, the process switches to that of the standard methodology. In essence, the Council for the time being is not in a position to use the APS tool. Whilst the Housing and Economic Development Plan document is recently adopted, that plan does not set out the strategic housing requirement against which the housing supply is to be measured.
- 3.7 In future with the revised and updated Local Plan produced, it would be possible to use the APS process to provide an assessment of the Council's housing land position and a view on the benefits of that would need to be taken at the time.

- 3.8 In effect the Council will need to continue to focus resource on the HLAS to ensure the process is as robust as possible and that it will be capable of withstanding challenge through the appeal process.
- 3.9 Whilst the tool will be perhaps most helpful to those authorities who have a fragile housing land supply position, the key to its use clearly relates to the ability to demonstrate an up to date plan. In any event, whilst the APS would become a material consideration, there may well be circumstances that arise, for example a significant stalled site or a marked change in delivery which would have to be taken account of, as a material consideration and may in fact negate any benefit of having the APS.
- 3.10 It is clear that the APS may provide some benefits in certain circumstances but these do not currently relate to those of this Council. In the case of Ribble Valley, as we currently do not meet the criteria of a relevant, recently adopted plan, it would not be possible for the Council to meet the tests for an APS.

COLIN HIRST
HEAD OF REGENERATION AND HOUSING

NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT
AND PLANNING

For further information please ask for Colin Hirst, extension 4503.

RIBBLE VALLEY BOROUGH COUNCIL INFORMATION

REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No 10

meeting date: 12 MARCH 2020
 title: CAPITAL PROGRAMME 2020/21
 submitted by: DIRECTOR OF RESOURCES
 principal author: ANDREW COOK

1 PURPOSE

1.1 To inform members of the schemes approved for inclusion in this Committee's 2020/21 capital programme.

2 BACKGROUND

2.1 As members will be aware, each year the Council aims to set a five year capital programme. In order to achieve this the existing remaining four year programme is reviewed along with all new capital bids put forward by committees.

2.2 This review has been carried out by the Budget Working Group and Corporate Management Team with the aim of producing an affordable programme for 2020/21 to 2024/25. Budgets moved from the 2019/20 capital programme to the 2020/21 financial year have also been fed into the five year capital programme.

2.3 Following recommendation by Special Policy and Finance Committee on 4 February 2020, it is anticipated that Full Council will have approved the five year capital programme for 2020/21 to 2024/25 on 3 March 2020. Officers will provide confirmation of Full Council's decision at this Committee's 12 March 2020 meeting.

2.4 The Council's overall capital programme for the five year period 2020/21 to 2024/25 totals £6,782,820 for all committees. The total for this Committee is £40,920 over the five year life of the programme. All of the £40,920 relates to the 2020/21 financial year.

3 CAPITAL PROGRAMME 2020/21 – APPROVED SCHEMES

3.1 For this Committee there are two schemes approved in the 2020/21 capital programme, totalling £40,920. These are shown in the table below.

Cost Centre	Scheme	Budget for 2020/21 £
PLOTT	Replacement of Plotter/Copier in the Planning Section <i>(Budget moved from 2019/20)</i>	14,500
PLANN	Introduction of Planning Portal Link to the Planning Application System and Planning System Update <i>(Budget moved from 2019/20)</i>	26,420
Total – Planning and Development Committee		40,920

3.2 Both schemes included in this Committee's 2020/21 capital programme are scheme budgets moved from the 2019/20 capital programme to the 2020/21 financial year. The move of these budgets to 2020/21 was approved at this Committee's meeting on 9 January 2020.

- 3.3 The detailed information for each scheme is shown in **Annex 1**.
- 3.4 During the closure of our capital accounts there may be some slippage on the one scheme left in the 2019/20 capital programme. One of the tasks of the Budget Working Group will be to review any requests for slippage on all capital schemes within the 2019/20 capital programme. A report will be brought to this Committee at a future meeting, giving details of any slippage.
- 3.5 Responsible officers will complete and update capital monitoring sheets for each scheme, which will be reported regularly to members to give an indication of progress.
- 4 CONCLUSION
- 4.1 This Committee has a capital programme for 2020/21 of two schemes, totalling £40,920.
- 4.2 Any slippage on the scheme in the 2019/20 capital programme will be added onto the 2020/21 capital programme.

SENIOR ACCOUNTANT

DIRECTOR OF RESOURCES

PD4-20/AC/AC
25 February 2020

For further background information please ask for Andrew Cook.
BACKGROUND PAPERS – None

PLANNING AND DEVELOPMENT COMMITTEE
Schemes Approved for the 2020/21 Capital Programme

Replacement of Plotter/Copier in the Planning Section

Service Area: Planning Services

Submitted by: John Macholc

Budget moved from 2019/20:

The Replacement of Plotter/Copier in the Planning Section scheme is on hold awaiting the outcome of the wider process review in the Planning section. The changed plotting/copying requirements in the Planning section will be considered alongside the wider review. As a result, this scheme will not be completed in 2019/20.

Given the above, in January 2020 this Committee approved the move of the £14,500 budget for this scheme from 2019/20 to the 2020/21 financial year.

Capital Cost:

2020/21 £
14,500

PLANNING AND DEVELOPMENT COMMITTEE
Schemes Approved for the 2020/21 Capital Programme

Introduction of Planning Portal Link to the Planning Application System and Planning System Update

Service Area: Planning Services

Submitted by: John Macholc

Budget moved from 2019/20:

The Introduction of Planning Portal Link to the Planning Application System and Planning System Update scheme is on hold awaiting the outcome of the wider process review in the Planning section. The current elements included in this capital scheme need to be compatible with the functionality of the Planning system going forwards and may change as a result of the wider process review. As a result, this scheme will not be completed in 2019/20.

Given the above, in January 2020 this Committee approved the move of the remaining £26,420 budget for this scheme from 2019/20 to the 2020/21 financial year.

Capital Cost:

2020/21 £
26,420

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No 11

meeting date: 12 MARCH 2020
 title: REVENUE MONITORING 2019/20
 submitted by: DIRECTOR OF RESOURCES
 principal author: VALERIE TAYLOR

1 PURPOSE

1.1 To let you know the position for the period April 2019 to January 2020 of this year's revised 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 a well managed Council providing efficient services based on identified customer need. To meet 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 revised estimate for the period to the end of January. You will see an overall underspend of £57,148 on the net cost of services. Please note that underspends are denoted by figures with a minus symbol. After allowing for transfers to/from earmarked reserves there is an underspend of £55,613.

Cost Centre	Cost Centre Name	Net Budget for the Full Year	Net Budget to the end of period	Actual including Commitments to the end of the period	Variance	
AONBS	Area of Outstanding Natural Beauty	15,730	0	0	0	
BCFEE	Building Control Fee Earning	41,520	-105,869	-112,180	-6,311	
BCNON	Building Control Non Fee Earning	69,920	4,740	4,810	70	
CINTR	Clitheroe Integrated Transport Scheme	7,300	5,250	0	-5,250	
CONSV	Conservation Areas	8,830	0	0	0	
CORES	Core Strategy	20,000	16,668	18,817	2,149	
COUNT	Countryside Management	53,250	18,685	13,475	-5,210	
ECPLA	Economic Development and Planning Dept	1,750	742,960	733,818	-9,142	
LDEVE	Housing and Economic Development DPD	184,640	75,380	75,380	0	
LNPLA	Longridge Neighbourhood Plan Referendum	0	0	0	0	

Cost Centre	Cost Centre Name	Net Budget for the Full Year	Net Budget to the end of period	Actual including Commitments to the end of the period	Variance
PENDU	Pendle Hill User Group	42,240	42,240	42,240	0
PLANG	Planning Control & Enforcement	13,090	-506,892	-538,239	-31,347
PLANP	Planning Policy	100,650	2,192	89	-2,103
PLSUB	Grants & Subscriptions - Planning	10,380	10,380	10,375	-5
Net Cost of Services		569,300	305,734	248,586	-57,148

Transfers to/from Earmarked Reserves				
Building Control Fee Earning Reserve	-41,520	105,869	112,180	6,311
Planning Reserve (Core Strategy)	-20,000	-16,668	-18,817	-2,149
Planning Reserve (Local Development Plan)	-31,870	-31,870	-31,870	0
Planning Reserve (Consultants)	-37,730	-37,730	-40,357	-2,627
Pendle Hill User Reserve	-22,240	-22,240	-22,240	0
Pendle Hill Landscape Partnership	-20,000	-20,000	-20,000	0
Total after Transfers to/from Earmarked Reserves	395,940	283,095	227,482	-55,613

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, which 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 areas of variances that are **unlikely** to rectify themselves by the end of the financial year are shown below:

Description	Variance to end January 2020 £
Clitheroe Integrated Transport Scheme/ Grants to Precepting Bodies Since the opening of the Clitheroe Interchange in 2000 the Council have made a contribution to Lancashire County Council towards the facility. In 2018 LCC took the decision that it could no longer support this facility or the staff who provide the service. The office closed earlier this year and as such this contribution will not be provided.	5,250

3 CONCLUSION

- 3.1 The comparison between actual and budgeted expenditure shows an underspend of £57,148 to January 2020 of the financial year 2019/20. After allowing for transfers to/from earmarked reserves there is an underspend of £55,613.

SENIOR ACCOUNTANT

DIRECTOR OF RESOURCES

PD5-20/LO/AC
27 February 2020

Planning and Development Committee Budget Monitoring – 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
PLANG/8404u	Planning Control & Enforcement/Planning Fees	-678,920	-565,812	-599,460	-33,648	Higher than anticipated income received up to the end of January 2020. The budget estimate is based on an average of historical income received over the previous three years.	Planning income levels fluctuate month to month and vary greatly depending on whether applications are received in respect of major developments. Income levels will continue to be monitored on a monthly basis and will be used to inform future estimates.
CINTR/4677	Clitheroe Integrated Transport Scheme/Grants to Precepting Bodies	5,250	5,250	0	-5,250	Since the opening of the Clitheroe Interchange in 2000 the Council have made a contribution to Lancashire County Council towards the facility. In 2018 LCC took the decision that it could no longer support this facility or the staff who provide the service. The office closed earlier this year and as such this contribution will not be provided.	The contribution for the 2019/20 financial year has not been provided.

Planning and Development Committee Budget Monitoring – 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
COUNT/4678	Countryside Management/Grants to Voluntary, Comm & Soc Ent Orgs	13,300	10,331	5,432	-4,899	Applications received from organisations for grant assistance to January are lower than that allowed for in the budget. The budget is likely to underspend this financial year as only two further grant applications for £2,000 and £248 are currently expected before March 2020. There is no formal grant scheme in place for this budget. Any requests are considered by committee on an ad-hoc basis.
ECPLA/0100	Economic Development and Planning Dept/Salaries	678,210	560,406	556,550	-3,856	Vacancy savings in the posts of Assistant Planning Officer (interviews to be held in February), Pre-Planning Advice Officer, Planning Administration Assistant and Regeneration Policy Officer (interviews to be held in March) exceed that built in to the budget at revised estimate.

Planning and Development Committee Budget Monitoring – 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
ECPLA/1013	Economic Development and Planning Dept/Tuition Fees	6,230	5,192	1,651	-3,541	Requirements for external training/ tuition fees within the Economic Development and Planning Department are lower than that allowed for within the budget estimate to the end of January. Recruitment is currently underway to fill a number of vacant posts within the department and some of this budget may be required once an assessment to identify the training needs of new employees has taken place, although it is possible that related expenditure may not be before the end of the financial year.
CORES/3085	Core Strategy/Consultants	20,000	16,668	18,817	2,149	This budget was established for expenditure on consultancy support to undertake a Strategic Housing and Economic Needs Assessment (SHENA) in line with the commitment set out in the Core Strategy (Emergency Committee August 2019). Although costs are currently within the annual budget provision it is anticipated that there may be a small overspend by March 2020 (to be funded through virements from other budgets).

Planning and Development Committee Budget Monitoring – 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
PLANP/3287	Planning Policy/Local Plan Costs	2,630	2,192	84	-2,108	This budget is available to fund ad-hoc planning policy issue expenditures. It is anticipated that it may be required before the end of the financial year to fund a potential overspend on core strategy consultancy support in respect of the Strategic Housing and Economic Needs Assessment (SHENA) - above.
PLANG/3085	Planning Control & Enforcement/Consultants	46,820	46,820	49,447	2,627	Additional planning legal costs incurred above that accounted for at revised estimate. Consultancy expenditure above that originally estimated is generally funded from the planning earmarked reserve.



Appeal Decision

Site visit made on 3 December 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2020

Appeal Ref: APP/T2350/W/19/3237011

**Health Rack Ltd, Dutton Manor Mill, Clitheroe Road, Dutton, Preston
PR3 2YT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr & Mrs Bailey against the decision of Ribble Valley Borough Council.
 - The application Ref: 3/2091/0390, dated 18/04/19, was refused by notice dated 17 June 2019.
 - The development proposed is described as 'change of use from offices to dwellings (4no. bungalows and 2no. houses)'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal falls within the provisions for permitted development under Schedule 2, Part 3, Class O of the GPDO.

Reasons

3. The appeal site comprises a main building, with a shop outbuilding and storage container. A carpark and loading area are to the front and side. The site is located within the countryside, in the Forest of Bowland Area of Outstanding Natural Beauty.
4. Schedule 2, Part 3, Class O of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a)(offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule. This is subject to the following, under Class O: criteria under paragraph O.1 whereby such development is not permitted; and conditions under paragraph O.2, regarding circumstances for applying to the local planning authority for determination as to whether prior approval of the authority will be required.
5. Paragraph O.1(b) confirms that development is not permitted by Class O if the building was not used for a use within Class B1(a) (offices) of the Schedule to the Use Classes Order either (i) on 29 May 2013 or (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use.

6. Planning permission was granted for conversion of a storage building on the site into a shop, as ancillary use to the main Health Rack offices and warehouse building, in 1999, and for extension of office and warehouse space in 2002¹. As such, it is not disputed that offices have formed part of the development for some time.
7. I note the appellants' stated intention, in a letter with the 1998 planning application, to use the majority of the building for office space. The appellant considers that office use is, and has been, 'dominant' in the building, under their operation.
8. Nevertheless, I saw during my site visit that the space used for storage and warehousing occupies between approximately a quarter and a third of the main building's floorspace. Warehousing sits noticeably within the tallest part of the building, and the closest part of the building to the main access, and leads onto the external loading area. The above factors, together, give the warehouse and storage space and function particular prominence and presence within the building and the site. By comparison, the five office rooms in the main building occupy around a fifth of the latter's footprint. The balance of the building is made up of counting and mail order rooms - which fit in with storage and distribution use - management area, boardroom, lobby, staff welfare facilities, corridor space and reception. The shop outbuilding provides additional non-office space.
9. Given the characteristics of the building and site, as described above, the property 'reads' on the ground as a business premises with distribution function and warehousing prominent within it. Whilst offices are an important element of the mix of types of room and space within the building, as part of the appellants' business headquarters, they do not appear to be dominant. Nor is there substantive evidence before me that offices were significantly more dominant on the site previously.
10. Moreover, it is not disputed that the last formal approval of change of use on the site was in 1998, through planning permission² for change of use from general industrial to wholesale/warehouse Class B8 use. There is no Lawful Development Certificate for B1(a) office use on the site before me.
11. Taking the above together, I conclude that it has not been established that the building was in use as Class B1(a) offices on 29 May 2013, nor on the day it was last in use before that date. Therefore, the proposal would not fall within the provisions for permitted development under Schedule 2, Part 3, Class O of the GPDO.
12. Given my finding above that the proposal is not permitted development, it is not necessary to consider whether prior approval should be given for the proposal.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

William Cooper INSPECTOR

¹ Application Refs: 3/1999/0229 and 3/2002/0103.

² Application Ref: 3/1998/0635.



Appeal Decision

Hearing Held on 10 December 2019

Site visit made on 10 December 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2020

Appeal Ref: APP/T2350/W/19/3235162

The Stables, Chaigley Road, Longridge, Preston PR3 3TQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Andrew Billington against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/0507, dated 1 June 2018, was refused by notice dated 14 March 2019.
 - The development proposed is described as "outline application for up to 10no. self-build dwellings with all matters reserved save for access".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with details of access only, all other matters are reserved for future consideration. Submitted plans show the layout of the site and the dwellings, I have treated these as indicative only.
3. Since the application was determined the Council have adopted the Housing and Economic Development – Development Plan Document (the DPD). I understand that the DPD is subject to a legal challenge, nonetheless the DPD remains an adopted document at this time.
4. At the hearing a number of documents were submitted as late evidence, including a Statement of Common Ground, signed by both parties. I have therefore had reference to these documents.

Main Issues

5. The main issues are:
 - a) Whether the development would accord with development plan policies relating to the location of development; and,
 - b) the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal proposal seeks outline planning permission for a self-build residential development consisting of up to 10 plots with details of access included.
7. The appeal site consists of an equestrian operation including stables, sand-based arena and grassed paddocks. The site is situated at a lower level to Higher Road and Chaigley Road, adjacent to a public park and play area on the edge of the settlement of Longridge. Opposite the appeal site, also accessed from Higher Road is a caravan park that is largely screened from view.

The Development Plan

8. The appeal site is outside of the defined settlement boundaries, which in this location largely follow the rear boundaries of residential properties to Chaigley Road, creating a well-defined boundary. The settlement boundaries are that shown on the Proposals Map published with the now replaced Districtwide Local Plan, as amended by the DPD.
9. Key Statement DS1 of the Core Strategy 2008-2028 A Local Plan for Ribble Valley (the CS), states that development will need to meet proven local needs, deliver regeneration benefits or satisfy neighbourhood planning legislation. Policy DMG2 of the CS relates to development outside of the defined settlement areas and requires that development must meet at least one of the listed considerations, including "that the development is for local needs housing which meets an identified need and is secured as such".
10. The parties' dispute focusses on whether the development would be local needs housing. The Glossary in the Local Plan defines this as 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 (SHMA).
11. I have no substantive evidence before me to demonstrate that the housing waiting list, housing needs survey for the parish or the SHMA identifies a local need for self-build dwellings. I therefore find that the appeal proposal does not accord with the definition of local needs housing detailed in the CS.
12. The appellant states that the proposed development would deliver regeneration benefits. However, I have no substantive evidence regarding any benefits that the proposed development would deliver beyond the provision of housing, specifically self-built, and landscaping, the latter appears to be in mitigation rather than simple enhancement of the current state. Furthermore, I noted at the site visit that the site was occupied and not in a use or condition such that its redevelopment would be advantageous.
13. It has not been suggested that the appeal proposal would satisfy neighbourhood planning legislation and on the basis of the evidence before me I agree.
14. I therefore find that, for the purposes of Key Statement DS1, it has not been demonstrated that the appeal proposal would deliver regeneration benefits. I shall consider the merits of self-build dwellings later in my decision.

15. With regards the compliance of the proposed development with the Development Plan, the proposal would introduce build development into the open countryside outside of the defined settlement boundaries and is therefore contrary to Key Statements DS1, DS2 and Policies DMG2 and DMH3 of the CS which set out the Council's approach to the location of development.

Character and Appearance

16. The appeal site is situated on the edge of the existing settlement, is ringed with mature trees and with limited visibility to a wider area. The site is generally open in character and appearance, albeit there is some notable built form on the site, specifically with regards the stables and other equestrian paraphernalia.
17. I note that the Zone of Theoretical Visibility (ZTV) identified by the 'Landscape and Visual Appraisal Addendum (May 2019) (LVIA) is shown as being limited in size and as including land and properties that lie within the existing settlement. However, it does not follow that as a result there would be a visual relationship or link between the settlement and the developed appeal site. Furthermore, while the visibility of the proposed development is shown in the LVIA Addendum to be limited, in part as a result of proposed screen planting, the development would nonetheless be visible from a number of viewpoints including the adjacent Higher Road.
18. The submitted plans, while indicative only show that the appeal scheme would result in the site being comprehensively developed, with the exception of the northern most section of the site, resulting in a form of development that is a significant encroachment into the countryside. The proposed houses, while often viewed in the context of the nearby built form of Longridge, would nonetheless be seen as a development that was separated from the established built form of the settlement.
19. I saw at the site visit that the appeal site is clearly visible from Higher Road when approaching and leaving Longridge, indeed Table 2 of the LVIA identifies that for travellers using Higher Road the assessment of residual effects, even after 15 years is "High/med (magnitude), Moderate (significance) and Adverse (effect)". While I acknowledge that the predicted visual effects of the appeal scheme are notably lower from other visual receptors, I nonetheless find that the proposed development would harm the character and appearance of the area.
20. The harm I have identified to the character and appearance of the area is contrary to Policies DMG1 and DMG2 of the CS that seeks, amongst other matters, that new development is in keeping with the character of the area and designed to be sympathetic to existing land uses.

Other Matters

21. It is the appellant's position that the Local Plan is silent in terms of the provision of self-build housing. The term 'silent' is not defined, but the Local Plan is not silent on the Council's approach for development proposals for housing in the Borough, particularly in relation to their location. Hence, the Local Plan contains a body of policy relevant to the proposal at hand to enable a judgement to be reached as to whether or not the appeal scheme accords with the development plan.

22. The appellant states that because the Strategic Housing Market Assessment does not refer to the Council's 'self-build and custom housebuilding register' and as a result of its age, it is consequently out of date and thus paragraph 11d)ii of the National Planning policy Framework should be engaged.
23. However, while the SHMA is now of a considerable age it is not a policy but rather part of the evidence base for a future review of the plan and the SHMA does not set housing targets but provides an assessment of the need for housing across the functional Housing Market Area (HMA), making no judgements regarding future policy decisions which the Council may take.
24. I therefore find that the local plan is not rendered out of date by age of SHMA and therefore paragraph 11d)ii of the National Planning policy Framework is not engaged.
25. Furthermore, irrespective of whether or not demand for self-build plots would be included in a future revision of the SHMA, for the purposes of Key Statement DS1 of the CS, self-build plots are not included in the SHMA before me at the time that this appeal is determined.
26. The appellant has referred to the Self-build and Custom Housebuilding Act 2015 (as amended) (the Act). Amongst other matters, the purpose of the Act is to allow individuals wishing to build their own home to register their interest in acquiring a suitable plot of land within the relevant authority.
27. Specifically, the Act makes provision for Local Authorities to maintain a register of people who are seeking to acquire a serviced plot in their area in order that they may build houses for them to occupy as homes; and for Local Authorities to have regard to the demand for custom build housing as evidence by the registers when exercising certain functions, including those relating to planning. The Act does not however provide for the approval of self-build plots irrespective of or as an exception to the provisions of the development plan.
28. With regards the Self-build register, while the exact number of people on the register is subject of dispute between the parties and a number of different figures were presented at hearing, irrespective of the exact number of interested parties on the register there is clearly a desire for self-build plots.
29. It is not at dispute between the parties that the Council has not granted any planning permissions specifically for self-build homes, though I note that other housing consents granted by the Council could come forwards including some self-built plots. Therefore, the provision of self-build plots by the appeal scheme is a material consideration that weighs in favour of the scheme but does not outweigh the harm I have previously identified.
30. Furthermore, the development of 10 new houses with a corresponding contribution to supporting businesses in the local area is a material consideration that weighs in favour of the appeal scheme. It does not however outweigh the harm that I have identified previously.
31. In arriving at this judgement, I have taken into account the two appeal decisions¹ that the appellant has referred to. However, I do not have full details of these schemes and so cannot be certain that the circumstances are the

¹ APP/T2350/W/18/3210850 - 10 December 2018 'Wiswell' and APP/G2435/W18/3214451 & APP/G2435/W/18/3214498 - 25 June 2019

same for this appeal. In any event I have considered the appeal proposal on its own merits.

Planning obligation

32. A completed planning obligation (i.e. unilateral undertaking dated 10 December 2019) has been submitted as late evidence at the hearing. The Council has confirmed that it raises no objection to the 10 December 2019 planning obligation in terms of its content or drafting.
33. The planning obligation would mean that any developer would be bound by the covenants and requirements of the completed planning obligation dated 10 December 2019. The planning obligation would include the provision of the dwellings for self-build plots and a requirement to pay towards secondary school places. I am satisfied that the legal agreement would be necessary to make the development acceptable and that it meets all of the planning obligation tests as laid out in paragraph 56 of the Framework and Regulation 122 of the CIL Regulations.

Conclusion

34. For the reasons given above I conclude that the appeal should be dismissed.

Mark Brooker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Anthony Gill	Kings Chambers
Daniel Hughes	PWA Planning
Stephen Laws	PDP Associates
Josh Hellowell	PWA Planning

FOR THE LOCAL PLANNING AUTHORITY:

Rachael Scott	Ribble Valley Borough Council
Stephen Kilmartin	
Colin Hirst	

DOCUMENTS SUBMITTED AT THE HEARING

1. Revised redline Plan.
2. Statement of Common Ground.
3. Planning Obligation



Appeal Decision

Site visit made on 7 January 2020

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2020

Appeal Ref: APP/T2350/W/19/3239000

Three Millstones Inn, Waddington Road, West Bradford BB7 4SX

- 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 Matthew Frost against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2019/0554, dated 14 June 2019, was refused by notice dated 27 September 2019.
 - The development proposed is new single storey building at the rear of the public house to create an additional guest bedroom.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading differs from that on the application form. However, it was changed by the Council in agreement with the appellant, and has been used by the appellant on the appeal form. Therefore, and as I am satisfied that it accurately describes the proposed development, and the application was publicised on that basis, I have adopted the amended description.
3. At the time of my visit, timber fencing had been installed along the sides of the walkway at the rear of the existing building. The submitted drawings indicate some fencing alongside the patio area to the rear of the proposed building. However, that fencing which I observed on site did not appear consistent with the fencing indicated on those submitted drawings, including with regard to its height or extent. For the avoidance of doubt, and notwithstanding any works carried out on site to date, I have considered the appeal, including any fencing, on the basis of the proposal as shown on the submitted drawings.

Main Issues

4. The main issues are the effect of the proposed development on
 - the setting of the Grade II listed Three Millstones Inn; and
 - the safety and convenience of highway users in the vicinity of the site.

Reasons

Setting of the listed building

5. The appeal site is located to the rear of the Three Millstones Inn, a Grade II listed public house with whitewashed rubble stone walls and a stone slate roof, located in the village of West Bradford. Its front elevation has a relatively formal appearance, with regularly-aligned doors and windows clearly defined within quite thick stone surrounds and in some cases, stone mullions. That front elevation sits adjacent to the road frontage, and forms a prominent component of the Waddington Road street scene.
6. The rear of the building is somewhat simpler in appearance, with more limited fenestration and smaller windows, and has been subject to extensions of various extensions over the years. Whilst less prominent from the road frontage, the rear elevation and parts of those existing extensions are nonetheless visible from the car park and rear parts of the site, and in public views from more distant vantage points further along Waddington Road and from parts of the public right of way which runs to the east and south of the site, and those more informal areas to the rear of the building also contribute to its significance.
7. Whilst varying in their height and depth, most of the building's existing side and rear extensions have mono-pitched or dual-pitched roofs similar in gradient to that of the original building, and are sensitive to it in their form and detailing, with simple elevations and fenestration, and in the use of stone in their construction, painted in parts to match the original building. They are also set down from the original building's roofline, with eaves below or level with those of the main building. Consequently, those sympathetic pitched roof side and rear extensions do not compete visually with the original public house building, but sit comfortably as subservient features, consistent with the simple appearance of the secondary areas to the rear of the building, and preserve its character and significance.
8. In contrast, as a result of its very shallow mono-pitched roof, which would slope upwards away from the rear of the original public house building for some significant depth, the proposed building would appear as a discordant feature, which would not reflect the appearance or the roof form or gradient of the listed building, or those sympathetically designed existing extensions, which either have gable-ends, or mono-pitched roofs sloping downwards away from the building. Furthermore, whilst lower than the listed building's roof ridge, the proposed building's eaves at their highest point would be higher than those of the adjacent part of the original building. As a result, it would not maintain a sense of subservience to the main listed building, and would appear as an unduly dominant feature which would detract from its setting.
9. Whilst the elevations of the recently-constructed, detached accommodation building in the rear part of the site include some large areas of glazing and sections of timber and metal cladding, those elevations are predominantly finished in stone which is similar in appearance to that used in the adjacent extensions at the rear of the listed building, and in the neighbouring building at Barnsteads Barn. Therefore, whilst those elements of glazing and other materials distinguish that more modern building from those older buildings

- around it, it nonetheless also maintains a sense of consistency and continuity with the extended listed building, and sits comfortably within its setting.
10. In contrast, the elevations of the proposed building would be entirely timber clad, and its rear elevation would be fully glazed. It would also be located very close to the rear of the listed building. It would therefore be closely surrounded by, and viewed in the immediate context of, the whitewashed public house, its stone and whitewashed rear extensions, and the adjacent stone boundary wall. In that context, the exclusive use of timber along the building's expansive side elevation, on its own and together with the further expanse of timber fencing proposed beyond it and around its patio area, and the use of full height glazing to its rear elevation, would appear discordant, and would fail to maintain a sense of connection or continuity between the proposed building and the extended listed building. The use of the materials as proposed would therefore further contribute to the harm arising to the setting of the listed building.
 11. The public house has a large, flat-roofed infill extension to the rear, which is not generally sympathetic to the original building in its form or detailing. However, the visibility of that single storey, ground floor projection in the context of the taller, more sympathetic extensions around it is very limited. In contrast, the proposed building would occupy a prominent position on an elevated area to the rear of the public house, and would extend some distance further to the rear than the building's existing two storey rear extension. Consequently, from those vantage points I have identified above, much of the building's discordant, long shallow roof form and expansive timber-clad side elevation, and parts of the timber fence extending beyond it, would be evident beyond the rear of that existing extension, and above the longer single storey pitched-roof rear extension closer to the car park. In any event, the presence of that flat-roofed extension, and of other smaller infill extensions and outbuildings to the rear of the public house, does not outweigh or justify the further harm that would arise as a result of the proposed building.
 12. I am advised that records indicate that historic tenants of the listed building were also involved with farming. The building thus appears to have an historic functional connection with the fields to the rear. However, whilst the rear of the building has been subject to various extensions over the years, parts of its roof and original rear elevation remain visible above and around those extensions, including ground and first floor windows in the eastern part of its rear elevation, from which views remain possible towards those fields to the rear. In that context, I do not find that the location of the proposed building would result in the severing of the last remaining connection between the rear of the listed building and its wider historic context, or cause harm to its significance in that regard.
 13. However, for the reasons given, I consider that the proposed building would appear as an unduly dominant and discordant feature, which would not be sympathetic to the character or appearance of the listed building, and would cause harm to its setting as a result.
 14. As a result of the small scale of the development, the harm arising in this case would be less than substantial. Nevertheless, I must have regard to the significance of the listed building, and the Framework requires any such harm to be weighed against the public benefits of the proposal.

15. The development would provide an additional unit of overnight accommodation, which would contribute to the income and operation of the public house. However, the contribution made by the single unit proposed, and thus the public benefits in that regard, would be limited, and would not outweigh the harm I have identified to the character, appearance and setting of the listed building, to which I attach considerable weight.
16. Therefore, for the reasons given, I conclude that the proposed development would cause harm to the setting of the Grade II Three Millstones Inn. The proposal would therefore conflict with Policies DME4 and DMG1 of the Ribble Valley Borough Council Core Strategy 2008-2028: A Local Plan for Ribble Valley (the Core Strategy). Amongst other things, those policies require development to be of a high standard of building design, sympathetic to existing land uses in terms of its scale, style and building features, and state that development proposals within the setting of listed buildings which cause harm to the significance of the heritage asset will not be supported.

Safety and convenience of highway users

17. The Council has expressed concerns that there is already a shortfall in parking provision within the site. However, the parking area available within the site appears to be the same as that which existed when the Council recently granted planning permission for 5 guest bedrooms within the existing public house building, in addition to the recently-built accommodation building in the rear part of the site.
18. I observed that on-street parking availability within the village appears to be quite limited. However, I have not been presented with substantive evidence to demonstrate that on-street parking arising from the appeal property has adversely affected the local highway network as a result of that permitted accommodation. The proposed building would not reduce the area available within the site for parking. Nor am I convinced that the single additional unit now proposed would have significant further implications with regard to the likelihood of overspill parking taking place on surrounding streets, compared with the accommodation already permitted on the site.
19. The Council's concerns regarding the width of the access from the site onto Waddington Road appear to have been raised at the time the detached accommodation building in the rear of the site was permitted and, I am advised, there was a condition on that permission requiring the access to be narrowed. It therefore appears that the Council could pursue enforcement action to address those concerns raised in the event that condition has not been complied with. In any event, since the evidence before me does not suggest that circumstances have changed materially in the intervening period, and as the single unit of accommodation now proposed would not materially increase the number of vehicle movements into or out of that access, I consider that the matter could be satisfactorily addressed by means of a similar condition were I to grant permission in this case.
20. Therefore, for the reasons given, and on the basis of the evidence before me, I conclude that the proposed development would not have an adverse effect on the safety or convenience of highway users in the vicinity of the site. The proposal would therefore not conflict with Policy DMG1 of the Core Strategy which, amongst other things, requires development to ensure safe access can

be provided which is suitable to accommodate the scale of traffic likely to be generated and to consider potential car parking implications.

Planning Balance and Conclusion

21. I conclude that the development would not have adverse implications for the safety or convenience of highway users. However, the absence of harm in that regard does not outweigh the harm to the setting of the listed building which I have identified, to which I attach considerable weight, and which would not be outweighed by the public benefits of the scheme.
22. Therefore, for the reasons given and having regard to all other matters raised, the appeal is dismissed.

Jillian Rann

INSPECTOR