

RIBBLE VALLEY BOROUGH COUNCIL

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Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** will be held at **6.30pm** on **THURSDAY, 29 OCTOBER 2020** by Zoom.

I do hope you can be there.

Yours sincerely

CHIEF EXECUTIVE

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

AGENDA

Part I – items of business to be discussed in public

1. Apologies for absence.
- ✓ 2. To approve the minutes of the meetings held on 24 September 2020 and 30 September 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. Appointment to Local Development Plan Working Group – report of Chief Executive – copy enclosed.
- ✓ 7. Updated Statement of Community Involvement – report of Director of Economic Development and Planning – copy enclosed.

INFORMATION ITEMS

- ✓ 8. Appeals:
- i) 3/2019/0262 – Erection of a single dwelling with associated access, landscaping and all other works at Land at Hawthorne Place, Clitheroe BB7 2HU - appeal dismissed.
 - ii) 3/2019/0448 – Outline planning application for the erection of up to 125 dwellings with public open space, landscaping and sustainable drainage system (SUDS) and vehicular access point from A671. All matters reserved except for means of access at Land at Wiswell Lane, Whalley – appeal dismissed.
 - iii) Application for Costs – Land at Wiswell Lane, Whalley – refused.
 - iv) 3/2020/0114 – Conversion of agricultural buildings into a single residential dwelling at Land at Crooked Field, Chaigley – appeal dismissed.
9. Reports from Representatives on Outside Bodies (if any).

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: 29 OCTOBER 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:						
3/2020/0315	1			AC	Langho Football Club Dewhurst Road, Langho	
3/2020/0641	10			AC	12 Wheatley Drive Longridge	
3/2020/0688	14			AC	Unit 5 Stonebridge Mill Longridge	
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						
3/2020/0309	20			DEFER	Spout Farm Preston Road, Longridge	
E APPLICATIONS IN 'OTHER' CATEGORIES:						
				NONE		

LEGEND

AC Approved Conditionally
R Refused
M/A Minded to Approve

AB Adam Birkett
AD Adrian Dowd
HM Harriet McCartney
JM John Macholc

LE Laura Eastwood
RB Rebecca Bowers
SK Stephen Kilmartin

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No 5

meeting date: THURSDAY, 29 OCTOBER 2020
title: PLANNING APPLICATIONS
submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

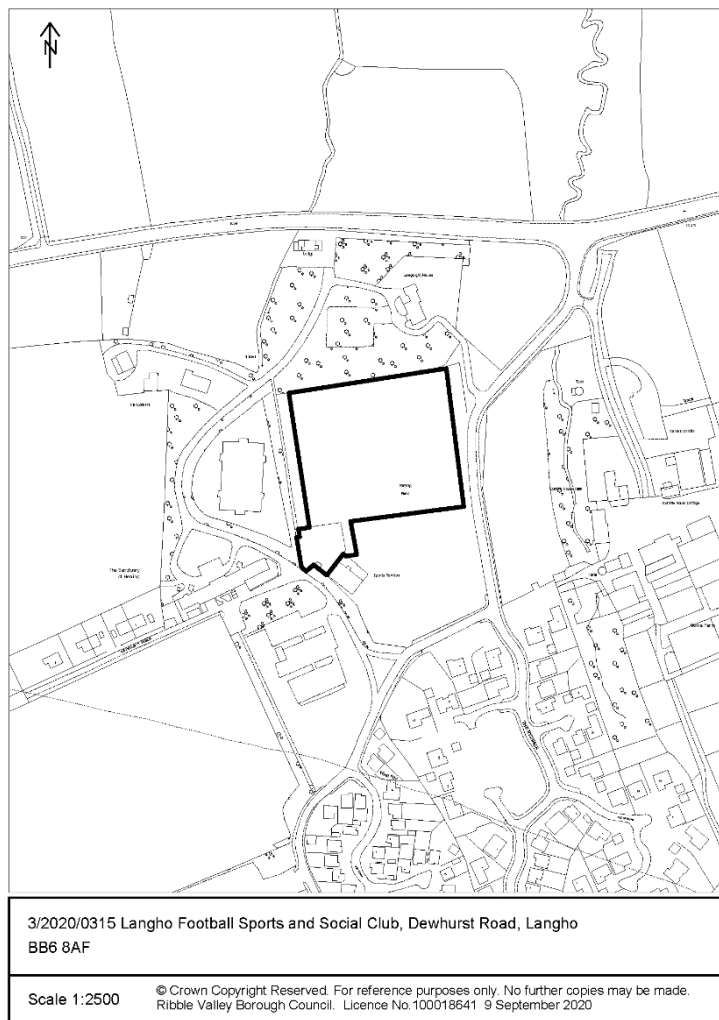
PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION REF: 3/2020/0315

GRID REF: SD 36972 34193

DEVELOPMENT DESCRIPTION:

CONSTRUCTION OF AN ALL WEATHER FOOTBALL PITCH WITH BOUNDARY FENCING AND FLOODLIGHTS AND AN EXTENSION OF AN EXISTING CAR PARK. LANGHO FOOTBALL CLUB, DEWHURST ROAD, LANGHO, BB6 8AF



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

No response

RVBC LEGAL SERVICES:

Draws the developer's attention to a covenant restricting the use of the land.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

No objections subject to conditions.

SPORT ENGLAND:

Initially issued a holding objection as the policy exception requires any artificial surface to be of sufficient benefit to sport to outweigh the loss of natural turf playing field. Following additional information being submitted justifying the proposal, the objection has been withdrawn subject to conditions.

UNITED UTILITIES:

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Conditions have been suggested.

ADDITIONAL REPRESENTATIONS:

21 letters of objection have been received.

5 Letters of support have been received from local football clubs.

1. **Site Description and Surrounding Area**

1.1 The site is an existing football club with grass pitches, car parking and pavilion located on the Rydings to the south of the A59 Longsight Road. The application site relates to the largest of the 3 grass pitches and adjacent car park. The grassed pitch is adjacent to the Rydings which leads to Dewhurst Road and the access to the car park. There are residential developments around the site largely to the to the south, along with Kemple View rehabilitation centre, the sanctuary of healing is adjacent on Dewhurst Road and Longsight stables lies to the west.

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

2.1 The application seeks consent to upgrade the existing turf pitch to an all-weather pitch with fencing and lighting.

3. **Relevant Planning History**

3/1998/0520 – Proposed erection of sports club and changing facilities – Granted 5 November 1998.

3/2012/0225 – Proposed all weather football pitch with associated works – Granted 22 June 2012.

4. **Relevant Policies**

Ribble Valley Core Strategy

Policy DS1: Development Strategy

Policy DS2: Sustainable Development

Policy DMG1: General Considerations

Policy DMG2: Strategic Considerations

Policy DMG3: Transport and Mobility

Policy DME1: Protecting Trees and Woodlands

Policy DME2: Landscape and Townscape Protection

Policy DME3: Site and Species Protection and Conservation

Policy DME6: Water Management

Policy DMB1: Supporting Business Growth and The Local Economy

Policy DMB2: The Conversion of Barns and Other Rural Buildings for Employment Uses

Policy DMB3: Recreation and Tourism Development

Policy DMB4: Open Space Provision

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Technical Guidance to National Planning Policy Framework

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 Planning permission was originally granted in 1998 for a football club and changing facility at the site. In 2012 permission was granted for the construction of an all-weather pitch. The football club now say that they require a new full-size all-weather pitch to support the continued expansion of the club.

5.1.2 The site is located outside any defined settlement boundary and is therefore in open countryside. The immediate surrounding area has been developed for housing on the grounds of a former hospital and there is development on 3 sides bounded by the A59 to the North. It is not within the AONB or close to any heritage assets. It is considered to appropriate to locate this type of use in this area particularly as it is expanding an existing facility and therefore is considered to accord with core strategy policy DMB3.

5.1.3 Policy DMB3 of the core strategy supports the expansion of recreational and leisure facilities and it is apparent that this is a successful club for which a full-size all-weather pitch would be an asset. It would improve the existing facilities on the site of an existing pitch within the confines of the club site and therefore is considered to be acceptable in terms of DMB3.

- 5.1.4 NPPF para 97c states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. This is echoed by core strategy policy DMB4. Therefore, in order for the proposal to be acceptable the applicant will need to submit a robust assessment to prove that the loss of the open space is justified because of the social and economic benefits it would bring to the community.
- 5.1.5 Sport England initially submitted a holding objection pending further information on this matter. In principle the proposal is for an alternative and potentially better quality provision and there is clearly support for it from a number of local clubs. Furthermore, the football foundation has implied that they are broadly in support as there is a shortage of 3G facilities in the area. However; to demonstrate that the proposal accords with Sport England's exception policy more information as to the nature of the use and technical specifications was requested and subsequently submitted. Sport England have reviewed this information and confirmed that the proposal now broadly meets para 97c of the NPPF and Exception 5 of their playing fields policy subject to conditions.
- 5.1.6 Whilst a private issue which would have to be resolved separately to the planning application; it should also be noted that there is a covenant on this land that requires it to be kept available as a community open space and for recreation purposes.

5.2 Impact upon Residential Amenity:

- 5.2.1 The site is approximately 22 metres from the nearest dwelling known as Longsight House to the North but between the two sites is a thick belt of mature trees. To the East at an approximate distance of 35 metres, is Cunliffe House Farm adjacent to Longsight stables and garden centre. To the south are properties on The Rydings, the nearest being 55 metres away.
- 5.2.2 The proposal incorporates floodlights which are included to enable to pitch to be utilised to its maximum potential. A lighting assessment has been submitted with the application which demonstrates that there will be virtually no light spillage from the floodlights outside the site. Whilst the lights will be visible from nearby dwellings they will not result in light spillage into surrounding properties that would have a detrimental impact on amenity. Furthermore, a condition will be imposed in line with the smaller all weather pitch that the lights shall not be used after 10pm on weekdays including Saturdays or 8pm on Sundays.
- 5.2.3 Surrounding residents have expressed concerns that the intensification of the use will result in additional noise and disturbance, littering and antisocial behaviour as well as increased traffic and inconvenience for residents. It is accepted that the intention of the proposal is to provide an all-weather pitch that will allow more games to be played and reduce the number of cancellations due to bad weather and waterlogged pitches. As such there is likely to be an increase in activity but this is not unacceptable in principle as the expansion of a successful recreational facility is supported by local and national planning policies. The club is already able

to operate within the hours proposed. There will be planning conditions imposed to control the hours of use in line with the smaller pitch. The car park is to be expanded to accommodate the expected increase in demand. As such in terms of the material planning consideration with respect to residential amenity, the development is acceptable. Other issues that might arise may be dealt with through other legislation or be a responsibility for the club operator.

5.3 Visual Amenity/External Appearance:

5.3.1 It is accepted that the fence and lighting poles will enclose an open green space and will have some visual impact, however this is in the context of the surrounding use of the land as a football club. The impact will be mitigated to some extent by the green finish to the fence which is mesh and will allow some views through it. In addition to this, two sides are bounded by trees. The site is not in the AONB or conservation area so not subject to any special protection. As such the visual impact is considered to be acceptable to allow the club to improve its facilities.

5.3.2 In respect of the Lighting as discussed above a lighting assessment has demonstrated that there will be limited light spillage outside the site and whilst the lighting columns and some illumination will be visible, it will be directed onto the pitch and subject to operating hours restrictions. Again, when balanced with the merits of the proposal the visual impact is considered acceptable.

5.4 Highway Safety and Accessibility:

5.4.1 There is no objection to the proposal from the LCC highway officer on highway safety grounds but they would like a condition requiring a construction method statement to be submitted to ensure that there is no adverse impact on the highway network during the construction phase.

5.5 Landscape/Ecology:

5.5.1 The site is not located on a site of ecological importance but it is noted that wildlife has been observed on the site. The pitch itself will be enclosed but the adjacent pitches and tree belts will not so it is considered that some wildlife connectivity will be maintained in the vicinity of the site.

5.5.2 An arboricultural constraints appraisal has been submitted and shows that trees will be retained and protected during the construction phase, which is acceptable.

5.6 Drainage and Flooding:

5.6.1 United Utilities have raised no objection to the proposed scheme providing that proper drainage is provided. It is noted that there are local concerns regarding flooding, this may not be directly attributed to this site, however the new pitch should be drained properly so as not to increase the risk of flooding or pollution elsewhere and conditions will be imposed to ensure this.

5.7 Other Matters:

5.7.1 Notwithstanding the outcome of the planning application there are covenants in place on the land which will need to be dealt with separately to this planning application which can only consider the material planning issues.

5.7.2 The Section 52 Planning Agreement dated 23 April 1990 which still binds the whole site of The Rydings and The Dales Housing Development binds the land the subject of the Planning Application as a Community Public Open Space.

5.7.3 Covenants at 2(h) of the Agreement: The Transfer Deed, dated 11 February 1994 (which transferred the Land from Kilncross Limited to RVBC) also contains covenants not to use or permit or suffer the Property to be used for any purpose other than recreation.

5.7.4 The Land is Leased by RVBC to the Trustees of Langho FC Sports and Social Club; consent would also be needed under the terms of the Lease to any development.

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

6.1 The agent has provided the information requested to justify the loss of the turf pitch. The proposal is now considered to accord with local and national planning policy and therefore, it is recommended accordingly.

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

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

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

Approved plans

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

505/2827/01
HLS1257

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

Materials

3. The materials to be used on the external surfaces of the development as indicated within the submitted details shall be implemented in accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality and respond positively to the inherent character of the area.

Floodlighting

4. The all weather pitch and associated floodlighting hereby approved shall only be operated between the following hours:

09:00 to 22:00 Monday to Saturday
10:00 to 20:00 Sundays and Bank Holidays

REASON: In the interests of protecting the residential amenities of nearby residents and visual amenity.

Trees protected

5. 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 proposed development hereby approved.

Highways

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

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

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

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

- 7 Details of any external source of lighting other than that expressly granted by this permission shall be submitted to the local planning authority prior to its installation. Any

lighting shall be effectively screened from the view of a driver on the adjoining public highway

REASON: In the interests of amenity and to avoid glare, dazzle or a distraction to passing motorists

- 8 The parking areas hereby approved shall be implemented and made available for use prior to first use of the all-weather pitch hereby approved and thereafter retained.

REASON: In order that the Local Planning Authority may ensure that adequate dedicated parking provision is provided on site to serve the development hereby approved.

Surface water

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 Foul and surface water shall be drained on separate systems.

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

Design and Layout of the Artificial Grass Pitch

11. No development shall commence until details of the design and layout of the Artificial Grass Pitch have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The Artificial Grass Pitch shall not be constructed other than in accordance with the approved details.

REASON: To ensure the development is fit for purpose and sustainable.

Community Use Agreement

12. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the Artificial Grass Pitch and

include details of pricing policy, hours of use, access by users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

REASON: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport.

UPDATE FOLLOWING 24 SEPTEMBER PLANNING AND DEVELOPMENT COMMITTEE MEETING:

On 24 September 2020 Committee were minded to refuse the application due to its harmful impact on the amenities of local residents and the visual quality of the area. A decision on the application was deferred to enable the Director of Economic Development and Planning to draft an appropriate refusal reason.

The recommendation remains that the application should be approved.

At the meeting of 24 September, Members were verbally updated on the further concerns raised by neighbours summarised as follows:

- Noise and disturbance, antisocial behaviour
- Light pollution, adverse impact on the appearance of the area
- Harm to wildlife and trees
- Lack of parking and highway safety
- Loss of community open space
- Poor drainage
- Whilst not material planning considerations, objectors also state that restrictive covenants on the land and terms of the lease would restrict the proposed development. Other alternative sites should have been considered.

Supporters of the proposal consider:

- Additional choice of all-weather pitches would be a benefit to recreation for the wider community as many football games are cancelled each season due to unplayable pitches.

There are no further updates to report at the time of writing.

Should Committee still be minded to refuse the application the following reason is recommended:

1. The proposal is considered contrary to Policy DMG1 of the Adopted Core Strategy. The proposed all-weather pitch due to the boundary fence, floodlights and intensification of the use will have a detrimental impact on the amenities of surrounding neighbours by reason of noise and light pollution as well as resulting in harm to the visual qualities of the area.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2020%2F0315

APPLICATION REF: 3/2020/0641

GRID REF: SD 360820 437733

DEVELOPMENT DESCRIPTION:

ERECTION OF GAZEBO IN REAR GARDEN (RETROSPECTIVE) AND ALTERATION TO FRONT DRIVEWAY TO CREATE ADDITIONAL PARKING AREA AT 12 WHEATLEY DRIVE, LONGRIDGE PR3 3TT



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Longridge Town Council – Have confirmed that they have no comments to make on the application.

ADDITIONAL REPRESENTATIONS:

One objection has been received from a neighbour on the basis of the excessive scale of the gazebo, inappropriate design, impact on their garden and the retrospective nature of the application.

1. Site Description and Surrounding Area

1.1 The application property is a semi-detached dwelling in a residential street on the outskirts of Longridge. The dwelling has a rear garden which rises to the rear and adjoins several other properties.

2. Proposed Development for which consent is sought

2.1 The application seeks planning consent for the erection of a timber gazebo type structure in the rear corner of the garden and a formation of a driveway to the front. The application is part retrospective as the gazebo is in situ and works to form the extended driveway have commenced.

2.2 The application is brought before Members of the Planning and Development Committee as the applicant is an employee of Ribble Valley Borough Council in accordance with the Council's Scheme of Delegation.

3. Relevant Planning History

None

4. Relevant Policies

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Policy DMG1 – General Considerations

Policy DME2 – Landscape and Townscape Protection

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Technical Guidance to National Planning Policy Framework

5. Assessment of Proposed Development

5.1 Principle of Development:

5.1.1 The proposal is for development for domestic purposes within the curtilage of a dwelling house which is not protected by virtue of it being a listed building, within a conservation area or the AONB. The principle of development is therefore acceptable subject to an assessment of the material planning considerations.

5.2 Impact upon Residential Amenity:

5.2.1 The application is in two parts. The formation of a driveway to the front is considered acceptable in terms of its impact on neighbours and will provide additional off-street parking thus reducing the pressure for on street parking.

5.2.2 The gazebo / outbuilding is in situ and exceeds the limitations for permitted development. as it is approximately 3 metres high at the highest point and within 2 metres of the boundary.

5.2.3 The garden adjoins numbers 10 and 14 Wheatley Drive at either side; 15 Springs Close at the rear and 1 Bowland Road at the side and rear. The structure abuts the boundary of number 14 Wheatley Drive in an elevated position due to the sloping land and projects above the height of the fence however the level of the adjacent land in the neighbour's garden is broadly the same. It also abuts the rear corner of the rear garden of 15 Springs Close.

5.2.4 The gazebo structure is open sided with two pitched roofs which project above the height of the boundary fence. Whilst visible from neighbouring properties it is not considered that it overshadows adjoining gardens to an unacceptable degree given that it is open sided and the roof slopes away from the boundary with number 14, it also lies to the west of number 14 which further reduces the impact in terms of the impact on light due to this orientation Some levelling / terracing of the garden has been carried out to form a level seating area but this has not significantly raised the land level above previous land levels and the seating area is screened from neighbouring properties by the existing boundary fences.

5.2.5 As such it is not considered that the development will result in a loss of amenity for neighbours through a significant increase in overshadowing or overlooking.

5.2.6 The gazebo does provide a sheltered area which may allow more use of this part of the garden than previously, however it remains a private domestic garden. Members should also consider that there is a fall-back position with regards to permitted development rights that would allow an outbuilding or shelter of up to 2.5 metres in height providing it does not cover more than 50% of the garden area.

5.3 Visual Amenity/External Appearance:

5.3.1 The proposed hardstanding to the front of the property will not have a detrimental impact on the character of the area.

5.3.2 The gazebo structure is timber framed and open sided with two pitch roofs which are covered in red roof tiles. The choice of timber is not uncommon for garden structures and the pitch and finish of the roof is in keeping with surrounding dwellings. Whilst it undoubtedly can be seen from neighbouring dwellings, the loss of a view is not a material planning consideration. The concerns raised with regard to the scale are noted, but it is not considered to be excessive or over dominant in this position.

5.3.3 As aforementioned a whole range of garden structures could be constructed in private gardens without the requirement for planning permission under permitted development rights. The structure is slightly larger than permitted development limitations and thus requires planning permission, but it is not considered to be excessive in scale or out of keeping due to its design or choice of materials. The structure is located in the corner of the rear garden and will not have a harmful impact on the visual quality of the surrounding area.

5.4 Highway Safety and Accessibility:

5.4.1 LCC highways have not been consulted on the application, however the provision of additional off-street parking will be beneficial by reducing the demand for on street parking. The driveway should be drained within the curtilage of the site to reduce surface water run off onto adjacent land.

5.5 Other Matters:

5.5.1 The material planning considerations have been assessed in the report. It is noted that the application is retrospective however this application seeks to regularise the situation. The retrospective nature of the application is not a reason to refuse consent if it is deemed acceptable in terms of the material planning considerations.

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

6.1 It is not considered that the proposal is harmful to the neighbour's amenities, visual amenity or highway safety and therefore it is recommended accordingly.

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:

Location Plan

Site Plan to include driveway – received 12th September 2020

Photos – received 10th August 2020

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

2. The driveway hereby approved shall be hard surfaced, sealed and drained within the curtilage of the site or surfaced in a permeable material, prior to it first being brought into use and thereafter retained as such

REASON: To ensure that the proposal is properly drained and reduce surface water runoff onto adjoining land from the development.

BACKGROUND PAPERS

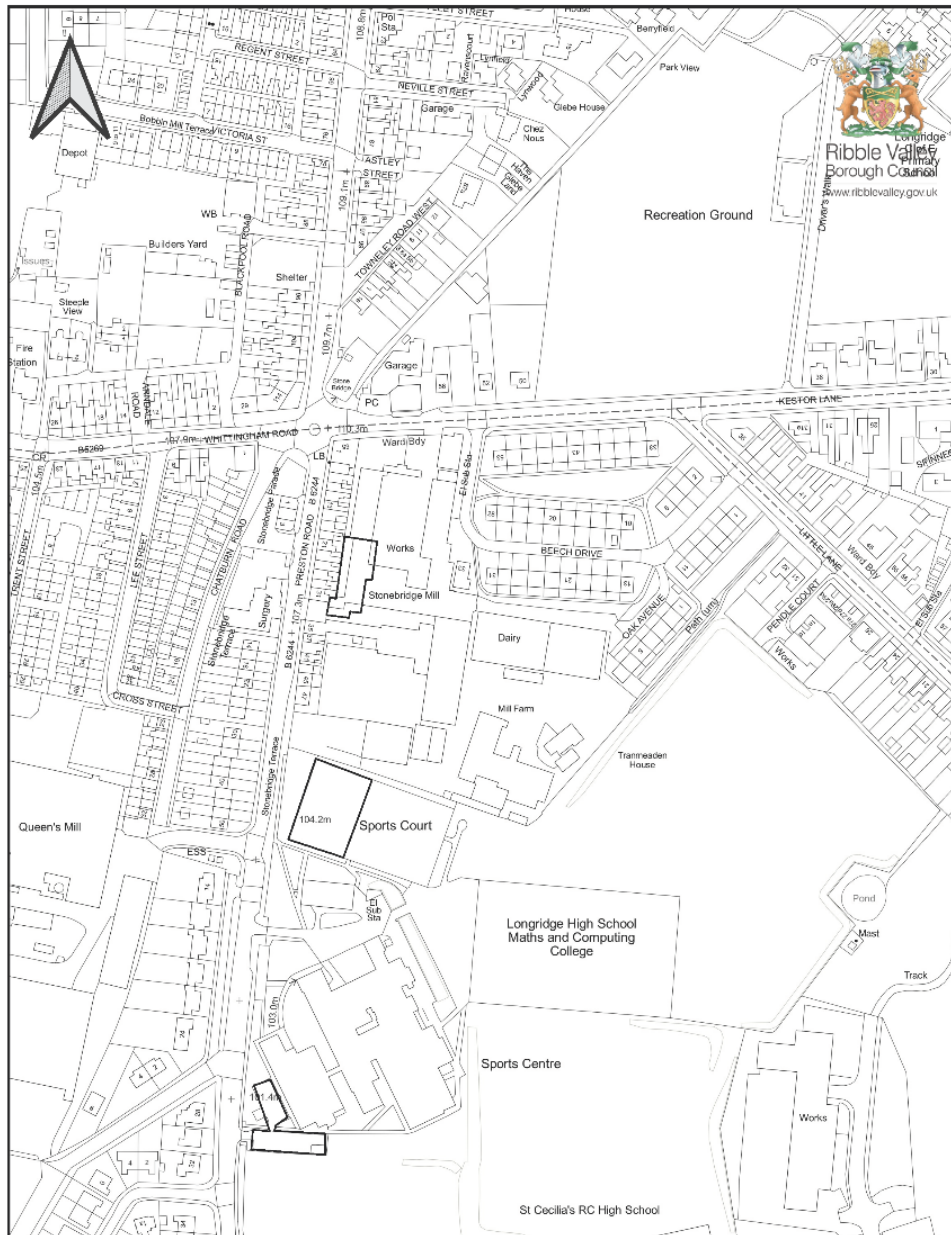
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2020%2F0641

APPLICATION REF: 3/2020/0688

GRID REF: SD 360142 437068

DEVELOPMENT DESCRIPTION:

PROPOSED CHANGE OF USE FROM B2 INDUSTRIAL TO D2 LEISURE (NEW CLASS E) AND ALTERATIONS TO WINDOW TO CREATE DOOR AND FIRE ESCAPE AT UNIT 5, STONEBRIDGE MILL, PRESTON ROAD, LONGRIDGE PR3 3AN



3/2020/0688 Unit 5, Stonebridge Mill, Longridge PR3 3AN

1:2393 © Crown copyright and database rights 2020 Ordnance Survey 100018641 Friday, 16 October 2020

CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

TOWN COUNCIL:

No objections and supportive of the parking arrangements.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

Object and consider that the proposed parking shown is not close enough to be a viable proposition and the scheme would require 9 car parking spaces. Preston Road has a No waiting Order which further limits the availability of off street parking. Following receipt of Travel Plan still retain their objection.

ADDITIONAL REPRESENTATIONS:

35 letters of support have been received making the following comments:

- Consider the facility and business to be an important asset to the local community.
- The distance to the car parking areas does not prevent people from walking to and from the car parking area.
- Helps people's health and wellbeing.

1. Site Description and Surrounding Area

- 1.1 The application relates to a unit on the first floor of Stone Bridge Mill which is located in the Longridge Conservation Area. The site is located close to the main centre of Longridge which incorporates a mix of commercial and residential properties.

2. Proposed Development for which consent is sought

- 2.1 The submitted details seek consent for change of use from B2 Industrial to D2 Leisure (New Class E). The opening hours which are sought 9am to 9pm Monday to Friday and 8am to 2pm on Saturdays.
- 2.2 The submitted development details external alterations at the rear of the unit to include a new fire escape and alterations to a window to create a fire door. A dance studio has been operating from the unit for in excess of 18 months with different businesses and as such this application is submitted retrospectively.

3. Relevant Planning History

3/2020/0198 - Proposed change of use from B2 industrial to D2 leisure- Withdrawn

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 EC1 – Business and Employment Development

Key Statement EC2 – Development of Retail shops and Community facilities

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMB3-Recreation and Tourism Development

Policy DME4- Protecting Heritage Assets

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 Principle of Development:

5.1.1 The application relates to the change of use of part of an existing mill complex located on the edge of the Conservation Area.

5.1.2 Policy DMB1 of the Adopted Core Strategy provides support for proposals that are intended to support business growth and the local economy. Proposals for the development, redevelopment or conversion of sites with employment generating potential in the plan area for alternative uses will be assessed with regard to the following criteria:

1. The provisions of policy DMG1, and
2. The compatibility of the proposal with other plan policies of the LDF, and
3. The environmental benefits to be gained by the community, and
4. The economic and social impact caused by loss of employment opportunities to the borough, and
5. Any attempts that have been made to secure an alternative employment generating use for the site (must be supported by evidence (such as property agents details including periods of marketing and response) that the property/ business has been marketed for business use for a minimum period of six months or information that demonstrates to the council's satisfaction that the current use is not viable for employment purposes.)

5.1.3 Whilst the proposals result in the loss of B2 employment floorspace the loss is small scale and it is noted that the proposed development offers employment and economic benefits to the local economy.

5.1.4 Although the application is not supported by marketing evidence to demonstrate compliance with criterion 5 above it is proposed to attach a personal condition to the recommendation limiting the use to an established dance school within the area. The change of use will enable the dance school, which was previously located at Longridge High School, to continue to serve its students within Longridge however if the dance school vacates the premises the use will revert to B2. As such the development retains employment on the site and protects such a use in the long term.

5.1.5 In this respect, notwithstanding other development management considerations, the proposal is considered to be in broad alignment with the adopted development plan insofar that it will result in the creation of an appropriate use within the defined

settlement boundary of Longridge and will contribute and enhance the viability and vitality of the area.

5.2 Impact upon Residential Amenity:

5.2.1 The property to which the application relates has pedestrian access from Preston Road and it is expected that there will be some additional pedestrian and vehicular movements as a result of this development. However, given the nature of the proposed use and the proposed opening hours it is not considered that this impact will be so harmful to warrant refusal.

5.2.2 The proposal includes a fire escape and doorway at the rear of the building which would look towards the rear of some dwellings and yard areas. Given the nature of this part of the development as a fire escape it is not considered that this would result in any privacy issues to the detriment of the neighbours' amenities.

5.3 Matters of Design/Visual Amenity:

5.3.1 It is considered that given the location of the fire escape at the rear of the mill complex and effectively screened from any vantage point that there is no significant visual impact. As the building is situated in the Longridge Conservation Area regard has to be given to the impact on the Conservation Area and its setting having regard to S66 of the Planning and Listed Buildings and Conservation Area Act 1990 it is considered that any harm is not significant and is outweighed by the public benefit.

5.4 Highways:

5.4.1 The Local Highway Authority objects to the proposal on the basis of insufficient parking and the submission of a Travel Plan does not alleviate these concerns.

5.4.2 There is no available parking within the immediate vicinity of the site although there is parking within the wider area. Given the proximity to the Town Centre this is considered to be a sustainable site with various options in respect of access, including walking and public transport, meaning that students do not have to be wholly reliant on the car to access the dance studio.

5.4.3 The submitted Design and Access Statement states that an arrangement has been entered into whereby the local high school (Longridge County High) has agreed to provide parking on their premises for up to 25 vehicles for patrons of the dance school. A copy of the agreement letter from the school head has been submitted. An agreement for a further 12 spaces has also been agreed.

5.4.4 As applicant has no control over the parking areas little weight can be afforded to the ability for people to use the car parking spaces. The applicant has submitted a Travel Statement which indicates that the users of the dance studio would be informed of the parking area and encourage to park sensibly or walk to the studio when practical area. Details of this information will be required by condition.

5.4.5 The concerns of highway authority are noted and in order to monitor the situation it is considered that a temporary consent for 2 years as well as the personal consent should be imposed.

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

- 6.1 Taking into account the above matters and recognising the concerns of the highway and on the understanding that a use of this nature has been operating without any significant issues for the past 18 months it is considered that a personal consent is appropriate to allow effective control of the use at this premises.

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:

- Location Plan A3324/PL10
- Proposed Elevational Plan including Fire Escape and door A3324/PL04.
- Proposed Elevational Plan A3324/PL03
- Travel Plan received on the 6/10/20.

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

2. The use of unit 5 (first floor) of Stonebridge Mill as a dance school, hereby permitted, shall be occupied only by Sutcliffe School of Dance. In the event that Sutcliffe School of Dance vacates the unit the use shall be discontinued and the unit restored to its former condition/use in accordance with a scheme of work which has first been submitted to and approved by the Local Planning Authority. The unit shall thereafter be restored to its former B2 use in accordance with the approved details.

REASON: In order to safeguard residential amenities, in the interest of highway safety and to protect an employment generating premises.

3. The use hereby approved shall only be operated between the following hours:

- 0900 to 2100 Monday to Friday
- 0800 to 1400 Saturday

There shall be no business operated from the premises or site outside the stated operating hours.

REASON: To comply with the terms of the application and in the interests of protecting the residential amenities of nearby residents.

4. The temporary use of the building as a dance studio hereby permitted shall cease no later than the 31st of December 2022 unless a further application has been submitted to and approved by the Local Planning Authority.

REASON: To allow effective control of the proposal and to monitor highway safety issues.

5. The proposed fire escape and door alterations as shown on drawing A3324/PL04 shall be carried out to the satisfaction of the Local Planning Authority within 3 months of the date of this permission and retained thereafter.

REASON: In the interest of safeguarding amenity.

6. Within 3 months of this planning permission full details of the marketing documentation/ publications which relate to the location of available car parking within the vicinity of Stonebridge Mill and means of accessing the Mill other than by private car shall be submitted to and approved in writing by the Local Planning Authority. The information shall include an annotated plan detailing the location of car parking and detail how students/ parents visiting the dance studio will be encouraged to either utilise the available parking or access the premises by alternative measures. Thereafter the approved details shall be made available to view on Sutcliffe School of Dance social media platforms and/ or web-site.

REASON: In the interests of highway safety and neighbour amenity to ensure that users of the dance school are made aware of the lack of parking in the vicinity of the site and have all available options for travel clearly detailed.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2020%2F0688

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: 3/2020/0309

GRID REF: 360283 436019

DEVELOPMENT DESCRIPTION:

ERECTION OF 34 DWELLINGS AND ASSOCIATED WORKS. SPOUT FARM, PRESTON ROAD, LONGRIDGE PR3 3BE



3/2020/0309 Spout Farm, Preston Road, Longridge PR3 3BE

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

TOWN COUNCIL:

Longridge Town Council would like to see all the existing hedgerows retained. They would also like to request any additional contribution for the wider benefit of the community of £20,000 for open spaces towards the completion of the Longridge Loop.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

The highway officer has no objection in principle subject to conditions

EAST LANCASHIRE HOSPITALS NHS TRUST:

The NHS have requested a contribution of £ 47,058.00 to provide increased capacity for acute and planned health services within the Trust's Area for the first year of occupation.

LCC EDUCATION:

There is a requirement for a financial contribution in respect of 10 primary school places and 4 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.

PRESTON CITY COUNCIL:

No objections raised

UNITED UTILITIES:

No objections in principle but in accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The request that conditions are imposed to ensure the proper drainage of the site.

ADDITIONAL REPRESENTATIONS:

6 objections from 6 addresses

The concerns raised by objectors relate to highway safety and loss of habitat.

1. Site Description and Surrounding Area

- 1.1 The proposal site is located on land previously associated with Spout Farm Nursery which has been used more recently as both an area for the storage of plant machinery in association with a tree-clearing business and for the growing of Christmas trees for sale within the adjacent nursery.

- 1.2 The site currently fronts Preston Road, being well sheltered by substantial existing boundary tree and hedgerow planting. The site is bounded to the north and east by the Alston Wetland Nature Reserve which is also an identified Biological Heritage Site. The site is located outside the currently defined settlement boundary of Longridge being located within the defined open countryside.

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

- 2.1 The application seeks consent for the construction of 34 dwellings.

3. **Relevant Planning History**

3/2018/0428 - Application for the discharge of condition 5 (boundary treatment), 6 (hard and soft landscaping scheme), 11 (construction method statement) and 17 (ecological mitigation measures) from planning permission 3/2016/0580 – Approved with conditions - 13/07/2018

3/2016/0580 - Proposed residential development to provide 34no new dwellings and associated works - Approved Subject to Legal Agreement - 02/05/2017

3/2013/0782 - Development of 32 dwellings including affordable housing and alterations to existing access following site clearance - Approved Subject to Legal Agreement - 16/01/2014

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement H1 – Housing Provision
Key Statement H2 – Housing Balance
Key Statement H3 – Affordable Housing
Key Statement EN4 – Biodiversity and Geodiversity
Key Statement DMI1 – Planning Obligations
Key Statement DMI2 – Transport Considerations
Key Statement DMG1 – General Considerations
Key Statement DMG2 – Strategic Considerations
Key Statement DMG3 – Transport and Mobility
Key Statement DME2 Landscape and Townscape Protection
Key Statement DMH1 Affordable Housing Criteria
Key Statement DMB4 – Open Space Provision
Key Statement DME3 — Site and Species Protection and Conservation
Key Statement DME6 — Water Management
Key Statement 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 site has benefited from two previous consents for 32 dwellings in 2014 and 34 in 2017, it is not considered that there have been any material changes in the circumstances of the site and the proposal does not conflict with the Development Strategy for the Borough as embodied within key Statement DS1 and Policy DMG2 of the Ribble Valley Core Strategy.
- 5.1.2 The principle of this development is acceptable given its location within the key settlement of Longridge. There are recent housing developments close to the site including one under construction directly opposite.
- 5.1.3 Both Key Statement DS1 and DMG2 of the Core Strategy, when taken together, permit development proposals in the Principal Settlements, including Longridge, 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.
- 5.1.4 The site is therefore regarded as a sustainable location and members should note that the principle of development has been accepted by the grant of two previous approvals.
- 5.1.5 However, consideration still needs to be given to all other development management issues along with any other material considerations which are discussed below.

5.2 Highway Safety and Accessibility:

- 5.2.1 This site was previously granted planning permission in 2017 under application number 2016/0580. Although the current application has a revised internal layout the quantum of development remains the same i.e. 34 residential units. The current application differs from the previously approval in a number of ways most notably in respect of the site layout. The current application layout has been the subject of pre-application discussions with the applicant and a number of amendments have been agreed. Previously there was a desire to create a pedestrian route in the North West corner of the site and provide a new bus stop.
- 5.2.2 However, as a planning requirement of the nearby Keir housing development a new bus stop and shelter has been installed south of the current application site. It is therefore proposed to utilise this stop for the residents of this development and the applicant has proposed, with the agreement of the highway authority, to construct a footway along the grass verge on the easterly side of Preston Road linking the site to the new bus stop.
- 5.2.3 It is understood from the pre-application discussions that it is the intention of the applicant for the estate roads to be adopted by the highway authority in the absence, at this stage, of the appropriate s38 drawing for approval some minor amendments may be required in order to comply with the highway authority requirements.
- 5.2.4 The applicant has submitted a revised Construction Management Plan as part of the documentation for approval, which would avoid the requirement for a pre-commencement condition. This should avoid a scenario of workers and delivery vehicles parking or waiting on Preston Road and it is a condition of the approval that this is complied with.

5.2.5 On the basis of the information submitted the highway officer raises no objection to the proposal on highway grounds however they request that several highway conditions be attached to any positive recommendation.

5.3 Layout / Density:

5.3.1 The density is similar to other comparable developments within the Ribble Valley and previous approvals on the site. The previous approval was in a horseshoe arrangement but this proposal is a fairly standard layout of houses arranged around cul-de-sacs. The scheme includes a reasonable amount of soft landscaping to break up the built form.

5.4 Design:

5.4.1 The scheme presented is a fairly typical modern housing design consisting of a mixture of two storey dwellings and bungalows arranged around cul-de-sacs. Properties are oriented so that there are no blank gables on the street frontages. The surrounding area is mixed in character with the farm / garden centre adjacent, Alston Reservoir as well as a mixture of modern new builds and older properties in a variety of styles and materials.

5.4.2 The site is not within a conservation area or within the setting of any listed buildings so the design is considered acceptable in this locality. Details of the exact choice of materials will be reserved by condition.

5.5 Residential Amenity/ Noise:

5.5.1 The proposal is for a residential development and there are other residential properties in the immediate vicinity, so there are no conflicts in principle with regard to the land use. The proposed layout and position of windows is such that it meets adequate spacing distances to both existing dwellings and between the new dwellings proposed. Boundary screening will ensure privacy for ground floor windows and private gardens at the rear with the principle elevations to the street being more open. The proposal does not raise any concerns with regard to overlooking or overshadowing.

5.6 Drainage / Flooding:

5.6.1 A suitable drainage system will be put in place as part of the development to ensure that the new properties are properly drained and United Utilities have requested conditions to ensure that the development is drained on separate systems with surface water being dealt with in the most sustainable way to accord with the NPPF and NPPG.

5.7 Biodiversity:

5.7.1 The site lies adjacent to Alston Wetland which is a biological heritage site (BHS) on the site of the former Alston No3 reservoir. The submitted ecological appraisal is out of date and does not take into consideration the sites importance as an undisturbed breeding ground for an array of wildlife including a number of endangered species. The construction of residential development adjacent to the site is highly likely to have a direct impact on this site including the introduction of

domestic cats into the area which could be a threat to the wildlife within the BHS. As such the developer is requested to provide a contribution towards a predator fence encircling the whole site, which they have agreed to.

5.7.2 Some concerns have been raised by neighbours with regards to loss of hedgerows. The landscaping plan shows that the majority of the hedgerow to Preston Road will be maintained and additional planting will take place within the site. It shall be a condition of the approval that this planting scheme is implemented and maintained.

5.8 Infrastructure Requests:

5.8.1 A number of infrastructure requests have been received in respect of the proposed development as follows and assessed in more detail below:

5.9 Affordable housing:

5.9.1 The proposal is for 34 dwellings comprising 5 x 2 bed, 16 x 3 bed, 23 x 4 bed; 5 Bungalows are proposed within this total. The affordable housing offering is 30% as required by policy DMH1 and will be of the following type: 3 x 2 bed bungalows, 2 x two bed houses, 3 x 3 bed houses 2 x 4 bed houses.

5.9.2 The developer asked if the affordable housing can be secured through a condition rather than a legal agreement as they are reliant on securing a grant from Homes England to fund this. However, the LPA is not agreeable to this as grant funding should not be applied to market housing sites. The affordable housing is an infrastructure requirement derived from the new development. The developer states that they are keen to progress the application to a decision and therefore have agreed to secure this through a legal agreement.

5.10 Education:

5.10.1 Lancashire County Council have requested a financial contribution towards education provision within the borough towards

- £16,645.01 x 10 primary places = £166,450.10
- £25,080.90 x 4 secondary places = £100,323.60

5.10.2 The education authority assess the required contribution based on the current need in order to be CIL compliant. However, the applicant objects to this figure; they consider there is a fall-back position with respect to the 2016 application which they say is extant as it has commenced. They argue that they should only be required to pay the amount secured through the 2016 approval and states if they are required to pay the full contribution requested the development would be unviable, particularly as they can no longer pursue grant funding for the affordable housing.

5.10.3 The 3-year period within which the 2016 approval should have commenced expired on 2nd May 2017. The applicants submitted some information to the LPA informally in May including a building regulations initial notice, a plan of the access to the site and photos of a construction vehicle adjacent to some ground works. An application to discharge all of the pre-commencement conditions was approved in 2018. They have asked the LPA to confirm whether the 2016 approval has

commenced. However, the only way to formally confirm this is through an application for a lawful development certificate or application to discharge the condition relating to the time limit for commencement and the applicant has been advised of this.

5.10.4 Notwithstanding the above, the Business and Planning Act 2020 makes provision for the time limit on commencement of certain unimplemented planning permissions which lapse in 2020 to be extended to 1st May 2021. In the case of the 2017 permission on this site, the extension of time would not be automatic and the applicant would need to apply for Additional Environmental Approval from the LPA.

5.10.5 As there is the need for an education contribution to be provided LCC is, in effect, objecting to the application if the required contributions are not secured. A developer contribution, including indexation will, in most cases, overcome the objection. If a developer does not agree to payment of the requested education contribution or the local planning authority does not pursue LCC's request on its behalf, they cannot guarantee that children yielded by the development will be able to access a school place within reasonable distance from their home, so the development could be considered to be unsustainable. Furthermore, if the planning application is approved without the required education contribution LCC would request that the local planning authority confirm how the shortfall of school places, resulting from the development, will be addressed.

5.10.6 The previous application 3/2016/0580 has a legal agreement mitigating some of the development impact. LCC claimed for 8 primary places to mitigate the 2016 application, however only 1 primary place was secured in the s106, due to the impact of the, then extant, 2013 application that has now since expired and resulted in no education contributions required.

5.10.7 Therefore, there is currently a 2016 development, if deemed extant, only mitigating a very small part of its impact through the S106 Agreement. As aforementioned the applicant asserts that this development is extant and therefore could be implemented.

5.10.8 However, if 3/2020/0309 comes forward in place of 3/2016/0580 then the full impact of the new development will need to be mitigated. With the new dwelling mix, there is a primary impact of 10 primary places and 4 secondary places.

5.10.9 The offered contribution falls well short of what is required to mitigate the development and LCC consider their request to be CIL compliant as is it directly related to the development. Without the required contribution the development is unsustainable.

5.11 Off site recreation:

5.11.1 Policy DMB4 of the Adopted Core Strategy states that the Council should seek to secure an off-site contribution towards provision for sport and recreational facilities or public open space within the area from such development. A financial contribution would be required of £216.90 per occupant based on the following occupancy rate:

- 1 bed unit - 1.3 people
- 2 bed unit - 1.8 people
- 3 bed unit - 2.5 people
- 4 bed unit - 3.1 people

5.11.2 Consequently, a contribution in lieu of on-site open space of £21,321.27 will be sought.

5.12 East Lancs NHS Trust:

5.12.1 The NHS have requested contributions towards acute health care services in the East Lancashire trusts area however, paragraph 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.

5.12.2 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.

5.13 Biodiversity mitigation measures:

5.13.1 A contribution of £17,000 is requested for the predator fence discussed above.

5.14 Longridge Loop:

5.14.1 The Town Council has requested that a contribution made towards the completion of the Longridge Loop a circular multi user route around the town. Whilst it is considered that the request meets the first two CIL tests it is unclear how the figure of £20,000 has been arrived at in respect of the scale of the development proposed. Based upon the scale of other housing developments in Longridge which contributed to the Loop a contribution of £3000 from this development of 34 dwellings would be fairly and reasonably related in scale and kind to the development.

5.15 Viability:

5.15.1 The applicant asserts that they are reliant upon there being no increase in Section 106 contributions over what was previously agreed and capital grant funding arising from Homes England for the affordable homes element to achieve a profit margin of 20% - being the normally accepted minimum margin. They state that if affordable homes are required through the s.106 and hence grant funding is not available this erodes the profit margin to 17.25% (marginally viable). If the increased s.106 contributions are included this erodes profit margins to 14.06% and the scheme becomes unviable and funding will not be provided. The on and off-site infrastructure requests are as follows:

- 30% affordable housing (on-site)
- Education contribution towards both primary and secondary school places
- Off-site recreation
- NHS request
- Biodiversity mitigation measures
- Longridge Loop

5.15.2 Viability is a material planning consideration. Paragraph 173 of the National Planning Policy Framework (the Framework) states:

137. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

5.15.3 A viability appraisal has been submitted with the application and has been assessed externally on behalf of the Council. The applicant states that this demonstrates that the development cannot deliver the policy requirements and create sufficient land value to meet the Framework test [paragraph 173].

5.15.4 The developer has submitted an assessment of the viability of the scheme which shows the projected profit margin based on 3 separate scenarios

Scenario	GDV	S106 Contribution	Total Cost	Profit	%
No Grant, Existing S106	£ 10,723,906	£ 13,750	£9,145,803	£ 1,578,103	17.25%
No Grant, Proposed S106	£ 10,723,906	£ 266,773	£9,402,017	£ 1,321,889	14.06%
With Grant, Existing S106	£ 10,973,906	£ 13,750	£9,138,797	£ 1,835,109	20.08%

5.15.5 The developers advise that capital funding for the whole scheme is being provided by Homes England under its Home Building Fund, and the land value has been independently confirmed by Savills on its behalf.

5.15.6 In March 2014 the government launched its Planning Practice Guidance (PPG). As set out above Section 173 of the Framework establishes that viability should consider competitive returns to a willing landowner and willing developer to enable the development to be deliverable. The PPG advises that this competitive return will vary significantly between projects to reflect the size and risk profile of the development and the risks to the project. A rigid approach to assumed profit levels should be avoided and comparable schemes or data sources reflected wherever possible.

5.15.7 The PPG makes specific reference to a land owner's competitive return in paragraph 24:

'.... A competitive return for the land owner is the price at which a reasonable land owner would be willing to sell their land for the development. The price will need

to provide an incentive for the land owner to sell in comparison with the other options available. Those options may include the current use value of the land or its value for a realistic alternative use that complies with planning policy'

5.15.8 The applicant is willing to provide the following infrastructure resulting in a profit margin of 17.25%:

- The infrastructure provision based on the section 106 agreement, agreed as part of the 2016 approval.
- Education contribution of £13,474.43
- Affordable housing contribution of 30%
- In addition to this they have agreed to contribute £17,000 for the installation of a predator fence to protect the Alston Wetland breeding ground.
- Off site recreation contribution of £21,321.27

5.15.9 Extensive testing of the viability has taken place on behalf of the Council. This report which was carried out by an independent assessor and concludes that the scheme is viable with the full contributions of

- 30% affordable housing (on-site)
- Education contribution towards both primary and secondary school places
- Off-site recreation
- NHS request
- Biodiversity mitigation measures
- Longridge Loop

6. **Conclusion**

6.1 The principle of residential development on the site has previously been established and subject to a legal agreement being in place to secure the necessary financial contribution requirements based on current circumstances; the proposal would represent an acceptable form of development in a sustainable location.

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

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.

Approved Plans

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

Location Plan 2586-100
Proposed site plan 19-133-0001-E
Hard Landscape Plan – UG-487-LAN-HL-DRW-02
Soft Landscape Plan - UG-487-LAN-SL-DRW-03
General Arrangement - UG-487-LAN-GA-DRW-01

HOUSE TYPES

New 2 Bed Bungalow – 19-133 HT2BB
New 4 Bed Detached – 19-133 HT4BD
New 4 Bed Detached 1646sqft – 19-133-HT1646 Rev E
New 4 Bed Detached 1998sqft – 19-133-HT1998 FP Rev D
New 4 Bed Detached 1998sqft – 19-133-HT1998 E Rev D
New 4 Bed Detached 1703sqft – 19-133-HT1703 FP1 Rev D
New 4 Bed Detached 1703sqft – 19-133-HT1703 FP2 Rev D
New 4 Bed Detached 1703sqft – 19-133-HT1703 E Rev D
New 3 Bed Bungalow – 19-133 HT3BB Rev E
Churchtown 19-133 CHU Rev C
Scorton – 19-133 SCO Rev C
Sowerby – 19-133 SOW-FP Rev D
Sowerby – 19-133 SOW-E Rev D
Rawcliffe – 19-133 RAW-FP Rev A
Rawcliffe – 19-133 RAW-E Rev B
Warren - 19-133 WAR-FP Rev D
Warren - 19-133 WAR-E Rev D
Stalmine – 19-133 STA-FP Rev B
Stalmine – 19-133 STA-E Rev B

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

Materials

3. Prior to the commencement of the construction of the development hereby approved full details of the external materials and surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be constructed in accordance with the approved materials.

REASON: To ensure that the appearance of the development is appropriate to the character and setting of the area.

Highway conditions

4. The development shall be carried out in strict accordance with the Construction Management Plan Rev 1.1 received on 16th July 2020 and there shall be no pedestrian access to the site office from Preston Road during the construction phase.

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

5. The new estate road/access between the site and Preston Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level.

The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Preston Road to points measured 59m in each direction along the nearer edge of the carriageway of Preston Road, from the centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme which has been submitted to and agreed in writing by the Local Planning Authority before development commences and completed in accordance with the approved details prior to occupation of the first dwelling.

REASON: To ensure adequate visibility at the street junction or site access.

7. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved in writing by the Local Planning Authority. The site access and off-site works of highway improvement shall be implemented and completed in accordance with the approved details prior to occupation of the first dwelling hereby approved

REASON: In order to satisfy the Local Planning and Highway Authorities that the final details of the highway scheme/works are acceptable before work commences on site.

8. 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.

9. No residential unit hereby permitted shall be occupied until details of arrangements for the future management and maintenance of proposed carriageways, footways, footpaths, landscaped areas and bin storage areas not put forward for adoption within the site have been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first residential unit on the site, the areas shall be maintained in accordance with the approved management and maintenance details.

REASON: To ensure that all private streets, landscaped areas and other communal spaces are appropriately managed and maintained to ensure the safety of all users.

10. 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.

Surface water

11. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment & Drainage Strategy Document (Ref No.:30429/SRG, Dated: March 2020) which was prepared by Ironside Farrar Limited. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

REASON: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

Foul water

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

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

Biodiversity

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

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: 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.

Landscaping

14. The landscaping proposals hereby approved (Drawing:UG_487_LAN_SL_DRW_03) shall be implemented in the first planting season following occupation of the first dwelling hereby approved 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.

Tree Protection

15. 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 proposed development hereby approved.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2020%2F0309

APPEALS UPDATE

INFORMATION

<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>
3/2019/0262 R	22/01/2020	Land at Hawthorne Place, Clitheroe	WR			Appeal Dismissed 01/10/2020
3/2018/0932 R (Enforcement appeal)	20/02/2020	Bolton Peel Farm Bolton by Bowland Rd Bolton by Bowland	WR			Awaiting Decision
3/2018/1105 R	09/01/2020	Higher College Farm, Lower Road Longridge	Hearing		02/12/20 and 02/12/20 virtual	Awaiting Hearing
3/2019/0448 R	28/04/2020	land at Wiswell Lane Whalley	Hearing		22/09/20 with 23/09/20 reserve virtual	Appeal Dismissed 09/10/2020
3/2019/0510 R	24/04/2020	Land SW of Clitheroe Golf Club Whalley Road Barrow	Hearing		15/09/20 and 16/09/20 virtual	Awaiting Decision
3/2019/0877 U	12/06/2020	Land at the junction of Chatburn Road and Pimlico Link Road, Clitheroe	WR	Costs application made by appellant 06/08/2020		Awaiting Decision
3/2020/0114 R	28/07/2020	Barn at Crooked Field, Chipping Road, Chaigley	WR			Appeal Dismissed 15/10/2020
3/2020/0288 R	26/08/2020	Bay Gate Farm Barrett Hill Brow Bolton by Bowland	WR			Awaiting Decision
3/2020/0329 R	28/09/2020	Three Millstones Hotel, Waddington Road, West Bradford	WR			Statement due 02/11/2020
3/2020/0058 R	Waiting for start date from PINS	Oxendale Hall Osbaldeston Lane Osbaldeston	WR (to be confirmed by PINS)			
3/2020/0057 R	Waiting for start date from PINS	Oxendale Hall Osbaldeston Lane Osbaldeston	WR (to be confirmed by PINS)			
3/2020/0669 R	Waiting for start date from PINS	3 Bradley Court Chipping	HH			

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 6

meeting date: 29 OCTOBER 2020
title: APPOINTMENT TO LOCAL DEVELOPMENT PLAN WORKING GROUP
submitted by: Chief Executive
principal author: Olwen Heap

1 PURPOSE

1.1 To appoint a replacement member to the Local Development Plan working group following the death of Councillor Noel Walsh for the remainder of the 2020/21 municipal year.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives – to be a well managed council providing effective services.
- Corporate Priorities - to protect and enhance the existing environmental quality of our area; to help make people's lives healthier and safer.
- Other Considerations – to work in partnership with other bodies in pursuit of the Council's aims and objectives.

2 BACKGROUND

2.1 Working groups are set up by a parent committee to aid them in reaching a decision on specific aspects of their remit. Working groups have no powers and decisions are always made ultimately by the parent committee.

2.2 Working groups are usually made up of members from the parent committee unless another member has an expertise that could be useful to the group or in the case of a small political group availability is an issue.

3 ISSUES

3.1 The Local Development Plan working group comes under the remit of the Planning & Development committee and is an active working group.

3.2 Following the death of Councillor Noel Walsh a new member needs to be appointed to serve on this working group. It is suggested that Councillor Louise Edge be the replacement member.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – the costs associated with working groups is included in the budget for 2020/21.

- Technical, Environmental and Legal – no significant risks identified
- Political - no significant risks identified
- Reputation – no significant risks identified
- Equality & Diversity - no significant risks identified

5 RECOMMENDED THAT

- 5.1 Committee approve the appointment of Councillor Louise Edge to serve on the Local Development Plan working group for the remainder of the 2020/21 municipal year.

Marshal Scott
CHIEF EXECUTIVE

Olwen Heap
ADMINISTRATION OFFICER

BACKGROUND PAPERS

REF: CE/OMH/P&D/29.10.20

For further information please ask for Olwen Heap, extension 4408

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 7

meeting date: THURSDAY, 29 OCTOBER 2020
title: STATEMENT OF COMMUNITY INVOLVEMENT – UPDATE AND REVISIONS
submitted by: NICOLA HOPKINS – DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING
principal authors: COLIN HIRST – HEAD OF REGENERATION AND HOUSING
RACHEL HORTON – SENIOR PLANNING OFFICER

1 PURPOSE

1.1 To consider the updated and revised Statement of Community Involvement and agree its publication for consultation.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions – The revision of this document will have a bearing on our future ability to adopt planning policy documents and could influence future development within the borough. The Statement of Community Involvement will also have relevance the Council ambitions that relate to environmental enhancement, economic development and the determination of planning applications.
- Community Objectives – Through the planning system, to maintain, protect and enhance the natural and built features that contribute to the quality of the environment.
- Corporate Priorities – To provide a high-quality environment to conserve our countryside, the natural beauty of the area and enhance our built environment.
- Other Considerations – The SCI contributes towards demonstrating the Council is a well-run authority.

2 BACKGROUND

2.1 The Council has previously adopted a Statement of Community Involvement (SCI) in 2013 prepared under the requirements of the Planning and Compulsory Purchase Act 2004 that requires all Local Planning Authorities to produce an SCI. The SCI sets out how the Council proposes to engage and involve the local community, stakeholders and relevant organisations in the preparation of planning documents and the determination of planning applications. The document sets out both the wider statutory processes and the points at which people can be involved, together with the Council's approach to ensuring engagement is as comprehensive as possible.

2.2 The SCI itself is not a planning policy document but it is a statutory Local Development Document and as such it is required to be consulted on, formally adopted, reviewed and kept up to date.

2.3 Given the age of the current Statement of Community Involvement and the recently published new guidance, which was introduced to address the consultation implications of Covid19, the SCI has been updated to reflect the changes and guidance.

2.3 Members will be aware that the Council is in in the early stages of reviewing its Development Plan with the preparation of an updated local plan for the borough. In this

context this is an ideal opportunity to review the consultation processes that will be used to support that review and to take account of current consideration around the wider Covid pandemic.

3 THE STATEMENT OF COMMUNITY INVOLVEMENT (SCI)

3.1 In brief a Statement of Community Involvement should:

- explain clearly the process and methods for community involvement for different types of planning policy documents and for the different stages of plan preparation, with particular emphasis on engaging diverse sections of the community;
- explain the process and appropriate methods for effective community involvement in the determination of planning applications, including the authority's approach to pre-application discussions;
- include details of where community groups can get more information on the planning process;
- identify how landowner or developer interests will be engaged.

3.2 The SCI has been revised to reflect the need to take account of the implications of ongoing Covid pandemic restrictions, which amongst other things will lead to greater use and development of digital consultation platforms and the need to find new ways to share information in an environment where traditional meetings and exhibitions will be challenging. The SCI has also been revised to provide more comprehensive information on the differing planning processes to help clarify the points at which engagement opportunities will be available.

3.3 Members will also be familiar with the current consultation proposals from Government on changes to the planning system a key element of which is to promote and develop the use of digital technologies. However, until any of the legislative changes are introduced, the Council will need to continue its approach to planning consultations, plan-making and determining applications, in line with existing statutory frameworks which at present still require an up to date SCI to be in place. Any future changes that arise will need to be considered of course and the SCI revised as necessary. Whilst it is important that we have an up to date SCI in place as the plan-making progress processes (hence the proposed revisions set out in this report) the need to integrate the Covid guidance also provides a good opportunity to test suitable consultation processes which take into account the restrictions and will enable consideration of the most suitable forms of consultation for future local plan documents.

3.4 Subject to Members endorsing the review, the SCI will be published for a 6-week period of consultation; the responses received will be considered before finalising and adopting the SCI. The publication of the SCI will also be used as an opportunity to invite the public and wider stakeholders to register an interest in the new plan-making project which will assist with future consultations on the emerging Local Plan.

4 RISK ASSESSMENT

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

- Resources – The preparation of the SCI and this consultation will be resourced from existing revenue budgets. Any consultation costs arising from the SCI measures will be considered within specific project or revenue budgets.
- Technical, Environmental and Legal – The Local Planning Authority is required to review and update and have in place an adopted SCI.
- Political – There are no direct political implications.
- Reputation – The SCI helps promote the Council’s approach to consultation and community engagement.
- Equality & Diversity – The SCI encourages engagement across all communities.

5 RECOMMENDED THAT COMMITTEE

- 5.1 Endorse the revised SCI and agree that it is published for a 6-week period of consultation, the outcome of which be reported back to this Committee as appropriate.

COLIN HIRST
HEAD OF REGENERATION AND HOUSING

NICOLA HOPKINS
DIRECTOR OF ECONOMIC
DEVELOPMENT AND PLANNING

BACKGROUND PAPERS

None.

For further information please ask for Colin Hirst extension 4503

REF: CH/CMS/P&D/29 OCT 2020

SCI 2020

STATEMENT OF COMMUNITY
INVOLVEMENT

CONSULTATION DRAFT

OCTOBER 2020

REGENERATION AND HOUSING



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

Contents

Executive Summary

1. Ribble Valley Borough Council is responsible for producing planning policy documents (including the Local Plan) and making a decision on a wide range of planning applications in the Borough.
2. This document details how the community can get involved in the planning process.
3. The Council is committed to ensuring that members of the public and community organisations can have their say in the preparation of local plans and guidance and in the decisions made on planning applications.
4. To do this we propose to:
 - Seek people's views as early as possible.
 - Have consultations and information easily available online and in hard copy documents where appropriate.
 - Involve all members of the community regardless of gender, faith, ethnicity, disability, sexuality, age, social deprivation or rural isolation.
 - Keep people informed of future stages of consultation in respect of the Local Plan.
 - Produce clear, concise and accessible documents that avoid jargon wherever possible.
 - Hold public meetings exhibitions or workshops where appropriate subject to relevant Covid restrictions and use where possible digital means of promoting, discussing and sharing information regarding the Local Plan process.
5. This document will describe the background and context for the Statement of Community Involvement (SCI), and will set out specifically:
 - **What** will be consulted upon
 - **Who** could be consulted
 - **How** the Authority will carry out consultation, and
 - **When** we will consult

INTRODUCTION

1. What is a Statement of Community Involvement (SCI)?

1.1 Planning for land use and development in the Borough is one of the Council’s key responsibilities, impacting directly and indirectly on residents and communities. The Council is committed to engaging as much as possible with local people, organisations, businesses and other interested parties, including those who are traditionally under-represented to get their views on different aspects of its planning service.

1.2 This document is our Statement of Community Involvement (SCI). It sets out how and when we will provide opportunities for you to contribute in the planning process. The local planning authority (LPA) will involve local communities, businesses and other stakeholders in the preparation and review of planning policy and the consideration of planning applications.

1.3 The aim of the SCI is to ensure that all sections of the public and community, including local groups and organisations, are actively involved in the planning process and are notified of plans that may affect them.

The Aim of an SCI
An SCI states: WHO the Council will consult with, WHEN and HOW

1.4 There may be some circumstances, which are beyond the Council’s control such as a time of national lock-down during the COVID19 pandemic, which may result in a variation to the consultation and involvement methods set out therein. In such circumstances the Council will at all times remain committed to involving the community as much as practicable, whilst also complying with national legislation and guidance outlined by MHCLG.

2. What is the Legal Requirement?

2.1 The Planning and Compulsory Purchase Act 2004 (as amended) requires the Authority to prepare and maintain the Statement of Community Involvement (SCI). An SCI, must set out how the Council intends to achieve community involvement, public participation and co-operation in the preparation of their Local Plan, including any Supplementary Planning Documents (SPDs), as well as setting out how they intend to involve the public when consulting on planning applications.

2.2 Local planning authorities are required to update their SCI every five years and prior to the consultation of any development plan document.

3. The Duty to Co-operate

3.1 In addition to public consultation on plans, local planning authorities are required to co-operate with each other, and other statutory bodies to consider joint approaches to plan-making when preparing, or supporting the preparation of policies which address strategic matters.

3.2 This “duty to co-operate” is set out in the Localism Act (2011) and is reiterated in the National Planning Policy Framework (NPPF), which requires LPA’s to work collaboratively with other bodies to ensure that strategic priorities are properly co-ordinated and clearly reflected in individual local plans, and to deliver sustainable development.

3.3 In addition, the NPPF sets out in paragraphs 24-27 ‘Maintaining effective cooperation’ that on cross-boundary matters neighbouring local authorities and the county council should maintain Statements of Common Ground to address cross boundary matters.

3.4 In accordance with regulations and in the later stages of plan preparation, the Council will publish Statements of Common Ground, in conjunction with relevant partners, which clearly set out compliance with the duty and define any necessary outputs.

4. Our Approach

4.1 This Statement sets out how the Borough Council will involve all elements of the community in the planning process, both in the preparation of planning policy and involvement in planning applications. It shows how we will consult on the development of the various documents that will eventually make up the Local Plan that will replace the current Ribble Valley Core Strategy adopted in December 2014.

4.2 It describes who the Council will consult, when they will be consulted and about which documents and issues we need opinions on. Through this process we hope to give local people information as to how they will be consulted and what tools are available to help them shape their future environment through informed and active participation.

4.3 Tapping into the community’s expertise and insight on local issues produces better planning. We will strive to provide opportunities and make it as simple as possible for all individuals to become involved, regardless of their circumstances. In turn, meaningful community involvement helps create a wider sense of public ownership of planning policy and greater pride in a locality.

4.4 The SCI will also align with the Council’s vision and objectives as outlined in the ‘Corporate Strategy’ 2019-2023¹ which outlines the authorities ‘Core Values’ and our approach to Equality and Diversity.

The Council’s Vision

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

¹ Link to the Ribble Valley Corporate Strategy – Available to view at: https://www.ribblevalley.gov.uk/info/200396/performance_and_statistics/301/ribble_valley_borough_council_corporate_strategy

4.5 Ribble Valley Borough is made up of socially diverse communities. In accordance with the Equality Act 2010² the Council is committed to providing equality of opportunity and to valuing diversity. To demonstrate that our approach to equality is being realised, we collect equalities information. This helps to establish whether all members of the community are accessing our services. This feeds into our monitoring and review process.

4.6 Consistent with the above, we will apply the following general principles to planning consultations. We will also expect the consultations done by others (for example developers, site promoters and neighbourhood planning groups) to apply the same principles:

- involvement will be open to all, regardless of gender, faith, race, disability, sexuality, age, rural isolation and social deprivation;
- we will seek views from interested and affected parties early in the process when comments can have the greatest influence;
- publications will be clear and concise and will not include avoidable “jargon”, as far as possible unless there is a legal or technical requirement to address.
- we will give sufficient information and reasoning to allow for an informed response and we will give sufficient time for responses to be made, taking into account any statutory time requirements.
- all responses will be considered conscientiously and as appropriate published in a redacted format;
- consultation exercises will be monitored to help identify groups within the community that are under represented and highlight any barriers which may prevent responses.

COMMUNITY INVOLVEMENT IN PLAN-MAKING

5. The Emerging Ribble Valley Local Plan

5.1 The Local Development Framework (LDF) for the borough currently comprises the Core Strategy (adopted December 2014), the recently adopted Housing and Economic Development Plan Document (HED DPD – adopted November 2019) which sits alongside the Core Strategy and the Longridge Neighbourhood Plan (adopted May 2019).

5.2 Now that the Local Development Framework (LDF) is complete, the Council is moving from the LDF to a Local Plan. The Local Plan will be a key Development Plan Document (DPD) produced in the context of the revised National Planning Policy Framework (NPPF), and any future amendments, as well as associated Planning Practice Guidance (PPG). The Council has a statutory duty to have in

² Link to the Equality Act 2010 - <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

place up to date Local Plan coverage that reflects both National legislation and National planning policy.

5.3 The new Local Plan which will replace the existing Local Development Framework (LDF), will set out the planning strategy, policies, proposals and key principles that will guide future development needs of the Ribble Valley to 2033.

5.4 The Local Plan will be used to help decide on planning applications and other planning related decisions. In effect, it is the local guide to what can be built where, determining the future pattern of development in the Borough. Section 54A of the Town and Country Planning Act 1990 and s38 of the Planning and Compulsory Purchase Act 2004 require planning applications to be determined in accordance with the Development Plan (which includes the Local Plan) unless other material considerations indicate otherwise.

5.5 The Local Plan will cover a period of 15 years and will generally include:

- a development strategy
- development management policies
- a Policies Map to illustrate how policies and plans will apply in different locations
- site allocations (employment and housing)
- any Neighbourhood Plans produced locally

It should be noted that the government, is currently considering proposals to review the planning system which will need to be taken into account and may lead to full revision to this SCI. Pending any changes in the legislation the existing planning system will remain the relevant framework.

5.6 The above process involves a review of which documents will comprise the Local Plan itself and which evidence base documents will be required to underpin the details contained within the plan. The detail of which, and timetable for the production of the Local Plan is set out in the Councils Local Development Scheme (LDS).

5.7 The LDS is intended to set out the approach and timetable of policy preparation. It specifies the documents which when prepared will comprise the Local Plan and should enable consultees to establish when to expect consultation throughout the plan-making process. It is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS will be reviewed and re-published when there are changes to the timetable, and subject to approval by members at committee. The LDS is made publicly available on the Ribble Valley Borough Council website. Hard copies can be made available if required.

6. Plan Preparation and Key Stages

6.1 The National Planning Policy Framework encourages early and meaningful engagement and collaboration with individuals in the community and differing consultation bodies. A wide section of the community should be proactively engaged, so that Local Plans reflect a collective vision and a set of agreed priorities for the sustainable development of the area.

6.2 The process for delivering a Development Plan Document (DPD) also requires a Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA). Their role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

6.3 As a minimum, statutory bodies will be consulted on the scope of the SA/SEA. Consultation bodies and other parties who, in its opinion, are affected or likely to be affected by, or have an interest in, the decisions involved in the assessment and adoption or making of the plan will also be consulted. The SA/SEA report, including the non-technical summary, needs to be published alongside the draft plan at key stages for a minimum of 6 weeks.

6.4 In preparing the Local Plan, there are a number of key stages which present opportunities for the Council to engage with interested parties on the emerging Ribble Valley Local Plan. A summary of the key consultation stages and methods that will be used are provided below:

Table 1: Process for preparing a Development Plan Document (including the Local Plan)

Key Stage	Process and Requirements	Opportunities for Engagement
1: Evidence Gathering	<ul style="list-style-type: none"> - Gather evidence in order to identify the issues and opportunities for development in the Borough - Establish scope of the SA/SEA - Carry out the 'duty to co-operate' requirement. 	<ul style="list-style-type: none"> - Only if required for any specific study
2: Scoping (Regulation 18)	<ul style="list-style-type: none"> - Notify individuals/groups of the DPD and invite them to make representations about what the DPD should contain. - Comments received will inform the preparation of the next stage. 	<ul style="list-style-type: none"> - Carry out informal consultation and early engagement with relevant stakeholders and the local community. The nature/extent of this will be determined by the subject matter and scope of the consultation.
3: Issues and Options (Regulation 18)	<ul style="list-style-type: none"> - Collect evidence and establish wider policy framework. - Consider issues and alternatives. - Establish scope of the Sustainability Appraisal (SA) /SEA. - Carry out the 'duty to co-operate' requirement. 	<ul style="list-style-type: none"> - Carry out informal consultation and early engagement with relevant stakeholders and the local community. The nature/extent of this will be determined by the evidence gathered, subject matter and scope of the consultation. Consult with statutory bodies on the scope of the SA/SEA

<p>4: Preferred Options (Regulation 18)</p>	<ul style="list-style-type: none"> - Prepare and publish 'Preferred Options' Draft Document. - Prepare interim SA/SEA. - Consult for a minimum statutory period of six weeks. - Prepare Consultation Statement. - Council members considers the comments made. 	<ul style="list-style-type: none"> - Write to specific, general and all other consultees who the Council consider may have an interest, including everyone on the planning policy consultation database. - Make consultation documents available for inspection including on the Council's website, planning offices and other locations as considered appropriate. - Hold public exhibitions, events and workshops or more focused meetings where appropriate and in strict accordance with current legislation and Covid guidance. - Use social media and/or local media to raise awareness. -
<p>5: Publication of Proposed Submission Document (Regulations 19 & 20)</p>	<ul style="list-style-type: none"> - Having considered the comments and evidence gathered, the Publication/ Proposed Submission Document and SEA/SA Report is prepared. - Statutory consultation for a minimum of six weeks to comment on the Plan, the SA/SEA and supporting evidence. - Comments will be considered by the Inspector at the Examination. - Prepare Consultation Statement. - Council considers the comments and may propose further amendments to be considered by the Inspector. - 	<ul style="list-style-type: none"> - Write to specific, general and all other consultees who the Council consider may have an interest, including everyone on the planning policy consultation database. - Make consultation documents available for inspection including on the Council's website, planning offices and other locations as considered appropriate. - Hold public exhibitions, events and workshops or more focused meetings where appropriate and in strict accordance with current legislation and Covid guidance. - Use social media and/or local media to raise awareness.
<p>6: Examination (Regulation 22)</p>	<ul style="list-style-type: none"> - Plan submitted to Secretary of State for independent examination. - Independent Examination likely to involve hearing sessions (6 weeks prior notice to people who have requested to appear at the hearings). - Inspector considers the representations made and 	<ul style="list-style-type: none"> - Use the RVBC website and social and/or local media to raise awareness of the Examination and make documents available to view. - Notice of Examination is given six weeks in advance to people who have requested to appear at hearing sessions. - Hearing sessions are generally open to the public. - Examination documents are published on the Council's website

	issues recommendations in a report.	
7: Adoption (Regulation 26)	<ul style="list-style-type: none"> - Plan adopted by the Council if found 'sound' by Inspector. - Six week period for legal challenge to the High Court. 	<ul style="list-style-type: none"> - Publish the Plan, adoption statement and other relevant evidence base documents on the Council's website, and make available at Planning offices and other locations as considered appropriate. - Send Adoption Statement to consultees on the Planning Policy Consultation Database and others who have asked to be notified. - Use social media and/or local media to advertise adoption of the Plan.

7. Supplementary Planning Documents (SPDs)

7.1 Where it is deemed necessary, the Council will produce Supplementary Planning Documents (SPDs). These are defined by the National Planning Policy Framework (NPPF) as '*Documents which add further detail to the policies in the Development Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design....*'.

7.2 SPDs can be topic or area based and provide more detailed guidance on how the policies in the Local Plan are applied. They are not independently tested and consequently do not have development plan status but are material considerations in the planning application process.

7.3 The key stages in the preparation of a Supplementary Planning Document are detailed in the table below:

Table 2: Process for preparing a Supplementary Planning Document (SPD)

Key Stage	Process and Requirements	Opportunities for Engagement
1: Evidence Gathering	<ul style="list-style-type: none"> • To gather evidence to inform the preparation of the SPD. 	<ul style="list-style-type: none"> • The Authority will carry out informal consultation and engagement with relevant stakeholders and the local community. The nature/extent of this will be determined by the evidence gathered, subject matter and scope of the consultation.
2: Scoping / Issues (Regulation 12)	<ul style="list-style-type: none"> • To set the scope of the SPD, and to identify issues the SPD will cover. 	<ul style="list-style-type: none"> • The Authority will consult with those individuals, groups and organisations that have expressed an interest or the Council

	<ul style="list-style-type: none"> • We will consider any representations made which will inform the preparation of the draft SPD. • A Consultation Statement will be produced (Reg. 12 (a)). 	<p>considers are relevant to the subject.</p> <ul style="list-style-type: none"> • We will use a variety of methods to consult such as leaflets, presentations, public displays, questionnaires and meetings where appropriate • We will advertise the consultation in the local press, on the Councils website and social and/or local media.
3: Public Participation on the Draft SPD (Regulation 12 (b) & Regulation 13)	<ul style="list-style-type: none"> • To prepare the draft SPD. • A Consultation Statement will be produced (Reg. 12 (a)) and the Authority will invite representations on the draft SPD. The consultation period will be between 4-6 weeks. • Comments received at this stage will inform the preparation of the final SPD. 	<ul style="list-style-type: none"> • We will invite representations by placing the draft SPD on the Councils website, advertise this in the local press, social and/or local media. • We will endeavour to consult with interested parties via emails or letter informing them of the consultation and where to access the document. • We will make hard copies available at 'Planning Reception' in the Council Offices and at appropriate locations.
4: Adoption (Regulation 14)	<ul style="list-style-type: none"> • The Council will consider comments that have been made to the Draft Consultation and make any appropriate changes. • The SPD will be published alongside a Consultation Statement and an Adoption Statement. 	<ul style="list-style-type: none"> • Send Adoption Statement to consultees on the Planning Policy Consultation Database and others who have asked to be notified • Upload the SPD onto the Councils website and use social media and/or local press to advertise adoption of the SPD.

7.4 Not all consultation methods will be used at the same time, as this will be dependent on the document being produced and the resources available to the Council at the time. The Council will consider the benefits of all consultation methods during each key stage, and will explore different and other consultation opportunities to address circumstances that may be out of their control.

7.5 All consultation responses will be made publicly available in accordance with General Data Protection Regulations (GDPR) and presented at Planning Committee.

8. Neighbourhood Planning

8.1 The Localism Act 2011 introduced new powers that give communities greater influence over how their area is developed. Neighbourhood planning gives communities the power to:

- Make a Neighbourhood Development Plan;
- Make a Neighbourhood Development Order;
- Make a Community Right to Build Order;

8.2 Where a community wants to take up the opportunities offered by neighbourhood planning, the legislation enables 3 types of organisation, known as qualifying bodies, to lead it:

- A Parish or Town Council
- A Neighbourhood Forum – A group or organisation must apply to the local planning authority to be designated as a neighbourhood forum.
- A community organisation

In Ribble Valley the borough is fully parished and therefore the relevant body would be a Town or Parish Council.

8.3 Neighbourhood Plans, once adopted, are statutory plans which carry equal weight to any Local Plan. Unlike DPDs, Neighbourhood Plans are produced by local communities themselves with the support of the Council. These plans must be in general conformity with the strategic needs and priorities of the Ribble Valley as outlined within the Core Strategy or the emerging Local Plan and be in compliance with national planning policy. More information about neighbourhood planning is available on the Council's website.

8.4 Plans should be prepared positively, in a way that is aspirational but deliverable.

The role of the wider community in neighbourhood planning

8.5 A qualifying body should be inclusive and open in the preparation of its neighbourhood plan or Order and ensure that the wider community:

- Is kept fully informed of what is being proposed
- Is able to make their views known throughout the process
- Has opportunities to be actively involved in shaping the emerging neighbourhood plan or Order
- Is made aware of how their views have informed the draft neighbourhood plan or Order

9. What is a Neighbourhood Development Plan?

9.1 A Neighbourhood Development Plan is a statutory planning document and a community-led framework for guiding the future development of an area. It is about the use and development of land and may contain a vision, aims, planning policies, proposals for improving the area or providing new facilities.

9.2 A Neighbourhood Plan should be a positive planning document, developed to help guide development in the local area, rather than prevent it. It should set a vision for an area and contain planning policies for the use and development of land. Policies should cover local issues rather than strategic issues.

9.3 The process should be led by a neighbourhood plan group that wishes to produce the plan. However, the Council will provide support in accordance with the Neighbourhood Planning (General) Regulations (2012). Once adopted by the Council, Neighbourhood Development Plans become part of the council's statutory development plan.

Neighbourhood Plans should be developed in partnership with:

- **Parish Councils;**
- **Local Community Groups;**
- **Local Authorities;**
- **Statutory Consultees;**
- **Local Residents and Businesses.**

9.4 The local community will be expected to lead on the preparation of the plan and consultation initiatives, but will be assisted by the council wherever possible, for example through the facilitation of workshops where possible, the sharing of evidence base and use of the councils website.

9.5 We will seek to support all communities undertaking a Neighbourhood Development Plan within available resources. An appointed officer(s) will be a point of contact for any neighbourhood planning group and will assist the group throughout the process. They will also direct you to any relevant resources and will be a contact to provide guidance in relation to consultations and the potential scope of the plan.

9.6 Once a Neighbourhood plan has been finalised and submitted to the local planning authority, the local planning authority will check the plan for legal compliance and carry out a statutory consultation on the proposed Neighbourhood Plan. It will then be subject to an Independent Examination and a local referendum before it can be adopted. The referendum allows the community in the Designated Neighbourhood Area to vote on whether the Neighbourhood Plan should be adopted or not. A simple majority of votes is required before Ribble Valley Borough Council can formally 'make' the Plan so that it becomes part of the Development Plan. before it is examined by an independent Inspector, which can suggest changes , and a referendum will then take place.

9.7 Where appropriate, the Council will publish copies of any Neighbourhood Plans and updates on the progress of Plan preparation on its website.

9.8 The link below provides an update on the status of Neighbourhood Plans in the borough:

https://www.ribblevalley.gov.uk/info/200364/planning_policy/1623/neighbourhood_planning

9.9 Table 3 below sets out the key stages involved in producing a Neighbourhood Plan / Order.

Table 3: Process for preparing a Neighbourhood Plan / Order

Key Stage	Parish / Neighbourhood Forum role	Ribble Valley Borough Council role
<p>1: Designation of Neighbourhood Area and Neighbourhood Forum (where appropriate) (Reg 6)</p>	<ul style="list-style-type: none"> • Before submitting an application to designate the neighbourhood area the Parish Council / Neighbourhood Forum may decide to consult with the local community about preparing a neighbourhood plan/order. 	<ul style="list-style-type: none"> • The Council will formally publicise and consult on applications to designate a neighbourhood area (minimum 6 weeks). • Written/e-mail consultations with relevant consultation bodies, (in accordance with Schedule 1 of the Neighbourhood Planning Regs 2012) including individuals and organisations who have expressed a wish to be consulted. • Make documentation available on the Councils website, planning offices and other locations as appropriate and make use of social media to raise awareness.
<p>2: Preparing the Draft Neighbourhood Plan/Order & Pre-submission Publicity and Consultation (Reg. 9 & 14)</p>	<ul style="list-style-type: none"> • Publicise the draft Neighbourhood Plan or Order and invite representations (minimum of 6 weeks). • Consider the comments and amend the plan/order if appropriate. • Prepare Consultation Statement. • Consult relevant bodies as appropriate. 	<ul style="list-style-type: none"> • Continue to provide informal advice and support and a formal response to the consultation.
<p>3: Submission of Neighbourhood Plan/Order to the Council (Reg. 15 & 16)</p>	<ul style="list-style-type: none"> • Submit plan or order and supporting documents to the Council including the Consultation Statement. 	<ul style="list-style-type: none"> • If the Council finds that the plan or order meets the legal requirements, it will formally publicise and consult (for a minimum of 6 weeks) as follows:

		<ul style="list-style-type: none"> - Write to all consultees referred to in the Consultation Statement. - Make documents available to view on the Council website and social media, planning offices and other locations as considered appropriate. - Collate the representations to send to the examiner.
4: Independent Examination	<ul style="list-style-type: none"> • The Examiner issues a report to the local planning authority. 	<ul style="list-style-type: none"> • Make arrangements for the independent examination of the neighbourhood plan. • Submit the plan or order, relevant documentation and representations to the examiner. • Publish the Examiners report on the website. • If the Council is satisfied that the plan/order meets the 'basic conditions' as outlined within the Regulations the neighbourhood plan proceeds to referendum.
5: Referendum	<ul style="list-style-type: none"> • Raise awareness of the referendum through publication material. 	<ul style="list-style-type: none"> • Make arrangements and publish information statement and notice of referendum on the Councils website. • Publish referendum results on the website and issue news release.
6: Making the neighbourhood plan/order		<ul style="list-style-type: none"> • If more than 50% vote in favour, the Council 'makes' the plan via Full Council resolution. • Publish the Neighbourhood Plan and adoption statement on the Councils website and make publicly available to view at the council offices and other locations as considered appropriate.

10. What is a Neighbourhood Development Order?

10.1 A Neighbourhood Development Order (NDO) can grant planning permission for specific types of development in a specific neighbourhood area. A Neighbourhood Development Order can therefore:

- Apply to a specific site, sites, or wider geographical area;
- Grant planning permission for a certain type or types of development
- Grant planning permission outright or subject to conditions

10.2 Once established, there would be no need for anyone to apply to the local planning authority for planning permission if it is for the type of development covered by the order. Neighbourhood Development Orders can therefore speed up the process of development in certain areas, however the Order must meet any legal requirements and be in general conformity with national and local planning policy.

10.3 More information on the key stages, process and regulations can be found via the following link:

[\(<http://www.legislation.gov.uk/ukxi/2012/637/contents>\)](http://www.legislation.gov.uk/ukxi/2012/637/contents)

11. What is a Community Right to Build Order?

11.1 A Community Right to Build Order is a form of Neighbourhood Development Order which can be created by a local community organisation, and so not restricted to a town or parish council or neighbourhood forum, and can be used to grant planning permission for small scale development for community benefit on a specific site or sites in a neighbourhood area.

11.2 A Community Right to Build Order can be used for example to approve the building of homes, shops, businesses, affordable housing for rent or sale, community facilities or playgrounds. Where the community organisation wishes to develop the land itself (subject to acquiring the land if appropriate), then the resulting assets can only be disposed of, improved or developed in a manner which the organisation considers benefits the local community or a section of it.

11.3 An Order must meet the basic conditions for neighbourhood planning and it cannot include certain development as defined in section 61K of the Town and Country Planning Act 1990 (as amended).

11.4 Community Right to Build Orders, follows similar key stages and regulations to Neighbourhood Plans and must be subject to an independent examination, and then approved by the community in a referendum, before they can come into force.

11.5 More information on the key stages, process and regulations for a Neighbourhood Development Order or Community Right to Build Order can be found via the following link:

[\(<http://www.legislation.gov.uk/ukxi/2012/637/contents>\)](http://www.legislation.gov.uk/ukxi/2012/637/contents)

11.6 The Government has provided updated guidance on Neighbourhood Planning in response to the Covid-19 pandemic in particular around the way in which local groups should consider engagement and county involvement. In particular it is recognised that face to face methods, often used at a community level will be difficult. The guidance indicates that it is still necessary to ensure the community have had the opportunity to be consulted and this will need to be demonstrated.

Particularly where internet access may be restricted the Council will help support and advise on appropriate methods of consultation including the use of digital documents linked to the Council's website where possible. We would encourage early discussion with the Planning Policy team to ensure the process used will address the requirements of the legislation.

Want to find out more?

If you are interested and want to find out more on all aspects of Neighbourhood Planning please visit the following links:

- **Locality: Neighbourhood planning**

An advisory group for communities
(neighbourhoodplanning.org)

- **GOV.UK: Neighbourhood planning**

The official government website which explains the process and statutory requirements
(<https://www.gov.uk/guidance/neighbourhood-planning--2#history>)

12. Who We Will Consult

12.1 Paragraph 16 of the NPPF states that plans should be ‘shaped by early, proportionate and effective engagement between plan makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees’.

12.2 The Council recognises that communities are made up of many different interest groups, and effective involvement cannot happen without a good understanding of the make-up, needs and interests of these different groups and their capacity to engage in community involvement. It is important to identify the key target groups to be involved in plan preparation so that consultation arrangements can be tailored accordingly, for example, ensuring people are consulted on topics where they may have a particular interest and locating events in accessible locations.

12.3 The ‘Ribble Valley Sustainable Community Strategy’ has been compiled following consultation and feedback from community groups, organisations and residents in the Ribble Valley and provides further detail with regards to local partnerships and the Councils priorities.

12.4 The Council will therefore engage, as necessary, with the following groups during development plan consultations:

- specific and general consultation bodies (in accordance with the Town and Country Planning Regulations 2012, listed in Appendix 1);
- residents;
- councillors;
- town and parish councils;
- businesses;
- local voluntary/interest groups;

-
- community groups and organisations
 - hard to reach groups (including young people, elderly residents, ethnic minority groups, Gypsies and Travellers, those with disabilities and rural communities; and
 - agents and developers

12.5 To help us engage effectively with the many different parts of the Ribble Valley community we will maintain a Local Plan database comprising of local individuals and organisations who wish to be consulted and the statutory bodies designated by Government who have to be consulted, and managed under the relevant GNDPR and data protection requisition.

12.6 The database is divided into broad categories which provides a useful tool to check that we use the most appropriate and cost-effective ways of reaching all in the community, recognising that different groups will respond best to different techniques and that some groups have overlapping interests and memberships.

13. Hard to Reach Groups

13.1 It is recognised that some parts of the community are not always adequately represented, particularly those in 'hard to reach groups'. The needs of "hard to reach" groups such as the young and disabled will be considered thoroughly, so that they have the best opportunity to have their voice heard. We will continue to review our consultation techniques to ensure that the most effective means are used to seek views to help access these groups in particular.

13.2 To ensure that every reasonable effort has been made to engage the whole community the Council will use a variety of consultation tools and techniques to inform, consult and involve. We also plan to continue our consultation work with the large rural community, through the parish councils. Help is also available to individuals and community groups through the Planning Aid Service (PAS), which is an independent service that can provide help and advice on the planning system and how you can get involved in planning matters. Information about PAS can be found using the following link:
.....

14. How We Will Consult

14.1 The Council considers wide engagement particularly at the initial stages of preparation to be important so suitable methods to engage and consult need to be considered in order to meet and build on the statutory regulations.

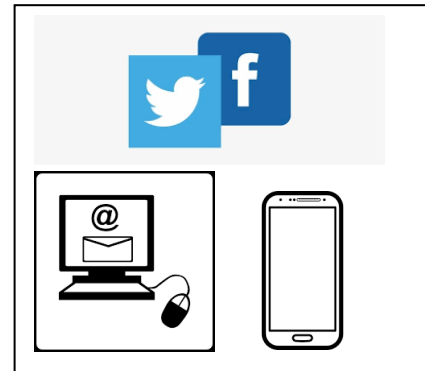
14.2 We will carefully consider how consultations are run in order to ensure that communities and the wide range of groups active in the Borough are made aware of relevant planning proposals and have opportunities to comment on them. Different methods will be used according to the scope of the consultation, the target audience and the resources available, and with full regard to any relevant Covid restrictions.

14.3 Results from the ‘Ribble Valley Council Perception Survey 2018’³ which gathered residents views on the local area, public services, specific council services and the local community confirmed that residents still prefer the local newspaper as their source of communication about the Council, closely followed by the Council e-newsletter, the Councils free newspaper ‘Ribble Valley News’ and the Council website.

14.4 The following outlines some of the different methods of consultation which will be utilised:

14.41 Online Engagement – Website, Social Media and E-mail Alerts

This method includes the use of the Councils website, online questionnaires / consultation documents, social media and e-mail alerts which will all be key for publicising consultation events to all users. The Councils website will be regularly updated with information about the Local Plan and other planning documents. The Council will advertise all consultations on its website with documents available to view on dedicated pages and will make use of social media, posting information on Facebook, Twitter and other social media platforms, where deemed appropriate, to promote consultations.



The Authority will continue to explore online engagement methods to their full potential and will also take reasonable steps to ensure sections of the community that don't have internet access are involved and consider alternative and creative ways to achieve this such as through representative groups rather than directly.

14.42 Public Engagement

Meetings: Depending on the issues involved, this can include drop-in events, exhibitions, meetings with relevant groups or organisations, and presentations at public meetings such as committee meetings. Meetings and exhibitions will be held at accessible and appropriate locations.

In cases where face-to-face meetings are not possible, due to government measures and legislation for example, other means of consultation will be explored. In addition, where particular special needs are not being met through the above means of engagement, the Council will, where possible respond on request in order to facilitate individuals' involvement in consultation. The Council will carefully monitor its engagement work to ensure that it provides the fullest opportunity to capture the views of stakeholders.

³ Ribble Valley Council Perception Survey 2018 – Accessible via the following link: https://www.ribblevalley.gov.uk/download/downloads/id/11673/perception_survey_2018.pdf

14.43 Written Notifications: For all all statutory consultations, the Council will directly contact by e-mail or letter all known consultation bodies, along with anyone who has asked to be notified when consultation is taking place. Recipients will be notified of what documents are under consultation, how they can access them and comment on proposals. Details of consultation and the availability of documents will be set out in this communication in plain English. Documents are also available in languages other than English, in large print and braille upon request.

Any organisation or individual who wishes to be added to the consultation database may do so by telephoning the Forward Planning team on 01200 425111 or emailing planning@ribblevalley.gov.uk

14.44 Publicising Consultations

The Council will publicise consultations through a variety of means, including advertisements in the local press, public notices, media releases, newsletters, posters and site notices (for planning applications). Consultations will also be publicised in the Councils free newspaper “Ribble Valley News” , which is delivered to all households quarterly. Due to its timescales, it may not always be possible to include the prompt for a formal consultation requesting representations, however the Council will nonetheless use it to draw attention to a forthcoming formal stage of consultation wherever possible. Public notices will be published in local newspapers when appropriate and press releases and/or briefings to convey information to wider audiences will also be displayed in prominent locations within the Council Offices and in other locations where appropriate.

14.45 Making Consultation Documents Available

Documents and consultation material will be published online, hard copies will be made available for inspection at the Councils main offices on the main reception, Council Offices, Church Walk, Clitheroe BB7 2RA, or can be purchased in hard copy form and posted upon request. Also when appropriate documents will be available to view at the local libraries subject to any local covid restrictions.

The Council recognises that a significant proportion of the borough’s residents live in rural areas, and therefore they may have limited access to public transport and other services. The Council will endeavor to fully engage rural communities in the consultation process. Engagement could include community workshops in a rural village hall in the evening, or an event with a community forum on an evening or weekend. To keep costs within reasonable limits, notification will be by e-mail wherever possible but in an area where many still do not have access to the internet postal methods are likely to remain important.

Consultations will also develop the use social media and communication by electronic means.

Consultation exercises will be monitored to help identify groups within the community that are under represented and highlight any barriers which may prevent responses being received.

Having Trouble Accessing or Viewing a Document?

If you are having any trouble accessing or viewing a consultation document or require further explanation please contact the Council by phone in order to speak to someone who can help on:

Council Offices Contact Centre: 01200 414500

All documentation will also be made available online and can be viewed by following the links on the Councils website which can be accessed via the following link:

www.ribblevalley.gov.uk

15. What happens to your views and comments?

15.1 All comments received on planning policy documents including the person/organisation's name and contact details will be recorded. The personal information that you provide will only be used by the Council for the purposes of notifying you of progress with the document that you have made comments on and any subsequent planning policy consultations.

15.2 At the draft document stage for DPD's (Regulation 18) or following consultation on a draft SPD, comments will be reported to the decision-making body (such as the Planning Inspectorate). The comments received will be reported as summaries or summary reports **within a Consultation Statement which** details the consultation that has been undertaken and the responses received. All comments will be available to inspect in full upon request, however addresses and contact details will be redacted in order to comply with GDPR. Whilst responses received via e-mail will be acknowledged, ordinarily written responses to the comments received will not normally be sent.

15.3 For DPD's, representations made at the Publication Stage (Regulation 19) will be sent to and considered directly by a Government appointed Planning Inspector to examine the plan. The representations will be published on the Councils website in full but with addresses and contact details redacted.

15.4 All comments made during the preparation of planning policy documents will be fully considered and, where appropriate, the Council will make decisions or changes as a result. However, it is important to note that it may not always be possible or appropriate to decide the matter in accordance with the comment(s) received. Sometimes there may be other considerations to which the Council must adhere such as requirements of legislation or national/local policies.

COVID-19 Consultation

In response to the current COVID-19 pandemic MHCLG have set out changes to Plan-making guidance. The guidance stipulates that Local Planning Authorities should make any temporary changes necessary to allow plan-making to progress, and that continue to promote effective community engagement by means which are reasonably practicable.

The guidance is available to view at:

https://www.gov.uk/guidance/plan-making?utm_source=5b235a27-ad78-4a8d-af75-1e81bf0c9cd7&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate# covid19

The Council will continue to respond to updated regulations and explore means of maintaining public participation in the plan-making process during the current pandemic and for future consultations.

COMMUNITY INVOLVEMENT IN PLANNING APPLICATIONS

16. Planning Application Process

16.1 A planning application is submitted to the Council when development is proposed. Planning applications can range from modest extensions to existing dwellings and new agricultural buildings to major housing schemes. A summary of the key stages in the determination of a planning application is set out in the table below. Some types of development are not subject to planning permission (known as 'permitted development'). For a list of what type of development requires a planning application see the webpages below:

<https://www.gov.uk/guidance/when-is-permission-required>

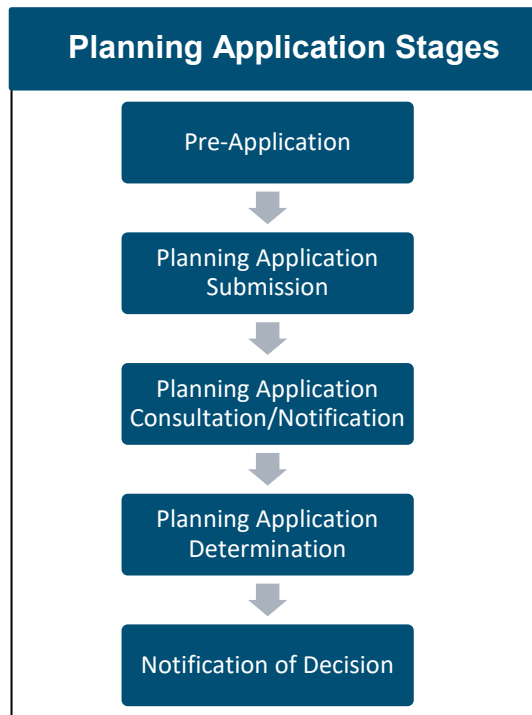
<https://www.planningportal.co.uk/>

16.2 Applicants and those affected by development proposals (third parties) have the opportunity to be involved and to express their opinions at various stages.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out a minimum standard of publicity and notification of applications to the local community, depending on the nature of the application.

16.3 The objectives of the Ribble Valley Borough Council 'Development Management Protocol' (as amended) are:

- To ensure that the development management process is open and consistent;
- To ensure that Members, officers, applicants, agents and all other stakeholders are clear about their respective roles in the process;
- To ensure that the process accommodates community involvement in an open and accessible way;
- To ensure that the optimum balance is reached between the quality of the decision reached and the time taken to reach it.



The 'Development Management Protocol' can be accessed via the following link:

https://www.ribblevalley.gov.uk/downloads/download/7796/development_management_protocol

16.4 In respect to planning applications processed by Ribble Valley Borough Council, the protocols detailed below explain the level of service the Council will aim to provide to applicants, the expectations the Council has of applicants, and the opportunities for third parties to get involved.

17. Pre-Application Process

17.1 In accordance with the National Planning Policy Framework (NPPF) (paras. 39-46) Ribble Valley Borough Council encourages pre-application engagement to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

17.2 A pre-application service is available on request, and there is a sliding scale of charges depending on the service required and scale/nature of the development proposed. Discussions can be arranged with a case officer to go through the proposal in more detail, however face to face meetings are currently not possible due to Covid restrictions. The Authority also provides a 'Fast Track Service' which accelerates the processing of the enquiry, offering a meeting with a planning officer within the first 7

working days and a written response 2 weeks earlier than normal⁴. Full details of the guidance notes and current fees for this service can be viewed at:

https://www.ribblevalley.gov.uk/download/downloads/id/11487/guidance_notes_and_fees_for_requests_for_pre-application_advice_2020.pdf

17.3 The Council also encourages applicants to engage with both the Council and the community/third parties before an application is submitted. This will give an opportunity to address issues *before* the planning application is submitted, thus potentially avoiding an application being in-validated and reducing the time to determine an application. Depending on the scale of the proposed development and the issues involved, pre-application engagement may include some of the following:

- Discussions with Statutory Consultees , neighbours, Parish Councils and Members
- Public meetings with groups in the community;
- Exhibitions;
- Workshops;
- Leaflet drops to local residents outlining the proposal and inviting comments within a specified timescale;
- Making detailed plans available for public view on websites and social media

Developers are encouraged to submit a **consultation statement** with their planning application outlining who was consulted, the means by which they were consulted, the results of any consultation and how these have influenced the planning application proposals.

17.4 The details of pre-application consultations with the Council, local community and statutory consultees (depending on the type of development) should form the basis of a **Statement of Community Involvement** at Pre-Application stage, which is then submitted with the planning application. (Refer to the Validation Checklist):

https://www.ribblevalley.gov.uk/downloads/file/12209/adopted_validation_checklist_27_june_2019

18. Planning Application Consultations

18.1 The Council exercises its development management functions in the public interest and is committed to publicising widely on planning applications that we receive.

18.2 Once the Authority is in receipt of an application it will be validated⁵, applicants will be informed that their application has been received and validated, and also provided with information about the

⁴ * Please note whilst the Planning Department will endeavour to provide a written response within the advertised time period occasionally it may take longer to provide written advice due to staff commitments and/or resources.

⁵ The validation checklist is available to view at:

https://www.ribblevalley.gov.uk/download/downloads/id/12209/adopted_validation_checklist_27_june_2019.pdf

procedures for assessment. It is important that all applications contain relevant documents so that they can be validated as soon as possible.

18.3 The nearest neighbours will be notified of the proposal and certain proposals such as Listed Buildings, development in Conservation Areas, and applications termed as “major developments” require a formal statutory notice to be placed on site and in the press. A period of 21 days is normally provided for responses to be made.

18.4 It is not possible to notify everyone who may have an opinion and therefore judgement is used by the case officer to determine how wide direct notification should be. However, details of all planning applications received are published on the Council’s website www.ribblevalley.gov.uk/planning and is updated weekly, and most applications are picked up by the local press. **All written representations (letter or e-mail), whether or not received as a result of direct consultation are taken into consideration before a recommendation or decision is reached.**

18.5 The Council will continue to accept all written comments until the decision has been made, irrespective of whether or not the statutory consultation period has elapsed. When an application is to be determined at Planning and Development Committee correspondence received on the day of the meeting may not always be reported in writing but where possible this will be reported verbally.

18.6 Depending on the complexity and nature of the scheme proposed we will also consult all **statutory consultees** such as the Environment Agency, Historic England and the Highways Authority **and non-statutory consultees** who are likely to have an interest in a proposed development such as the local civic society. The Town and Parish Councils are also notified and given 21 days to consider the scheme.

19. What happens to your views and comments?

19.1 Anyone can comment on a planning application. Any comments can only be made on the basis of material planning considerations. Material planning considerations are only those matters that can be considered within planning law in assessing and determining a planning application. For example, conformity with local planning policies, issues regarding traffic, impact upon residential amenity (loss of privacy/overlooking) and noise disturbance. All representations are available to view. Representations made during the assessment of the application will be summarised in the officers report which will state how the issues raised have been addressed in reaching their final recommendation.

19.2 Minor or uncontroversial applications will normally be determined by officers under delegated powers by the Council to the Director of Economic Development and Planning. Conversely major applications and where there is significant public interest, the Director of Economic Development and Planning and/or the Head of Planning may consider it appropriate for the application to be considered by Committee. Such applications, apart from those specifically excluded from the call in procedure, could also be called in if Members consider it appropriate.

19.3 More information on the Council's scheme of delegation for planning applications is available by accessing the following link to the Councils website:

https://www.ribblevalley.gov.uk/info/200361/planning_applications/1591/delegation_scheme

20. Planning Committee

20.1 A planning committee is made up of elected members who usually meet once a month to make decisions on planning applications. Comments received from consultees or the public will be set out in the case officer's report which may form part of the discussions that take place at these meetings. The agenda and minutes of Planning Committee meetings are available to view on the Councils website via the following link:

<https://www.ribblevalley.gov.uk/meetings>

20.2 Members of the public can participate in these meetings by making a verbal representation about an application, and where objections are to be raised the applicant has the right to respond. Speakers are limited to three minutes during proceedings. In addition, applicants have a right to address the Planning Committee if officers have recommended refusal of their application.

20.3 Participants who wish to speak must contact the Committee Clerk well in advance of the meeting and if documents are to be circulated for view these should be submitted well in advance so Members are aware of the information and also to assist the smooth running of the meeting.

20.4 Once a decision has been issued, a decision notice will be sent to the applicant and/or agent to inform them of the decision. As part of the Councils commitment to community involvement, the Council makes Decision Notices available on the Councils website allowing interested persons to view the conditions placed on the development.

21. The Appeals Process

21.1 If the applicant(s) disagree with the decision that has been made, or if it is granted with conditions that are unacceptable to the applicant, they have the opportunity to make an appeal to the Secretary of State. There is also a right of appeal if an application is not determined within a specific time, and a right of appeal against the issuing of an Enforcement Notice. Appeals are formally made to the Planning Inspectorate or the appropriate Office who will appoint an independent Inspector.

21.2 We will notify in writing all those who made written comments upon the original application. Copies of their comments will be forwarded to the Planning Inspectorate and the Council will inform people how to make further representations to the Planning Inspectorate. However, if the appeal is regarding a householder application new comments on these types of appeal cannot be made at this stage. Further advice on the appeal process is available at:

<http://www.planningportal.gov.uk/planning/planninginspectorate>

21.3 For cases to be heard by way of hearing and public inquiry, we will also write to advise interested parties of the time and date of the meeting to invite them to come along and make their views known to the Inspector if they wish to do so. All comments received from the community in response to the consultation carried out on the original application will also be sent to the Planning Inspectorate. This ensures that regardless of whether or not people chose to engage in the appeal process, their views will be made known and taken into account.

22. Methods of Planning Engagement (Applications)

22.1 The Authority undertakes statutory publicity in accordance with current legislation and the level of consultation/notification carried out for planning applications will be proportionate to the type and scale of the planning application being determined. The government may change the statutory publicity requirements at any time and therefore the Councils future approach will reflect any changes that are made.

22.2 Depending on the type of application and the legislation pertaining to such an application, consultation/notification includes the following methods:

<p>Neighbour Letters and Notifications to Statutory Consultees and other bodies</p>	<ul style="list-style-type: none"> - Letters are sent to all owners/occupiers of properties that immediately adjoin the boundary of the site. Where the Council is unsure of the owner of an adjoining site, for example where the application site adjoins open land, a site notice will be displayed. - Where a development has the potential for wider implications we will write to a wider range of neighbouring properties. - Statutory Consultees are consulted as a matter of course, with 21 days to respond. This is normally done electronically. - Borough councillors and the relevant parish council will also be notified.
<p>Site Notices</p>	<p>Site notices are displayed for the following:</p> <ul style="list-style-type: none"> - Major Development (10 or more dwellings or development creating 1000 sq. metres of floor space or more). - Applications subject to an EIA - Applications, which if approved, would be a departure from the development plan - Development affecting a public right of way - Development affecting Listed Buildings, or their setting - Development within a Conservation Area - Instances when applications may be deemed to be of interest to the wider area
<p>Weekly Lists of Submitted Applications</p>	<ul style="list-style-type: none"> - A weekly list of applications received and decisions made is produced. - This is available to view on the Councils website and e-mailed to Parish Councils. - It will be sent to other bodies who have expressed an interest upon request.

<p>Advertisements in the Local Press</p>	<p>Advertisements are displayed for the following:</p> <ul style="list-style-type: none"> - Major Development (10 or more dwellings or development creating 1000 sq. metres of floor space or more). - Applications subject to an EIA - Applications, which if approved, would be a departure from the development plan - Development affecting a public right of way - Development affecting Listed Buildings, or their setting - Development within a Conservation Area - Instances when applications may be deemed to be of interest to the wider area.
<p>Councils website and Social Media</p>	<ul style="list-style-type: none"> - All applications, supporting documents and other relevant details are available online via the following webpage: https://www.ribblevalley.gov.uk/planningApplication/search - The Authority may also use social media such as Facebook and Twitter when deemed appropriate.

COVID-19 Consultations

In response to the current COVID-19 pandemic MHCLG have introduced temporary regulations to supplement existing statutory publicity arrangements for planning applications. Under the regulations authorities have ‘flexibility’ to take ‘other reasonable steps’ to publicise applications and must be ‘proportionate to the scale and nature of the proposed development’.

Useful guidance can be viewed at:

<https://www.gov.uk/guidance/consultation-and-pre-decision-matters# covid19>

<https://www.local.gov.uk/pas/our-work/planning-covid-19>

The Council will continue to respond to updated regulations and explore means of maintaining public participation in the decision-making process during the current pandemic and for future consultations.

23. Resource Implications

23.1 The Council will endeavour to make sufficient resources available in order to meet its statutory requirements and responsibilities as well as to put in place procedures as outlined within this SCI.

23.2 This SCI seeks to achieve an acceptable balance between the importance of community engagement and keeping the costs within realistic limits. We are aware of the dangers of “consultation fatigue” and will endeavour, wherever possible, to co-ordinate consultation exercises with other parts

of the authority. We will also maximise the use of available resources such as the Planning Portal, Planning Aid , the Council's website and social media.

24. Monitoring and Review

24.1 The Councils SCI will be kept under review and be updated every 5 years, or earlier when necessary, to correct factual changes and/or further revisions of the regulations which govern publicity and involvement in the planning policy preparation and planning application processes.

24.2 In addition, the Authority produces an annual Authority monitoring Report (AMR). This document sets out how the Local Plan policies are performing. The SCI will be reviewed if the AMR Report or external changes indicates a need for a review.

24.3 Any necessary changes will be made following appropriate public consultation where deemed necessary, having regard to emerging best practice guidance and/or changes to legislation. We are always happy to discuss ideas for improving our consultation. Please email us at planningpolicy@ribblevalley.gov.uk.

APPENDIX 1: CONSULTATION BODIES

Specific Consultation Bodies

The Town and Country Planning Regulations 2012 specifies that the following bodies must be consulted if the council considers that body will be affected by what is proposed to be covered in the Local Plan and Supplementary Planning Documents (SPDs). These include: -

- Neighbouring Local Planning Authorities
- Lancashire County Council (Highways and Education);
- Lancashire Constabulary;
- Parish and Town Councils within the Ribble Valley;
- The Coal Authority;
- Environment Agency;
- Historic England;
- The Marine Management Organisation
- Natural England;
- Network Rail Infrastructure Ltd;
- Office of Rail Regulators;
- Highways England;
- The Secretary of State for Transport
- Civil Aviation Authority
- Mobile Operators Association (representing the four UK mobile operators);
- Clinical Commissioning Group and Local NHS (Public Health);
- Relevant utility companies, including United Utilities, National Grid, Electricity North West
- Homes England
- Lancashire Constabulary and Lancashire Fire & Rescue Service
- Lead Local Flood Authority (Lancashire County Council)
- Lancashire Enterprise Partnership

General Consultation Bodies

The Town and Country Planning Regulations 2012 indicate that general consultation bodies must be consulted where the council considers it appropriate. These include:

- Voluntary bodies some or all of whose activities benefit any part of the local planning authority's area;
- Bodies which represent the interests of different racial, ethnic or national groups in the local planning authority's area;
- Bodies which represent the interests of different religious groups in the local planning authority's area;
- Bodies which represent the interests of disabled persons in the local planning authority's area;
- Bodies which represent the interests of persons carrying on business in the local planning authority's area;

Other Consultation Bodies

In addition to those identified as specific or general consultation bodies other consultees including the community, business and third sector groups will be consulted during planning policy consultations. These may include:

- Conservation Bodies
- Recreation Bodies
- Environmental Groups
- Schools
- Transport Bodies and Groups
- Nature Conservation / Countryside Bodies
- Planning consultants and Agents
- The Development Industry
- Local businesses
- Other miscellaneous bodies

APPENDIX 2: LOCAL PLAN DATABASE OF CONSULTEES

Individuals, organisations or bodies who wish to be regularly contacted when development plan documents (including the local plan) are under preparation and go out for consultation may request to be placed on the Councils database of consultees at any stage by contacting the planning policy team on 01200 425111 or emailing planningpolicy@ribblevalley.gov.uk

The database is made up of the following generic types of consultee with whom we will consult (including bodies outlined at Appendix 1):

- **Interested Members of the Public** – Individuals who have requested inclusion on the database;
- **Ribble Valley Borough Council Members;**
- **Ribble Valley Parish and Town Councils;**
- **Community Organisations:**
 - All schools in the Borough;
 - Churches & minority faith groups;
 - Groups representing the interests of disabled persons;
 - Youth groups, clubs, interest groups and societies;
- **Statutory & Development Control Consultees:**
 - National Interest Groups;
 - Government Agencies;
 - Infrastructure Providers
- **Neighbouring Local Authorities and Neighbouring Parish Councils**
- **Housing Associations**
- **Businesses, Consultants, Developers:**
 - Local and national businesses that have requested inclusion
 - Landowners, developers, and their agents
- **Other bodies which represent the interests of different racial, ethnic, national or hard to reach groups**

APPENDIX 3: INFORMATION ON THE PLANNING PROCESS

Advice on the planning process is available from the Borough Council, Planning Aid, Government websites and private planning agents.

Council Advice

Planning officers are available to advise on Council policies and answer queries regarding individual planning applications. Please either visit the Planning Reception on Level D at our Clitheroe offices or e-mail us at:

[Planning Policy Queries](mailto:planningpolicy@ribblevalley.gov.uk) – 01200 425111 / planningpolicy@ribblevalley.gov.uk

[Planning Application / Development Management Queries](mailto:planning@ribblevalley.gov.uk) – 01200 425111 / planning@ribblevalley.gov.uk

Planning Aid England (PAE)

Planning Aid England (PAE) provides planning advice and support to help individuals and communities engage with the planning system and get involved in planning their local area.

Launched in 1973, PAE is built on the principle that that everyone should have access to the planning system, regardless of their ability to pay.

Planning Aids work is delivered by over 200 dedicated volunteers who are supported by a small staff team based at the RTPi offices at Botolph Lane. All of the volunteers are members of the RTPi and have a range of skills, interests and expertise. PAE is funded by the RTPi, a registered charity. It is separate from both central and local government and provides completely independent and impartial planning advice.

A **free web resource** for planning advice is available at – www.planningaid.co.uk

A **free email advice** service is accessible via - <https://planningaid.zendesk.com/hc/en-us/requests/new>

For all **general queries** about the services they offer call – **020 7929 8338**

Government Policy / Guidance

[The National Planning Policy Framework \(NPPF\)](https://www.gov.uk/government/publications/national-planning-policy-framework--2) – Government planning policy is contained within this document which covers all planning issues, such as planning for housing, shops, offices and good design. All planning policies and decisions on planning applications must take what the NPPF says about different types of land use into account. The NPPF is accessible via the following link: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Planning Practice Guidance – The National Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place. NPPG guidance is accessible via the following link:

<https://www.gov.uk/government/collections/planning-practice-guidance>

Planning Portal - A national web-based service which can be accessed to find information about planning and building regulations information. Planning applications can also be submitted to the Council via this website. The website can be accessed via: <https://www.planningportal.co.uk/>

Planning Consultants and Agents

A number of independent planning consultants and agents operate locally who charge a fee for planning advice. To retain impartiality Council officers are unable to make individual recommendations. The RTPI hosts a webpage in which you can search for local accredited consultants and is available to view at:

<https://www.rtpiconsultants.co.uk/#/>



Appeal Decision

Site visit made on 17 August 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 1 October 2020

Appeal Ref: APP/T2350/W/19/3242222

Land at Hawthorne Place, Clitheroe BB7 2HU

- 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 Brown against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2019/0262, dated 25 March 2019, was refused by notice dated 30 May 2019.
 - The development proposed is the erection of a single dwelling with associated access, landscaping and all other works.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the surrounding area, and
 - whether the proposal would provide satisfactory living accommodation for future occupiers of the development and the effect of the proposal on the living conditions of occupiers of 41 Hawthorne Drive and Ashdown.

Reasons

Character and appearance

4. Hawthorne Place is characterised by detached two-storey dwellings, set back from the road on well-defined building lines, with open parking and landscaped areas to the front. Properties are generally regularly spaced with gaps between them and are similar to one another in terms of their scale and massing. This creates a regular rhythm to the street scene which contributes to the character of the area.

5. The appeal site lies at the head of a cul de sac at the corner of a turning area and comprises an area of open space that currently forms part of the garden and driveway of No 43.
6. The proposed dwelling would be sited only 0.8m from the back of the footpath, and in contrast to the pattern of development in the street, would have no garden to the front. In addition, the property would be sited near the side wall of the extended 41 Hawthorne Place and very close to the common boundary with that property. Again, the limited space between the appeal proposal and No 41 would not reflect the characteristic gaps between the adjacent dwellings. Added to that, the proposed dwelling would be considerably less substantial in terms of its size and massing than the existing property and those in the immediate vicinity. Consequently, as a result of its scale, the lack of space around it and its proximity to the neighbouring dwelling, the proposal would appear as a cramped and anomalous addition to the street scene.
7. The site has been subject to a previous appeal decision¹. I note that the current proposal has been amended to attempt to address the concerns of the previous Inspector, particularly in relation to the location of the proposal within the site in order to increase the distance between it and the adjacent properties. Nevertheless, the proposal would result in harm to the character and appearance of the area as outlined above.
8. Consequently, for the above reasons, the proposal would have an adverse impact on the character and appearance of the area. As such it is contrary to Policy DMG1 of the Ribble Valley Core Strategy 2008-2029 'A Local Plan for Ribble Valley' (2014) which seeks to ensure, amongst other things, that development is sympathetic to existing uses in terms of scale and massing and considers the layout and relationship between buildings.

Living conditions

9. I acknowledge that the layout of the development has evolved to improve the relationship between the proposed dwelling and neighbouring properties. However, even though the proposed dwelling would be further away from properties to the rear than in the previous appeal, the separation distance between the proposed dwelling and Ashdown would still be significantly less than the minimum 21m as required in the Council's Planning Policy Note and Design Guidance: Extensions and Alterations to Dwellings. As such, the rear garden and habitable rooms would be overlooked, albeit obliquely, by the occupiers of Ashdown, particularly from the first-floor bedroom window, resulting in a substandard level of privacy for future occupiers. This would also lead to reciprocal loss of privacy for the occupiers of Ashdown.
10. There would be no side facing habitable room windows facing No 41. Nevertheless, given the height of the building, its close proximity and projection adjacent to the boundary, it would be a dominating structure that would be overbearing. As such the proposal would also cause limited harm to the living conditions of the occupiers of this property.
11. The proposal would be visible from the front rooms of the neighbouring property 45 Hawthorne Place, which I saw from the site visit. However, outlook from windows on the front elevation towards no 45 would be at such an acute

¹ APP/T2350/A/12/2173804

angle that the privacy of the occupiers of that property would not be unduly harmed. No windows are proposed on the side elevation of the building. The Council raised no objection to the proposal in this respect and I am satisfied based on all I have seen that the proposal would not cause unacceptable harm to the living conditions of the occupiers of that property.

12. Nevertheless, for the reasons set out above, the proposal would not provide satisfactory living conditions for the future occupiers of the proposed dwelling and would have an adverse impact on the living conditions of occupiers of 41 Hawthorne Place and Ashdown. As such it is contrary to Policy DMG1 of the Ribble Valley Core Strategy 2008-2029 'A Local Plan for Ribble Valley' (2014) which seeks to ensure, amongst other things, that development does not affect the amenities of the surrounding area.

Other Matters

13. I note that the appellant contends that the Council is unable to demonstrate a 5 year supply of housing land, however there is no evidence before me on this matter. Even if there is a shortfall in homes, this proposal would only make a limited contribution to that shortfall and the benefit to the local area is not outweighed by the harm identified to the character and appearance of the area and to living conditions.
14. My attention has been drawn to other planning applications for single dwellings within residential gardens in the local area. From the information before me, these dwellings would appear to reflect the character and appearance of the area and do not cause overlooking or other privacy issues. They are not therefore directly comparable with the proposal before me which in any event has been determined on the basis of the site specific circumstances of this case.
15. I also acknowledge the concern that the proposal could lead to insufficient parking and turning space for the host dwelling. However, even if the driveway proved insufficient as a parking area, there is no convincing evidence before me that any resultant on-street parking would be detrimental to highway safety.

Conclusion and Recommendation

16. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR



Appeal Decision

Hearing Held on 22 September 2020

Site visit made on 23 September 2020

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2020

Appeal Ref: APP/T2350/W/20/3248156

Land at Wiswell Lane, Whalley

- 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 V H Land Partnerships Ltd against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2019/0448, dated 15 May 2019, was refused by notice dated 6 September 2019.
 - The development proposed is outline planning application for the erection of up to 125 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from A671. All matters reserved except for means of access.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by V H Land Partnerships Ltd against Ribble Valley Borough Council (the Council). This application is the subject of a separate decision.

Procedural Matters

3. The application seeks outline planning permission with access to be determined at this stage. Appearance, landscaping, layout and scale are reserved matters to be considered in the future. I shall determine the appeal on this basis.
4. The Council's decision notice gives four reasons for refusal. The fourth reason, relating to highways matters, is no longer a matter of dispute between the main parties. Similarly, whilst the issue of the Council's housing land supply was raised in the appellant's statement of case, the appellant accepted at the hearing that the Council currently have a five year supply.
5. A draft s106 Planning Obligation by Unilateral Undertaking (the Obligation) was submitted at the hearing. The final signed Obligation, dated 25 September 2020, was submitted after the hearing had closed.
6. The Housing and Economic Development Plan Document (2019)(DPD) identifies housing allocations. It was adopted on 15 October 2019, after determination of the application by the Council but before the submission of the appeal. I am satisfied that all parties have had opportunity to comment on this document.

Main Issues

7. The main issues are:

- whether or not the site is suitable for development, in light of development plan policies dealing with the location of housing; and
- the effect of the proposed development on the character and appearance of the surrounding area, with particular regard to density, pattern of development and the relationship with the settlement of Whalley.

Reasons

Location

8. The development plan includes the Ribble Valley Borough Council Core Strategy (2014)(CS) and the DPD. The approach of the development strategy and spatial vision, as explained in Key Statement DS1 of the CS, is to provide the majority of new housing development in the identified principal settlements, of which Whalley is one. Thereafter, development should be focused towards the more sustainable and identified Tier 1 settlements, with other locations needing to prove local need.
9. DS1 also explains that specific allocations will be made through a separate allocations document, which refers to the recently adopted DPD. In this document, the appeal site is not identified as a housing allocation, and is separated from the drawn settlement boundary by the width of Wiswell Lane to the south and by some 75 metres to the west. Policy DMG2 of the CS provides the strategic considerations for new development, which should accord with the above development strategy and the spatial vision, and which can, for the purposes of this appeal, be separated into two key parts.

The first part of policy DMG2

10. The first part of policy DMG2 states that development proposals in the principal settlements, such as Whalley, should consolidate, expand or round-off development so that it is closely related to the main built up areas of the existing settlement and appropriate to the scale of, and in keeping with, the existing settlement. Whether the appeal site is 'in' Whalley is a key point of dispute between the parties. The appellant considers the site to be within the settlement of Whalley, but agrees that it is outside of the drawn settlement boundary as referred to above.
11. Settlements are described in the glossary of the CS as being the defined settlement. This term is, in turn, clarified as relating to a settlement of a size and form that justifies treatment as a settlement, and those smaller than the identified limit will not be given settlement boundaries. Thus, a settlement in terms of the first part of DMG2 is one drawn with settlement boundaries. Consequently, I find that the appeal site is not 'in' the settlement of Whalley for the purposes of the first part of DMG2.
12. The first part of policy DMG2 is also conditional upon the relationship of the proposed development to the existing settlement, be it consolidation, expansion or rounding-off. The definition of consolidation refers to locating new development so that it adjoins the main built up area of the settlement and where appropriate both the main urban area and an area of sporadic or isolated development. Expansion is defined as limited growth of a settlement that

generally should be in scale and keeping with the existing urban area. However, the definition of rounding-off within the glossary of the CS specifically requires development to be within the settlement boundary.

13. The appellant considers the first two definitions expressly allow development to take place on land outside the settlement boundary, and that the wording of 'in' within the context of DMG2 should really be 'at'. However, the definitions in the glossary are there to support the interpretation of policy, not to change the wording, or indeed meaning, of policy. Although neither of these two definitions include specific reference to settlement boundaries, they both refer to existing development in the form of the main built up or urban areas.
14. These definitions are, to my mind, compatible with the wording of the policy, namely that new development should consolidate or expand the existing main built up or urban areas; not, as the appellant suggests, consolidate or expand settlement boundaries. This is because, the Council pointed out at the hearing, this first part of DMG2 allows for the circumstance where a settlement boundary encompasses or includes land that is yet to be developed, thereby allowing limited growth of the settlement.
15. Even were I to accept that the proposal represented consolidation or expansion permitted by the first part of DMG2, the policy is reliant upon the relationship between the appeal site and the settlement. Specifically, the proposed development must be closely related to the main built up areas ensuring this is appropriate to the scale of, and in keeping with, the existing settlement. For detailed reasons that I come to later in dealing with the second main issue, I find that the proposal is not in keeping in this regard, notwithstanding that the scale of the proposed development to a settlement the size of Whalley is not in dispute. Overall, therefore, the proposed development fails to comply with the first part of DMG2.
16. Development outside of the boundaries of settlements, including Whalley, is dealt with (with the exception of Tier 1 villages) under two policy components; first, the second part of policy DMG2 and, second, policy DMH3.

The second part of policy DMG2

17. The second part of DMG2 refers to development in the less sustainable Tier 2 villages and land outside the defined settlement areas. Whalley is not a Tier 2 village, and in considering what constitutes defined settlement areas, the appellant cites this as being different to settlement boundaries, with reference to Footnote 28 on page 173 of the CS. This states that there are 40 villages, 32 of which are categorised as defined settlements. The appellant argues that, as a consequence, this second part of DMG2 does not apply to development outside settlement boundaries (amongst other places) but instead applies a restrictive approach only within the Tier 2 villages and the 8 villages that are not defined settlements. On that basis, the appellant suggests that the identified criteria 1 to 6 of the second part of DMG2 do not apply.
18. However, this seems to me to be a rather less persuasive interpretation than the one offered by the glossary to the CS, as above. This indicates to me that 'outside the defined settlement areas' of the second part of DMG2 simply means outside all of the defined settlement boundaries. On that basis, it follows that the proposal requires to be assessed under this second part of

DMG2 and therefore must meet one of the six identified criteria, the only relevant one being that the proposal must meet identified local housing need.

Policy DMH3

19. Policy DMH3 relates to development within areas defined as open countryside, which the glossary describes as land mainly outside settlement areas but not designated Green Belt or Areas of Outstanding Natural Beauty. Following the above logic, this policy would therefore also apply to the appeal site. It is a matter of fact that this policy contains a development management test related to need, under the first criterion, and the appellant agreed at the hearing that this test for local need was effectively the same reiteration of the test for local housing need required under the second part of policy DMG2.
20. Consequently, even if the appeal proposal is not considered for local needs assessment under the second part of DMG2, the test for local need would apply equally under policy DMH3. However, no evidence has been submitted on this matter, and therefore no such need has been demonstrated. When these policies are considered as a whole, and on the above basis, there is no tension between DMH3 and the first part of DMG2, as suggested by the appellant. Rather, these policies are complimentary, and relate to distinct and different locational designations.

Other appeal decisions

21. The appellant refers to the policy interpretation of the first part of policy DMG2 cited in the Henthorn Road appeal decision¹. At that inquiry in 2019, the Council conceded that the policy is permissive of development that adjoins the settlement boundary. The Council did not defend the inclusion of policy DMG2 in its reason for refusal, and a partial award of costs was made on that basis. As such, that Inspector did not need to consider evidence on this particular point, as highlighted in his conclusion.
22. Similarly, at the Chatburn Old Road² hearing, the appeal decision places significant reliance on a site-specific Supplementary Planning Statement, which again does not defend the policy position of DMG2 in respect of the settlement boundary. In contrast, the Council is now defending the current appeal on the basis of DMG2 and has accordingly submitted evidence to that effect. I must determine the current appeal on the basis of the evidence before me.
23. Furthermore, at Henthorn Road, the matter of character and appearance was not in dispute. At Chatburn Old Road, the Inspector found that the appeal site was well related in physical terms to the existing built form of Chatburn. However, the current appeal can be distinguished from those decisions, for the reasons that I come to later in dealing with the second main issue, as the proposal would be in further conflict with the first part of policy DMG2 on the basis of the relationship of the proposal to the existing settlement.
24. The appellant highlights the inconsistent approach of the Council in respect of this matter but, in determining this s78 appeal, I am required to assess the proposal on its merits in light of the evidence submitted in this case.

¹ Appeal decision APP/T2350/W/19/3221189 dated 19 June 2019

² Appeal decision APP/T2350/W/19/3223816 dated 23 January 2020

Conclusion on the first main issue

25. Therefore, I conclude that the site is not suitable for development, in light of development plan policies dealing with the location of housing. As such, the proposal conflicts with policies DMG2 and DMH3 of the CS, which together require that new development should be in accordance with the development strategy and spatial vision, as set out in key statement DS1.

Character and appearance

26. The appeal site is around 5.7 hectares in extent and lies to the north-east of the built-up area of Whalley. Currently open pasture land, the field is predominantly bounded with mature trees and hedgerows. The primary road network of the A59 and A671 wrap around the north and east of the site, with the principal existing access taken from a field gate on the A671.
27. The main built up areas of Whalley are centred around Station Road and Clitheroe Road, with higher density development only extending north along Clitheroe Road until the junction with Wiswell Lane. From here, the density of the settlement decreases significantly. Wiswell Lane instead has the character of a rural or edge-of-settlement lane, with narrow roadway, single narrow footway of limited extent, and large dwellings in substantial gardens, all dominated by mature trees and extensive hedgerows. Whilst the site and its surrounds are not a designated or valued landscape, and there are no heritage interests in the immediate vicinity, the woodland strip along the southern boundary of the site with Wiswell Lane is subject to a Tree Preservation Order.
28. The effect of the proposal would be to create a substantial new development adjacent to the low-density periphery of the existing settlement. An illustrative masterplan³ has been provided indicating an achievable capacity of up to 125 dwellings. An illustrative layout⁴ has also been submitted, based on the illustrative masterplan, showing a total of 93 dwellings.
29. It is not disputed that the appeal site is contained by the major roads to the north and east. There is no concern about the landscape capacity of the site to accommodate residential development, nor that the enhanced landscape provision and screening shown on the illustrative drawings would provide an appropriate setting for development. Rather, the dispute focuses on the density and pattern of development not being in keeping with its surroundings.
30. Given the site area and the number of dwellings proposed, in my view it is inevitable that the layout would be considerably more densely packed than any of the existing development along Wiswell Lane. Even at the suggested lower level of density, the proposal would still be in sharp contrast with the existing pattern of development. My conclusion on this matter is reinforced by the illustrative layout which shows 93 dwellings within their own gardens, without inclusion of any higher density units that would inevitably be required to increase capacity.
31. Whilst similar density levels may exist elsewhere in Whalley, from my observations these relate predominantly to the higher density main built up areas of the settlement, not to peripheral locations as characterised by the appeal site. The provision of open space and additional landscaping to assist

³ Illustrative Masterplan, Rev A, April 2019

⁴ Appellant's Statement of Case, Appendix 16, Further Design Guidance, March 2020

assimilation, to create what is described as a parkland setting, as suggested in the illustrative material, would not adequately offset the higher density of the proposal as a whole when compared to Wiswell Lane.

32. The wooded character of Wiswell Lane would be largely retained through retention of the existing protected trees. Additional landscaping is also suggested around the site and, in these respects the proposal would contribute positively to the character and appearance of the area. Nonetheless, in preserving this woodland strip, the principal access to the site is proposed to be taken from what is almost the furthest point of the site to the settlement, on the A671. In this respect, as well as in density terms, the proposal would not form a logical extension to the existing settlement, notwithstanding the proposed provision of a footpath access to Wiswell Lane at the south west corner of the site. I heard of a similar permitted access from the A671 at the eastern half of the Redrow site in Whalley, however from my observations, the western half still relates closely and directly to Clitheroe Road.
33. From the evidence and from my site visit, it is clear that there is a considerable degree of separation between the proposed development parcels and the main built up areas of Whalley. Consequently, although it is not necessary for new development to copy its surroundings in every way, the proposed pattern of development would not be closely related to the existing main built up area of Whalley. Despite being adjacent to its periphery, it would not form a sympathetic extension to the settlement.
34. It is suggested that the development of this site, and others adjacent to it, would visually infill the land between the A59, A671 and the settlement boundary, thereby offering a good opportunity to accommodate the future growth of Whalley. However, although the site may not be a designated or valued landscape, this approach does not form part of the Council's current development strategy. The appellant's argument that the proposal would conform with the National Design Guide's ten characteristics and provide a high quality development does not outweigh the harm I have found.
35. I conclude that the proposed development would have a significant adverse effect on the character and appearance of the surrounding area, with particular regard to density, pattern of development, and the relationship with the settlement of Whalley. As such, the proposal conflicts with policies DMG1 and DMG2 of the CS. Together these require development to consider the density, layout and relationship between buildings and surroundings.

Other matters

36. The signed Obligation deals with a range of matters, including the provision and phasing of affordable housing, and calculation and payment of contributions towards off-site leisure and education provision. However, as the contents of the Planning Obligation are uncontested and I am dismissing the proposal for other reasons, I do not need to reach a finding in respect of Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Planning balance

37. The benefits of the proposal from intended provision of affordable housing would be significant. The proposal would also make an important contribution to the overall housing supply in the area, and the Framework's emphasis on

the delivery of housing requires me to attach significant weight to this also. The economic benefits from employment opportunities and increased spending in the supply chain attract moderate weight, as do ecological enhancement measures and improvements to pedestrian safety in the area of Wiswell Lane. Even together the benefits of the proposal do not outweigh the conflict with development plan strategy and the harm I have found to the character and appearance of the area.

38. Purported benefits are cited as arising from the mix of housing (including for the elderly), intended high quality design and energy efficiency, provision of safe access arrangements, open space provision, new homes bonus, council tax revenue, contribution to education provision in the area, and lack of adverse impacts in terms of amenity of occupiers of neighbouring properties, heritage assets, pollution, air quality, flood risk and noise. However, these are all measures that are required to mitigate the development and meet policy requirements and therefore attract neutral weight. That the proposal would be a sustainable form of development in an accessible location is welcomed although, as this could be repeated in other sites within and close to settlements, this is also essentially neutral in the planning balance.

Conclusion

39. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Hanna

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Martin Carter	of Counsel, Kings Chambers (instructed by Kieran Howarth Town Planning Ltd)
Kieran Howarth	Kieran Howarth Planning Ltd
Peter Vernon	V H Land Partnerships Ltd
Stephen Whitehouse	Barton Wilmore
Nigel Rockliff	Draw
Alan Davies	DTPC

FOR RIBBLE VALLEY BOROUGH COUNCIL

Stephen Kilmartin	Principal Planning Officer
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FOR LANCASHIRE COUNTY COUNCIL

Ray Bennett	Principal Highways and Transport Officer
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DOCUMENTS SUBMITTED DURING THE HEARING

- 1 Policy DMH3.
- 2 Extract from HED DPD showing settlement boundary for Whalley.
- 3 Extracts from Ribble Valley Borough Council Core Strategy showing Glossary (pages 135-143) and table showing residual number of houses required for each main settlement based on main settlement population (page 173).
- 4 Highways conditions.
- 5 Draft Planning Obligation by Unilateral Undertaking under s106.

DOCUMENT SUBMITTED AFTER THE HEARING (following discussion and agreement during the hearing)

- 1 Signed Planning Obligation by Unilateral Undertaking under s106, dated 25 September 2020.



Costs Decision

Hearing Held on 22 September 2020

Site visit made on 23 September 2020

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2020

Costs application in relation to Appeal Ref: APP/T2350/W/20/3248156 Land at Wiswell Lane, Whalley

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by V H Land Partnerships Ltd for a partial award of costs against Ribble Valley Borough Council.
 - The hearing was in connection with an appeal against the refusal of outline planning permission for the erection of up to 125 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from A671. All matters reserved except for means of access.
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Decision

1. The application for award of costs is refused.

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) advises that parties in appeal proceedings normally meet their own costs, but that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant made an application for partial costs in writing prior to the hearing. The applicant submits that Ribble Valley Borough Council (the Council) has demonstrated the following unreasonable behaviour, with reference to paragraph 049 of the PPG:
 - failure to produce evidence to substantiate each reason for refusal on appeal;
 - persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable; and
 - not determining similar cases in a consistent manner.
4. The Council's response was provided orally, and resists the application on the basis that the alleged inconsistency arises from just two recent decisions, whereas there is a legacy of cases over a lengthy period of time to support its position in the current appeal.
5. The applicant contends that the Council failed to substantiate its reason for refusal relating to the first part of policy DMG2, specifically that its argument ignored the definitions of consolidation and expansion provided in the glossary of the Ribble Valley Borough Council Core Strategy (2014)(CS). In doing so,

the Council should have understood the policy wording of 'in' settlements as meaning 'at'. The Council is also alleged to have incorrectly applied the test for local housing needs, due to its misinterpretation of defined settlement areas. Furthermore, when presented with the appellant's case by exchange of email, RVBC failed to grapple with these arguments.

6. In response, the Council consider that it has correctly interpreted the relevant sections of policy. For the hearing, the Council produced a detailed Statement of Case and provided oral evidence setting out its position in this respect. In doing so, the authority considered that policy DMG2 is two-fold in its approach whereby the first part of DMG2 is engaged when within the settlement boundary, and the second part when outside the settlement boundary, such that the policy contains explicit locational triggers. It will be seen from my appeal decision that I have agreed with the position that the Council have taken in respect of both the first part of policy DMG2 and the application of the test for local need. It therefore follows that I am satisfied that the Council was able to substantiate its reason for refusal, notwithstanding any failure to engage in discussion on the matter.
7. The applicant has cited two recent appeal decisions at Henthorn Road and Chatburn Old Road¹ as demonstrating the correct approach to be taken with regard to interpreting the disputed policy DMG2. The Council's approach to those cases is said to be inconsistent with its approach to the current appeal. The Council replied at the hearing that the Henthorn Road decision arose out of unique circumstances; that tenuous housing supply at that time led to an officer recommendation to grant permission to avert loss of supply; and this was overturned by elected members, with reasons for refusal given that provided no licence to defend policy DMG2 at appeal.
8. In my appeal decision I have already found the Inspector's conclusion in the Henthorn Road appeal decision was made in the context of the Council conceding on this point in that case. The main parties had agreed on the interpretation of this policy, and the Inspector concluded he had no other evidence or reasons to disagree with that view. Similarly, my appeal decision also finds that, at the Chatburn Old Road hearing, the policy position of DMG2 was not defended in respect of the settlement boundary.
9. As a consequence, neither of the cited appeal decisions dealt with the detailed and specific matter of dispute regarding the interpretation of policy DMG2 that has arisen in the current appeal. As such, I find that the Council did not, in the current appeal, persist in objections to elements of a scheme which Inspectors had previously indicated to be acceptable, as those matters had not been subject to detailed consideration.
10. The appellant is concerned that the Council conceded on this point at two separate appeals, then inconsistently determined to defend the matter in the current appeal. The Council's reply that weight was given to the housing land supply position at the time is rebutted by the applicant on the basis that the interpretation of policy has nothing to do with the housing supply position.
11. Whilst the Council's approach to defending the policy position at appeal could appear on the face of it to be inconsistent, in respect of the current s78 appeal the Council are entitled to consider that the starting point in decision making is

¹ Appeal decisions APP/T2350/W/19/3221189 and APP/T2350/W/19/3223816 respectively.

plan-led. It will be seen that I agree with the Council's interpretation of the development plan, regardless of the land supply position and, furthermore, the cited earlier decisions can be sufficiently distinguished from the current appeal. On that basis, I find that the Council has not unreasonably failed to determine similar cases in a consistent manner.

Conclusion

12. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Patrick Hanna

INSPECTOR



Appeal Decision

Site visit made on 22 September 2020

by **K A Taylor MSC URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 October 2020

Appeal Ref: APP/T2350/W/20/3255180

Land at Crooked Field, Chaigley, Clitheroe BB7 3LT

- 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 & Mrs Eric and Felicia Laycock against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2020/0114, dated 6 February 2020, was refused by notice dated 16 March 2020.
 - The development proposed is described as conversion of agricultural buildings into a single residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal decision are:
 - Whether the appeal site forms a suitable location for development having regard to the national and local Planning Policies;
 - The effect of the proposed development on the character and appearance of the area, with particular regard to the Forest of Bowland Area of Natural Beauty (AONB);

Reasons

Location and principle of development

3. The appeal site is an existing building which is located off Crooked Field, a private roadway off Chipping Road. It lies outside of the defined settlement and within the Forest of Bowland AONB. Therefore, by definition this would be within the countryside.
4. Policy DMG2, of the Core Strategy 2008-2028 A Local Plan for Ribble Valley, 2014 (CS), sets out the strategic considerations for development. Development which is outside of defined settlement areas is required to meet at least one of the considerations. Amongst others, these include; the development should be essential to the local economy or social wellbeing of the area; and the development is for local needs housing which meets an identified need and is secured as such.
5. Policy DMH3 restricts dwellings in areas defined as open countryside or AONB, to a specified number of exceptions. As part of criterion 1, residential

development will be limited to *'residential development which meets an identified local need'*. Both policies are supported by the aims and objectives of Key Statements DS1 and DS2 of the CS.

6. I have not been provided with any substantive evidence that the proposal would meet an identified local need or that this would be secured. The proposal is identified as market housing and appears it would only benefit the appellants as they would live there, this is further set out in the appellants' statement, and Design and Access Statement, *"the scheme accounts for comfortable living for the occupants, including an integral garage for the storage of vehicles and domestic goods. The development would meet their needs for their lifetime"*.
7. Furthermore, the appellants refer to The Strategic Housing Market Assessment 2008, (SHMA), which identified at that time there is an ageing population and lack of suitable accommodation across the area. Nonetheless, I have not been provided with any up-to-date evidence on housing land supply within the area and wider defined settlement boundaries. Moreover, I have no evidence that there is a current identified demand for smaller accommodation for older people that would justify the proposal. As such, I am not persuaded by this argument that the proposal would be essential to the local economy or social wellbeing of the area and it would meet an identified need as smaller accommodation for older people.
8. Looking at criterion 2, of Policy DMH3 it requires that appropriate conversion of buildings to residential are suitably located and their form and general design is in keeping with their surroundings. It requires the buildings that are to be converted to be structurally sound and capable of conversion without the need for complete or substantial reconstruction. This is supported by Policy DMH4, which grants permission for the conversion of buildings to dwellings, including that it is not isolated in the landscape, and sets out the 4 requirements the building to be converted must have.
9. The buildings comprise of two-parts with a mono-pitch roof spanning across both, constructed of mainly single-leaf blockwork with elements of polycarbonate, steel and timber cladding. I acknowledge the contents of the structural inspection; however, this is limited in detail. Although located on a substantial base, the buildings, would require significant construction works to facilitate the new dwelling, including excessive infilling and cladding, modifications including new walls and a new roof. It would be tantamount to a substantial rebuild and reconstruction and would therefore not meet the policy criteria for conversion of buildings to dwellings.
10. Paragraph 78 of the National Planning Policy Framework (the Framework) promotes sustainable development *'housing should be located where it will enhance or maintain the vitality of rural communities'*. Paragraph 110, advises that applications for development should *'give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use'*.
11. In regard to the location, the proposed development would be a considerable distance away from Clitheroe town centre and although sits within a small cluster of dwellings, it is physically separated by the vast amounts of open

- countryside which surround it. Its location means it would be remote from any local services, facilities including shops and any access to a broad range of jobs. I note the appellant acknowledges the distance and considers that future occupiers would not need to travel long distances by car and access could be achieved to local facilities by bus, cycle and foot. Nonetheless, future occupants of the development would be largely reliant on the private motor car to access services and facilities.
12. Moreover, the site is not served by public transport and as I observed on my site visit Crooked Field is a private narrow access track. The adjoining main road, Chipping Road is also narrow with limited passing places, unlit and has no pedestrian footways. This would likely result in treacherous conditions for any future occupiers navigating the roads by foot or cycling during the winter months or adverse weather fronts, there is no nearby bus stops, or acceptable walking distances to access public transport, services and facilities in the nearby settlements. On this basis, the proposed development would not enhance or maintain the vitality of the rural community and would lead to the use of unsustainable travel modes and likely to heavily rely on the private car
 13. I acknowledge that the development would be located within a cluster, where there are existing properties along Crooked Field. Having had regard to the High Court judgement¹ regarding paragraph 55 (now paragraph 79) of the Framework, this physical location would not result in a new isolated home in the countryside that the Framework seeks to avoid. Thus, there would be no conflict with paragraph 79 of the Framework in this regard. Nevertheless, there would still be minor negative environmental and social effects arising from the location in terms of the use of natural resources and the accessibility of local services.
 14. Consequently, it would not amount to a suitable location for residential use and would not accord with the sustainable development principles set out in Key Statement DMI2 of the CS which requires new development located to minimise the need to travel. Also, it should incorporate good access by foot and cycle and have convenient links to public transport to reduce the need to travel by private car, of which the proposal does not.
 15. Both parties disagree, that the buildings to be converted have a genuine history of use for agriculture or another rural enterprise to satisfy Policy DMH4 (4). The meaning of agriculture should be taken from S366(1) of TCPA90², although not an exhaustive list it sets out examples of agriculture activities. The appellants have provided evidence in the way of an enforcement notice, conveyance dated 1979 and a rural payments agency letter dated 2010.
 16. However, on the basis of the evidence before me, insufficient evidence has been provided to demonstrate that on the balance of probability the buildings, themselves for the conversion have a genuine history of use for agriculture or another rural enterprise. Therefore, I cannot be satisfied that they comprise of an agricultural unit or have been in agricultural use and as such I must find they are not. Nonetheless, even, if I were to agree with the appellant, the proposal would not satisfy other policy criteria set out in DMH4.

¹ Braintree District Council v Secretary of State for Communities and Local Government & Ors [2017] EWHC 2743 (Admin)

² The Town and Country Planning Act 1990 (as amended)

17. For the reasons given above, I conclude that the proposed development does not provide sufficient or adequate justification, it would create new residential development within the countryside within an unsustainable location. It would be contrary to Policies DMG2, DMG3, DMH3, DMH4 and the aims and objectives of Key Statements DS1, DS2, DMI2 of the CS, which together seek to direct new residential development towards defined settlements and restricts development in the open countryside in order to protect the designated area of the AONB; minimise the need to travel and reduce reliance on the private car; and have a genuine history of use for the purposes of agriculture.
18. It would also be at odds with the guidance in the Framework, particularly Paragraphs 78, and Chapter 9, promoting sustainable transport.

Character and Appearance

19. The appeal site is located within the Forest of Bowland AONB. CS Policy DMH4, requires that the character of the building and materials are appropriate, worthy of retention because of its intrinsic interest, potential or contribution to its setting. Proposals should be consistent with the conservation of the natural beauty of the area. Policy DMH3, amongst other things, requires the form and general design of buildings to be converted to residential development to be in keeping with their surroundings. Key Statement EN2, sets out the Council's approach to conservation and protection for development within AONB.
20. The Framework at Paragraph 172 advises that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB, which have the highest status of protection in relation to these issues. The scale and extent of development within these areas should be limited.
21. The existing buildings are of a dilapidated appearance with simple features. There are large areas open fronted and there is a miss-match of combining materials, of which the majority are degraded. Visually the buildings have no merit, they fail to have any intrinsic architectural character or reflect the local vernacular detail that would contribute positively to the character and appearance of the area and the setting of AONB.
22. The existing walls would be enclosed with new inner leaf and stud walls, and it would be infilled and finished with excessive stone cladding and zinc panelling roofing. There would be a significant number of openings created of an excessive nature. The significant works, of which amount to a tantamount rebuild and reconstruction would fundamentally alter the appearance of the existing buildings. The proposal would also include gardens and associated residential parking, taking all these together, it would result in domesticated, building of suburban in appearance and the site itself. Furthermore, the overall design combined with the materials, including bulky and excessive cladding would create a utilitarian and dominant appearance to the building and would be at odds with the original form of the simple single leaf buildings.
23. The appellant considers that the aesthetic of the buildings will be greatly improved and complement other nearby dwellings. Whilst the proposal would bring the buildings back into use, incorporate energy sufficient solutions and considers the aims and objectives of the Code for Sustainable Homes, the proposed development would however not represent good design or be of exceptional quality, including a truly outstanding or innovative design and

would create an awkward, incongruous and prominent building to the detriment of the immediate and wider rural setting and landscape.

24. In terms of views into the site, the building can be clearly viewed from Crooked Field and from glances along Chipping Road due to the topography. I have also had regard to the appellants proposed landscaping for the site. The building in its current form represents a typical and simple structure, associated with such rural settings. However, the proposed alterations to the buildings to facilitate residential development would be unduly dominant in appearance, particularly with the contrasting materials and cladding, it would be a prominent incongruous addition in the landscape. This would be to the detriment of the character and appearance and the positive visual outlook from along those roads.
25. For the reasons given above, I conclude that the proposed development would be harmful to the character and appearance of the area and the Forest of Bowland AONB. It would be contrary to Policies DMH3, DMH4 and Key Statement EN2 of the CS, taken together requires any development to contribute to the conservation of the natural beauty of the area; expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials.
26. It would also be contrary to the Framework, Chapter 12 achieving well-designed places and Chapter 15, conserving and enhancing the natural environment.

Other Matters

27. I note that local residents have expressed additional concerns about the proposed development, including privacy, sustainability, air/noise pollution, drainage, flooding and landscaping. However, the Council did not raise these points as reasons for refusal and I have no substantive evidence to support those concerns. Given my findings in relation to the main issues, it is not necessary to consider these matters in detail.
28. Although the proposed development would not cause any harm to highway safety, including visibility and parking. This consideration does not outweigh the harm caused by the development
29. I recognise the appeal proposal would have benefits with regard to the supply of housing in the Borough, the re-use of the buildings and the contribution both construction opportunities and any future occupiers would make to the local economy. These matters, however, do not outweigh my findings in respect of the main issues nor the conflict I have found with the development plan read as a whole.

Conclusion

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

KA Taylor

INSPECTOR