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Ribble Valley
Borough Council

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Dear Councillor

The next meeting of the **PLANNING AND DEVELOPMENT** Committee will be held at **6.30 pm** on **THURSDAY, 29 JUNE 2023** in the **Council Chamber**.

I do hope you can be there.

Yours sincerely

M. H. Scott

CHIEF EXECUTIVE

AGENDA

1. **APOLOGIES FOR ABSENCE**
2. **TO APPROVE THE MINUTES OF THE PREVIOUS MEETING** (Pages 3 - 6)
3. **DECLARATIONS OF DISCLOSABLE PECUNIARY, OTHER REGISTRABLE AND NON REGISTRABLE INTERESTS**

Members are reminded of their responsibility to declare any disclosable pecuniary, other registrable or non-registrable interest in respect of matters contained in the agenda.

4. **PUBLIC PARTICIPATION**

ITEMS FOR DECISION

5. **PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990**

Report of the Director of Economic Development and Planning – copy enclosed

- i) 3/2022/0754 - Coar Brook House, Clitheroe Road, (Pages 7 - 10)
Waddington BB7 3HH

6. **TREE PRESERVATION ORDER 3/19/3/233 2 LIMEFIELD AVENUE & 10 STATION ROAD, WHALLEY** (Pages 11 - 22)

Report of the Director of Economic Development and Planning enclosed

7. **BARROW PLANNING OBLIGATION** (Pages 23 - 24)

Report of the Director of Economic Development and Planning enclosed

ITEMS FOR INFORMATION

8. **PLANNING ENFORCEMENT UPDATE** (Pages 25 - 28)

The Report of the Chief Executive enclosed

9. **LOCAL PLAN UPDATE** (Pages 29 - 30)

Report of the Director of Economic Development and Planning enclosed

10. **APPEALS (IF ANY)** (Pages 31 - 34)

11. **MINUTES OF WORKING GROUPS**

12. **REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES**

13. **EXCLUSION OF PRESS AND PUBLIC**

ITEMS FOR DECISION

ITEMS FOR INFORMATION

Electronic agendas sent to members of Planning and Development – Councillor Anthony (Tony) Austin, Councillor Karl Barnsley, Councillor Susan Bibby (Chair), Councillor Derek Brocklehurst, Councillor Ian Brown, Councillor Stella Brunskill JP (Vice-Chair), Councillor Louise Edge, Councillor Stewart Fletcher, Councillor Mark French, Councillor Simon Hore, Councillor Kevin Horkin MBE, Councillor Simon O'Rourke, Councillor James (Jim) Rogerson, Councillor Kieren Spencer and Councillor Nicholas Stubbs.

Contact: Democratic Services on 01200 414408 or committee.services@ribblevalley.gov.uk

Minutes of Planning and Development

Meeting Date: Thursday, 1 June 2023, starting at 6.30 pm
Present: Councillor S Bibby (Chair)

Councillors:

T Austin	S Fletcher
K Barnsley	S Hore
D Brocklehurst	K Horkin
I Brown	S O'Rourke
S Brunskill	J Rogerson
L Edge	K Spencer

In attendance: Director of Economic Development and Planning, Head of Development management and Building Control and Head of Legal and Democratic Services

970 APOLOGIES FOR ABSENCE

Apologies for absence for the meeting were received from Councillors M French and N Stubbs.

971 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 13 April 2023 were approved as a correct record and signed by the Chairman.

972 DECLARATIONS OF DISCLOSABLE PECUNIARY, OTHER REGISTRABLE AND NON REGISTRABLE INTERESTS

Councillors S O'Rourke and I Brown declared an interest in Agenda Item 7(iii) – Application 3/2023/0199 Roefield Leisure Centre, Edisford Road, Clitheroe BB7 3LA

973 PUBLIC PARTICIPATION

Mr Peter Hitchen spoke on Agenda Item 7(i) – 3/2022/1039 – Land adj Kemple View, Clitheroe BB7 2QJ

974 BRIEFING OF THE WORK OF THE PLANNING & DEVELOPMENT COMMITTEE

As the members had already undertaken a training course immediately prior to the Committee, the Director of Economic Development and Planning gave a brief overview of the Planning and Development Committee.

975 APPOINTMENT TO WORKING GROUPS

The Chief Executive submitted a report asking Committee to consider the reappointment of the Local Development Plan working group under the remit of the Planning and Development Committee and its membership.

RESOLVED THAT COMMITTEE:

Approve the continuance of the Local Development Plan working group for the 2023/24 municipal year, being made up of five members consisting of two Conservatives, one Liberal Democrat, one Labour and one Independent Group Councillor.

The membership of the working group is as follows:

Councillors S Bibby, S Brunskill, S O'Rourke, K Spencer and J Rogerson

976 PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990

977 3/2022/1039 - LAND ADJ KEMPLE VIEW, CLITHEROE BB7 2QJ

Councillor Mary Robinson was given permission to speak on the above item.

RESOLVED THAT COMMITTEE:

1. Grant planning permission (contrary to the recommendation) subject to conditions.
2. The application is to be brought back to a future committee meeting for decision with conditions drafted.

978 3/2023/0068 - ROSE GARDEN WITHIN CLITHEROE CASTLE GROUNDS, CLITHEROE BB7 1AZ

RESOLVED THAT COMMITTEE:

The application was withdrawn as reported on the Late Items Sheet.

979 3/2023/0199 - ROEFIELD LEISURE CENTRE EDISFORD ROAD CLITHEROE BB7 3LA

Councillor Simon O'Rourke left the room.

Councillor Ian Brown made a brief comment in support of the application then left the room.

RESOLVED THAT COMMITTEE:

Approved the application subject to the imposition of the following condition(s):

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

REASON: Required to be imposed pursuant to Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

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

0677/93 Drawing 00: Proposed Location Plan
0677/99 Drawing 05: Proposed Site Plan
0677/99 Drawing 10C: Proposed Ground Floor Plan
0677/99 Drawing 11A: Proposed First Floor Plan
0677/99 Drawing 17A: Proposed Elevations

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

3. The rating level of sound emitted from the external air-conditioning units hereby approved shall not exceed background sound levels by more than 5dB(A) between the hours of 0700 - 2300 (taken as a 15 minute LA90 at the nearest sound-sensitive premises) and shall not exceed the background sound level between 2300 - 0700 (taken as a 15 minute LA90 at the nearest/any sound-sensitive premises).

All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

REASON: To protect nearby residential amenities and to ensure the proposed development does not cause undue noise disturbance.

Councillors Simon O'Rourke and Ian Brown returned to the room.

980

LOCAL VALIDATION CHECKLIST FOR PLANNING APPLICATIONS

The Director of Economic Development and Planning submitted a report seeking authority from Members to publish a consultation draft version of the Council's updated Local Validation Checklist for a six-week consultation period. This document sets out the information that is required to validate a planning application and is required to be reviewed and updated every two years.

It was noted that section 1 of the document provides information on procedural matters of validation and section 2 sets out the national requirements which are set by central government.

Several Members noted concerns with regards to the lack of reference on environmental factors such as net zero carbon emissions. It was suggested that these issues could be included in the Council's core strategy and the Local Plan.

RESOLVED THAT COMMITTEE:

Agree for the Local Planning Authority to publish the draft version of the updated Local Validation Checklist for a six-week consultation period.

981 UPDATED GUIDANCE NOTES FOR PRE-APPLICATION ENQUIRY FEES

The Director of Economic Development and Planning submitted a report updating Members on the Local Planning Authority's recently published Pre-Application guidance note. It included information on:

- Fees (as approved by Full Council)
- A description of what type of proposals fall within each of the development categories
- Timescales for when customers can expect to receive responses

982 GOVERNMENT CONSULTATION ON INTRODUCING A USE CLASS FOR SHORT-TERM LETS

The Director of Economic Development and Planning submitted a report updating Members on the current government consultation on 'Introduction of a use class for short term lets and associated permitted development rights'.

It was noted that the government is consulting on planning measures that would help local areas have greater ability to control any future increase in the number of short term lets in their area and support the retention of existing properties to buy or to rent.

In addition it seeks views on the introduction of new permitted development rights to provide flexibility where short term lets are not a local issue, and which allows for this flexibility to be removed where there is local concern. The consultation also seeks views on how homeowners might be provided with flexibility to let out their sole or main home for up to 30 nights in a calendar year.

983 APPEALS (IF ANY)

Members noted the content of the appeals update report.

984 MINUTES OF WORKING GROUPS

There were no minutes from working groups

985 REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES

There were no reports from representatives on outside bodies.

986 EXCLUSION OF PRESS AND PUBLIC

There were no items under this heading

The meeting closed at 7.37 pm

If you have any queries on these minutes please contact the committee clerk, Jenny Martin jenny.martin@ribblevalley.gov.uk.

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

APPROVAL

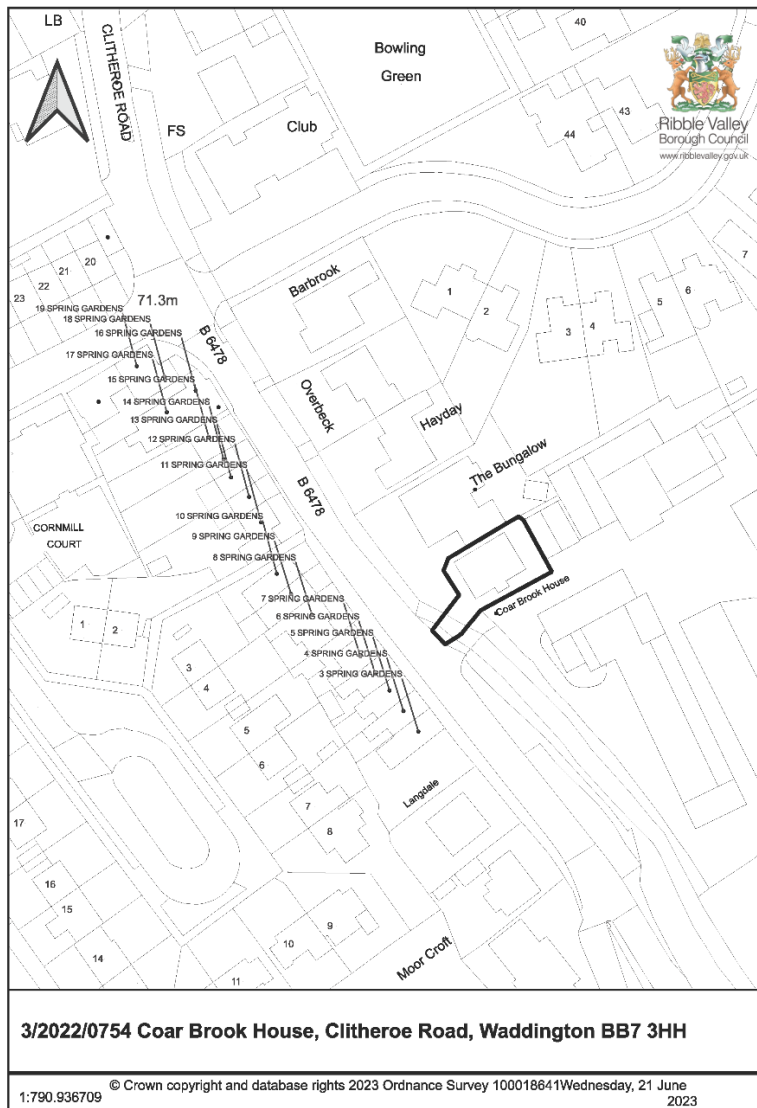
DATE: 29th June 2023
REF: BT
CHECKED BY: LH

APPLICATION REF: 3/2022/0754

GRID REF: SD 370048 443535

DEVELOPMENT DESCRIPTION:

LAWFUL DEVELOPMENT CERTIFICATE FOR THE CONTINUED USE OF COAR BROOK HOUSE AS A SINGLE DWELLING HOUSE UNFETTERED BY AN AGRICULTURAL OCCUPANCY RESTRICTION



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

None.

ADDITIONAL REPRESENTATIONS:

None.

1. Site Description and Surrounding Area

- 1.1 The application relates to a detached dormer bungalow property situated on the Southern edge of Waddington. The property consists of stone elevations, slate roof tiles and mock timber UPVC doors and windows. The property's two front dormers comprise a hipped roof design with horizontally cladded cheeks.
- 1.2 Access to the property is from Clitheroe Road over a footbridge which crosses the Waddington Brook. The property's access is shared with Fields Farm which lies directly adjacent to Coar Brook House. The surrounding area is largely residential in character and comprises a variety of housetypes. An area of open countryside between Waddington and Clitheroe lies to the South-east of the application site.

2. Proposed Development for which consent is sought

- 2.1 This is an application for a Certificate of Lawfulness to establish the continued use of the application property as a single dwellinghouse unfettered by an agricultural occupancy restriction. The application is being brought before Planning & Development Committee because the applicant is a former Council employee and was employed by the Council at the time the application was submitted.
- 2.2 Planning permission was granted for the construction of the application property under planning application ref: 3/1995/0564 on 10th February 2000. Condition 2 from this permission reads as follows:

"The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 336(1) of the town and Country Planning Act 1990 or in forestry, or a dependent of such a person residing with him or her or a widow or widower of such a person."

- 2.3 It is the applicant's claim that they have resided in the application property for in excess of 10 years and are not, or were not solely, mostly or lastly employed in agriculture or forestry. As such, the applicant seeks confirmation of the above in the form of a Lawful Development Certificate.

3. Relevant Planning History

3/1995/0564: Erection of detached bungalow (Approved with conditions 10/02/2000)

4. Relevant Policies

Town and Country Planning Act 1990, Section 171(B); Section 191

National Planning Practice Guidance: Lawful Development Certificates

5. Assessment of Proposed Development

5.1 The lawfulness of the existing use in question rests upon a detailed assessment of the supporting information provided as part of the application in relation to the provisions of Section 171(B) of the Town and Country Planning Act 1990 (the Act). Section 171(B) of the Act provides timescales whereby unauthorised development becomes immune from enforcement action and as such becomes lawful as follows:

(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.

(3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

(4) The preceding subsections do not prevent —

(a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or

(b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.

5.2 In addition, Section 191 (4) of the Act states:

'If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, they shall issue a certificate to that effect.'

5.3 The above is reiterated in National Planning Practice Guidance which states:

'The applicant is responsible for providing sufficient information to support an application...if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.'

5.4 In this instance as there was a restrictive use condition imposed, the application is required to be considered against Section 171B (3) of the Act where the relevant (minimum) time

period for immunity from any enforcement action is ten years. Therefore the main issue is whether or not there is sufficient evidence to support the applicant's claim that the dwelling has been occupied continuously for ten years or more by someone who has not been solely, mostly or lastly employed in agriculture or forestry.

5.5 The evidence provided by the applicant includes:-

- correspondence from the Council's Revenues department which confirms the applicants as being joint liable parties for council tax at Coar Brook House from June 1st 2012 to June 20th 2022
- correspondence in the form of a home insurance policy renewal letter which indicates that occupancy of the application property was taken up by the applicants from June 1st 2012
- P60 documents, PAYE documents and correspondence from each of the applicant's previous employers which shows that both applicants have been in continuous full time employment unrelated to agriculture whilst residing at Coar Brook House.

5.6 There is nothing to suggest that the applicants have dependents previously or currently living with them who were solely, mostly or lastly employed in agriculture or forestry. Moreover, the Council's Planning Enforcement Team have confirmed that no enforcement notices have been served in relation to the breach of condition 2 from planning application 3/1995/0564.

5.7 Taking into account the submitted supporting information and in the absence of any other evidence to suggest otherwise, on balance the property known as Coar Brook House, Clitheroe Road, Waddington, BB7 3HH appears to have been in use as a single open market dwelling, unfettered by agricultural occupancy restrictions for over 10 years, contrary to the provisions of condition 2 of planning consent reference 3/1995/0564.

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

6.1 Sufficient evidence has been provided to satisfy the Local Planning Authority that the applicants have continuously resided in the application property for a period in excess of 10 years and are not, or were not solely, mostly or lastly employed in agriculture or forestry during this period.

6.2 On this basis there are not considered to be any reasons to refuse to grant the certificate of lawfulness.

RECOMMENDED: To approve the application for a Certificate of Lawfulness.

BACKGROUND PAPERS

https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2022%2F0754

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

meeting date: THURSDAY, 29 JUNE 2023
title: TREE PRESERVATION ORDER 7/19/3/233
2 LIMEFIELD AVENUE AND 10 STATION ROAD, WHALLEY 2023
submitted by: NICOLA HOPKINS – DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING
principal author: ALEX SHUTT – COUNTRYSIDE OFFICER

1. PURPOSE

- 1.1 For Committee to consider whether the 2 Limefield Avenue and 10 Station Road, Whalley Tree Preservation Order 2023 should be confirmed.
- 1.2 Relevance to the Council's ambitions and priorities:
 - Community Objectives – To protect and enhance the existing environmental quality of our area.
 - Corporate Priorities – To comply with the adopted Ribble Valley Core Strategy, in particular Key Statement DME1: Protecting Trees and Woodlands.
 - Other Considerations – None.

2 BACKGROUND

- 2.1 On 2 March 2023 the Council received a phone call from a resident requesting a Tree Preservation Order (TPO) and Conservation Area (CO) search to be carried out at 2 Limefield Avenue and 10 Station Road, Whalley, as a neighbour wanted to prune both mature copper beech trees.
- 2.2 The Council's Countryside Officer visited the site on 3 March 2023 and carried out a Tree Evaluation Method for a Tree Preservation Order [TEMPO] (see Appendix A). The Countryside Officer evaluated the trees outside 2 Limefield Avenue and 10 Station Road and based on the results and the threat of T1 & T2 being pruned by a third party, the local authority considered it expedient to serve a TPO on that same date (see Appendix B). By placing a temporary TPO on T1 and T2, it enables the Council to protect the trees so any felling or pruning works cannot take place without the Council approval.
- 2.3 In response to the TPO being served, one formal objection has been received by the Council from a resident (see Appendix C) outlining a number of issues with the trees and the proposed TPO.

3 ISSUES

- 3.1 The trees are considered to be of visual amenity value to the locality, they are situated in a prominent position in the village and Conservation Area and are important to the wider treescape.
- 3.2 Both trees appear to have been planted simultaneously and although they have had some historic pruning, both trees are of good form.

- 3.3 The trees were at risk of being pruned both unevenly and not to BS:3998 Recommendations, which could affect their amenity value and stability. Both landowners have not objected, but due to the location of the trees, the Council posted copies to the neighbouring houses to inform all those affected of the TPO. No arboricultural evidence has been submitted and both landowners survey and maintain their trees to a high standard.
- 3.4 A Local Planning Authority may make a TPO if it appears expedient in the interests of amenity, it may also be expedient to make a TPO if the LPA believe that there is a risk of tree[s] being cut down or pruned in ways which would have a significant impact on the amenity of the area.
- 3.5 A TPO protects trees from lopping, topping and felling but does not preclude tree work being carried out, including felling, however except for emergencies, for which there are exemptions, a tree work application is required for tree management work.
- 3.6 Tree work to protected trees that are considered to be dead and/or dangerous can, under exemptions, be carried out to reduce or remove immediate risk; however, a five-day notice is normally required. If a tree has to be felled or pruned in an emergency, the onus is on the landowner to prove that on the balance of probabilities the tree was dangerous, however dead wood pruning does not require formal consent
- 3.7 Any tree management decisions about any of the trees included in the TPO should be based on a detailed arboricultural quantified tree risk assessment, carried out by a qualified and public indemnity insured arborist. This ensures that any tree management decisions are based on objective and accurate arboricultural information.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:
- Resources – Dealing with tree related issues including tree work applications form part of the Countryside Officer's duties.
 - Technical, Environmental and Legal – Decisions made about trees have to balance protection of the environment against quantifiable risks posed by trees.
 - Political – None.
 - Reputation – The Council's environmental protection measures are being maintained.
 - Equality & Diversity – None.

5 CONCLUSION

- 5.1 The trees are an important feature within the locality of Whalley, as can be seen in Appendix D. The TPO was made to enable the Council to make an informed decision on the future management of the trees.
- 5.2 All trees have a risk of failure but by having trees assessed by an approved arborist or consultant, the risk can be classified as low as reasonably practicable (ALARP). The owners have managed the trees well historically and neither have objected to the TPO,

but due to their high amenity value the Council cannot allow these native, mature trees to be pruned without being consulted by way of a Treework Application. Although the trees do have a high target area, through regular inspection and carrying out any recommended management works, both beech trees should be able to be retained for a good number of years.

- 5.3 As mentioned above, if any of the landowners require works to be carried out on T1 or T2 they can do so by submitting a Treework Application supported by a detailed arboricultural quantified tree risk assessment, carried out by a qualified and public indemnity insured arborist, as evidence that the tree has an intolerable risk of failure.

6 RECOMMENDED THAT COMMITTEE

- 6.1 Confirm the 2 Limefield Avenue and 10 Station Road, Whalley, Tree Preservation Order 2023 .



ALEX SHUTT
COUNTRYSIDE OFFICER

NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT AND
PLANNING SERVICES

BACKGROUND PAPERS

1. <https://www.qtra.co.uk/docs/practice.pdf>

For further information please ask for Alex Shutt, extension 4505.



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO) SURVEY DATA SHEET & DECISION

Date: 2/04/22 Surveyor: Alex Shutt

Tree Details

TPO Ref (if applicable): _____

Tree/Group G1 Species: T1 & T2 Copper Beech

Owner (if known): _____

Part 1: Amenity Assessment

a) Condition & Suitability for TPO

5) Good	<input type="checkbox"/>	Highly suitable	<input type="checkbox"/>
3) Fair	<input checked="" type="checkbox"/>	Suitable	<input checked="" type="checkbox"/>
1) Poor	<input type="checkbox"/>	Unlikely to be suitable	<input type="checkbox"/>
0) Dead	<input type="checkbox"/>	Unsuitable	<input type="checkbox"/>
0) Dying/Dangerous *	<input type="checkbox"/>	Unsuitable	<input type="checkbox"/>

Score & Notes = 3

**Relates to existing context and is intended to apply to severe irremediable defects only*

b) Retention Span (in Years) & Suitability for TPO

5) 100+	<input type="checkbox"/>	Highly suitable	<input type="checkbox"/>
4) 40 – 100	<input checked="" type="checkbox"/>	Suitable	<input checked="" type="checkbox"/>
2) 20 – 40	<input type="checkbox"/>	Unlikely to be suitable	<input type="checkbox"/>
1) 10 – 20	<input type="checkbox"/>	Unsuitable	<input type="checkbox"/>
0) <10*	<input type="checkbox"/>	Unsuitable	<input type="checkbox"/>

Score & Notes = 4

**Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

c) Relative Public Visibility & Suitability for TPO

5) Very large trees with some visibility, or prominent large trees	<input checked="" type="checkbox"/>	Highly suitable
4) Large trees, or medium trees clearly visible to the public	<input type="checkbox"/>	Suitable

Score & Notes = 5

- | | | | |
|--|--------------------------|---------------------|--|
| 3) Medium trees, or large trees with limited view only | <input type="checkbox"/> | Suitable | |
| 2) Young, small or medium/large trees visible only with difficulty | <input type="checkbox"/> | Barely suitable | |
| 1) Trees not visible to the public, regardless of size | <input type="checkbox"/> | Probably unsuitable | |

d) Other Factors

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes = 1

Part 2: Expediency Assessment

- | | |
|-------------------------------|-------------------------------------|
| 5) Immediate threat to tree | <input checked="" type="checkbox"/> |
| 3) Foreseeable threat to tree | <input type="checkbox"/> |
| 2) Perceived threat to tree | <input type="checkbox"/> |
| 1) Precautionary only | <input type="checkbox"/> |

Score & Notes = 5

Part 3: Decision

- | | | |
|---------|-----------------------|-------------------------------------|
| Any 0 | Do not apply TPO | <input type="checkbox"/> |
| 1 – 6 | TPO indefensible | <input type="checkbox"/> |
| 7 – 11 | Does not merit TPO | <input type="checkbox"/> |
| 12 – 15 | TPO defensible | <input type="checkbox"/> |
| 16+ | Definitely merits TPO | <input checked="" type="checkbox"/> |

ADD SCORES FOR TOTAL

18

Decision

TPO SERVED

Form of Tree Preservation Order

Town and Country Planning Act 1990

The 2 Limefield Avenue & 10 Station Road, Whalley Tree Preservation Order 2023

The Ribble Valley Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as 2 Limefield Avenue & 10 Station Road, Whalley Tree Preservation Order 2023.

Interpretation

2.— (1) In this Order “the authority” means the Ribble Valley Borough Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of, any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 3 day of March 2023

Signed on behalf of the Ribble Valley Borough Council



Mrs Nicola Hopkins Director of Economic Development and Planning Services
Authorised by the Council to sign in that behalf

SCHEDULE
Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Copper Beech	2 Limefield Avenue's front garden
T2	Copper Beech	10 Station Road's front garden

Trees specified by reference to an area

(within a dotted black line on the map)

-None-

Groups of trees

(within a broken black line on the map)

-None-

Woodlands

(within a continuous black line on the map)

-None-



RIBBLE VALLEY BOROUGH COUNCIL TREE PRESERVATION ORDER NO./NOS. 7/19/3/233
 TOWN & COUNTRY PLANNING ACT 1990
 TOWN & COUNTRY PLANNING (TREES) REGULATIONS 1999

LOCATION: Station Road, Whalley
 PARISH: Whalley

OS SHEET: SD7336SW

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Scale 1:1250

APPENDIX C

Countryside Officer
Planning Section
Ribble Valley Borough Council
Council Offices
Church Walk
Clitheroe
Lanashire
BB7 2RA



A hand delivered letter was received from yourselves on 3rd March 2023 regarding a preservation order on a tree situated in the garden of 10 Station road. T. 2.



We write this letter on behalf of [redacted] as [redacted] had many problems with the tree.

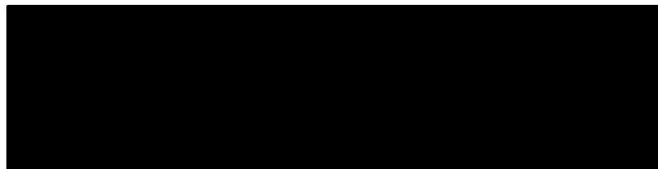
[redacted] contacted the council on several occasions due to the leaves from the tree blocking not only [redacted] drains but also the drain on the main road outside [redacted] house.

The gutters also get blocked with the leaves and have to be regularly cleared.

The front rooms of [redacted] property are extremely dark in the summer due to the sheer size of the tree blocking out the daylight.

The main problem though is the tree roots. They are now spreading and appearing on the top of the lawn in the front garden of the property and it is of great concern as to what damage the roots may be causing to the underneath of the property.

Please accept this letter as a formal objection to a preservation order being listed for the tree.







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

Agenda Item No.

meeting date: THURSDAY, 29th JUNE 2023
 title: BARROW PLANNING OBLIGATION
 submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING
 principal author: NICOLA HOPKINS – DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

1. PURPOSE

- 1.1 To seek authority from Members to release Section 106 contributions to Barrow Parish Council to facilitate improvement works at Barrow Playing Fields

2. BACKGROUND

- 2.1 When full planning permission was granted to erect 21 dwellings on phase 5 of the housing site the southwest of Barrow and west of Whalley Road, Barrow (ref: 3/2019/1085) the associated Section 106 Agreement including the following:

Off Site Recreation Contribution

“Off Site Recreation Contribution” means the sum of £13,469.49 payable for Off Site Recreation facilities in Barrow/Whalley calculated by reference to the number of bedrooms of a dwelling and to be made available to Barrow Parish Council for improvements to recreational facilities including but not limited to:

- Replacement noticeboard at Trafford Gardens
- Revamp of the planting areas at Trafford Gardens
- Purchase of new and replacement benches around the village of Barrow
 - Repairs to footpaths around the village of Barrow
 - Work to improve the small seating area on Whalley Road outside the Application Site
 - Work to improve the play surfaces at Barrow Playing Field
 - Purchase of replacement benches and picnic tables at Barrow Playing Field
 - Installation and maintenance of public access defibrillators in the village of Barrow

- 2.2 The contribution was received last year, and Barrow Parish Council were contacted to establish how they intend to utilise the contribution. The Parish Council have confirmed that they intend to purchase picnic tables and benches to replace those currently installed on Barrow playing fields, which are owned by the Parish Council.

3. PROPOSAL

- 3.1 The Parish Council have confirmed that in April 2015 they installed 3 picnic tables and three benches (one was subsequently removed). These wooden benches and picnic tables have been jet washed and treated over the years but are now in a state of

disrepair. Once removed, they will (if possible) be repaired, cleaned, treated, and reused in a less busy area in the parish.

3.2 Whilst Ribble Valley Council's Contract Procedure Rules, for a scheme of this value, do not require written quotations at least two written quotes for the work were requested as the value at that stage was unknown. The Parish Council have obtained and provided two quotes to replace the existing wooden furniture with furniture made of a composite material (recycled plastic).

3.3 The first quote is for 'Supply only' whilst the second quote includes assembly and fixing. Although the second quote is slightly higher than the first it is from a local supplier and includes assembly and fixing which the Parish Council considers represents better value for money. The quote is for £2,960.00 excluding VAT.

4. RISK ASSESSMENT

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

- Resources – The £13,469.49 commuted sum was received by the Council on 25th November 2022 and as such there are existing sufficient funds for part of the project.
- Technical, Environmental and Legal - The project would accord with the stipulations of the legal agreement.
- Political - N/A
- Reputation - The provision of improved facilities in Barrow is a benefit to the Village and accords with the purpose of securing such contributions as part of new residential developments.
- Equality and Diversity - N/A

5. **RECOMMENDED THAT Committee**

5.1 Authorise payment of £2,960 to Barrow Parish Council, for the replacement of the picnic tables and benches set out within paragraph 3.2, on completion of the works.



NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: 29 JUNE 2023
title: PLANNING ENFORCEMENT UPDATE
submitted by: CHIEF EXECUTIVE
principal author: HEAD OF LEGAL AND DEMOCRATIC SERVICES

1 PURPOSE

1.1 To provide committee with an update on planning enforcement.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives - }
- Corporate Priorities - } Consideration of these issues will promote the Council's aim to be a well-managed Council.
- Other Considerations - }

2 BACKGROUND

2.1 As the Local Planning Authority, the Council has responsibility for planning enforcement. At Ribble Valley Borough Council this function sits within Legal Services with the officers working closely with the planning officers to determine what action should be taken in individual cases.

2.2 The Council's Planning Enforcement Policy 2022-2025 was approved by this Committee in November 2022. The policy states that the Council will report to Committee on a quarterly basis on enforcement matters so that members and the public are aware of the work which is ongoing.

3 ISSUES

3.1 The Council currently has 86 live planning enforcement matters. Between 6 February 2023 and 20 June 2023, the Council received 46 new complaints. The Planning Enforcement Policy sets out how complaints will be categorised and how resources will be prioritised. The categories are:

“Priority 1 (High)

Development causing significant and irreversible damage to the environment or amenity. Typical examples are:

- *unauthorised works to, or demolition of a listed building or building within a Conservation Area;*
- *unauthorised development within a Conservation Area (where the development may impact on the character and appearance of the area);*
- *unauthorised works to trees protected by a Tree Preservation Order or in a Conservation Area;*
- *unauthorised development close to or within a Site of Special Scientific Interest (SSSI);*
- *large scale engineering operations within the Green Belt;*
- *breaches of statutory planning notices such as Enforcement Notices.*

Priority 2 (Medium)

Development causing less significant but continued harm to the environment or amenity, time-sensitive breaches or development that compromises public safety. Examples include:

- *large-scale unauthorised engineering/construction works where a significant impact is felt over a wide area;*
- *substantial operational development in the Green Belt;*
- *unauthorised changes of use causing significant harm to the amenity of an area, for example car repairs business from a residential property;*
- *unauthorised vehicle accesses causing significant risk to highway safety;*
- *development/operations which are not in accordance with approved plans/conditions of a planning permission;*
- *unauthorised development within a Conservation Area (not falling within Priority 1).*

Priority 3 (Routine)

Development causing a limited degree of disturbance to local residents or damage to the environment. Examples include:

- *unauthorised operational development which would be likely to receive planning permission;*
- *unauthorised fences/walls/gates (unless public safety is compromised/ attached to or adversely affecting the setting of a listed building);*

- *unauthorised telecommunications equipment/satellite dishes/equipment on residential dwellings;*
- *display of advertisements not causing significant harm to amenity or public safety.”*

3.2 The 46 new complaints fell into the following categories:

- Priority 1 – 0
- Priority 2 - 1
- Priority 3 - 45

3.3 The Council takes a stepped approach to enforcement and so these complaints were all investigated. Weekly meetings take place between legal and planning officers to discuss new matters so that an agreed approach can be implemented quickly. Monthly meetings also take place at which all outstanding matters and the progress made is assessed and matters are moved on efficiently.

3.2 Planning Enforcement is discretionary, and the Council will not take action unless it is expedient to do so. Once matters have been investigated it may be therefore that it is found that there is no breach or that it is not expedient to take any action. Those matters are closed, and no further action is taken. 14 matters have been closed with no further action during this period.

3.3 For those where action is required, it may be appropriate to invite a planning application to be made to regularise the position and so that it can be fully assessed. If refused an applicant has a right of appeal to the Planning Inspectorate. Two applications to date, have been submitted during this period although we expect some to be forthcoming in due course.

3.4 As set out above and in line with government guidance, the Council seeks to work with and negotiate with the public. However, in some cases this is not forthcoming, or is not appropriate. As a result, in those investigations, the Council has taken formal action and has served the following formal notices:

- Planning Contravention Notices – 18

- Enforcement Notices – 4
- Breach of Condition Notice - 1
- Temporary Stop Notices – 1

4. RISK ASSESSMENT

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

- Resources – The increase in planning enforcement officer resources has significantly increased and improved the volume and pace of enforcement.
- Technical, Environmental and Legal – The approach taken to planning enforcement accords with government guidance.
- Political – No implications.
- Reputation – Improved resources in this area will enhance the Council’s reputation.
- Equality & Diversity – The Council complies with its equality duties when carrying out planning enforcement.

5. CONCLUSION

5.1 Note the contents of this report.

MAIR HILL

MAIRSHAL SCOTT

HEAD OF LEGAL AND DEMOCRATIC SERVICES

CHIEF EXECUTIVE

BACKGROUND PAPERS

<https://www.ribblevalley.gov.uk/downloads/file/3279/planning-enforcement-policy-2022-2025-v1>

For further information please ask for Mair Hill, extension 4418

REF: MJH/Planning Committee/29 June 2023

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

meeting date: THURSDAY, 29 JUNE 2023
title: RIBBLE VALLEY LOCAL PLAN - UPDATE
submitted by: NICOLA HOPKINS – DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING
principal author: REA PSILLIDOU – HEAD OF STRATEGIC PLANNING AND HOUSING

1 PURPOSE

- 1.1 To receive an update on progress with the replacement Ribble Valley Local Plan.
- 1.2 Relevance to the Council's ambitions and priorities:
- Community Objectives – To ensure that the borough remains a sustainable place to live and work.
 - Corporate Priorities – The authority has a legal duty to update its Local Plan for the area.
 - Other Considerations – None.

2 INFORMATION

- 2.1 Members will be aware that work is progressing on the production of a new Local Plan (2021-2038) for the borough. This intends to replace the adopted Core Strategy and the HED-DPD by setting out the strategic policies aimed at guiding development within the borough, as well as non-strategic policies to be used for development management purposes and allocations for the period up to 2038.
- 2.2 The last Local Plan update brought to this Committee in April set out the ongoing work in relation to the evidence base. Since April work has continued in relation to several work streams as detailed below.

Evidence Base

- 2.3 It is a requirement of the Local Plan process that policies and proposals are informed by robust evidence. There is a number of standard pieces of evidence that will need to be prepared and made available alongside the draft Local Plan. Below are the pieces of evidence currently being prepared.

a. Strategic Flood Risk Assessment (SFRA)

- 2.4 The SFRA is required to assess flood risk from all sources. It is a specialist piece of work which the Council has put out to tender. Work is progressing to agree and award the contract to the successful bidder. The process is complicated by the fact that although four suppliers were invited to quote only one quoted. In the meantime, several data requests have been issued to stakeholders including the Lead Local Flood Authority (LCC), Environment Agency and United Utilities. It is important that the above stakeholders are involved in the preparation of the SFRA and support this key piece of evidence.

b. Strategic Housing & Employment Land Availability Assessment (SHELAA)

- 2.5 The SHELAA is an assessment of the suitability of potential sites for development. This follows the 'Call for Sites' exercise last year. The Council has put this piece of work out to tender and received a number of competitive bids. The successful bidder has been selected following interviews and currently work is progressing to agree the contract terms. In the meantime, officers had the inception meeting with the chosen consultants.

c. Housing Land Monitoring

- 2.6 This is an annual monitoring of the number of dwellings with planning permission or on allocated land as at the 31 of March each year and the number of dwellings completed in the preceding twelve months. The monitoring feeds into the preparation of the annual Housing Land Availability Statement (HLAS) the annual 5 Year Supply Statement. Currently work is progressing on completing the monitoring for the year ending 31 March 2023 and preparing the two statements. Robust housing information is essential for the preparation of the Local Plan.

d. Authority Monitoring Report (AMR)

- 2.7 This is an annual report covering the twelve-month ending at the 31 March each year. The Report includes an update of various Ribble Valley contextual indicators and also policy indicators in the adopted Development Plan. Completion of the 2022 AMR is expected in the next couple of weeks with work then starting on the 2023 AMR. The AMRs provide useful background information for the preparation of the new Local Plan.

Duty to Cooperate.

- 2.8 The Council is required to engage with adjoining Local Authorities under the duty to cooperate on strategic cross boundary matters. The Council will need to prepare Statements of Common Ground with all adjoining Local Authorities as part of the Local Plan preparation. A preliminary meeting was held with Blackburn with Darwen and Hyndburn has been contacted to arrange a meeting.

3 CONCLUSION

- 3.1 The committee note the progress on the Local Plan preparation. Progress will continue to be reported to future meetings of this committee.

REA PSILLIDOU
HEAD OF STRATEGIC PLANNING
PLANNING AND HOUSING

NICOLA HOPKINS
DIRECTOR OF ECONOMIC
DEVELOPMENT AND PLANNING

BACKGROUND PAPERS

None.

For further information please ask for Réa Psillidou, extension 4503.

APPEALS UPDATE 29 June 2023

Application No and reason for appeal	Date Received/App eal Start Date	Site Address	Type of Appeal Procedure	Costs application received	Date of Inquiry or Hearing if applicable	Progress
3/2022/0044 R	05/10/2022	The Barn by the River, Kenyon Lane, Dinckley BB6 8AN	HH			Awaiting Decision
3/2021/1104 R	09/12/2022	Bradleys Farm, Four Acre Lane, Thornley PR3 2TD	WR			Awaiting Decision
3/2022/0263 R (planning permission)	06/02/2023	Crow Hill Cottage, West Lane, Worston BB7 1QA	WR			Awaiting Decision
3/2022/0491 R (listed building consent)	06/02/2023	Crow Hill Cottage, West Lane, Worston BB7 1QA	WR			Awaiting Decision
3/2021/1008 R	15/03/2023	Land adj Higher Hodder Bridge	Hearing		11/07/2023	Awaiting Hearing
3/2022/0589 R	17/02/2023	Bank House, 1 Ribble Lane, Chatburn BB7 4AG	WR (procedure changed by PINS)			Awaiting Decision
3/2022/0833 R	07/03/2023	22 Woone Lane, Clitheroe BB7 1BG	WR			Appeal Dismissed 13/06/2023
3/2022/0742 R	27/02/2023	7 Accrington Road, Whalley BB7 9TD	WR	Yes – costs app received		Awaiting Decision
3/2022/0619 R	23/02/2023	Water Tank and Valve House off Vicarage Lane, Wilpshire BB1 9HY	WR			Awaiting Decision
3/2022/0440 R	16/02/2023	1 Park Road, Gisburn BB7 4HT	HH	Yes – costs app received		Awaiting Decision
3/2022/0822 R (Advert)	27/02/2023	Dog and Partridge Hotel, 1-3 Wellgate, Clitheroe BB7 2DS	CAS			Awaiting Decision
3/2022/0823 R (LBC)	28/02/2023	Dog and Partridge Hotel, 1-3 Wellgate, Clitheroe BB7 2DS	WR			Awaiting Decision
3/2022/0824 R (PP)	28/02/2023	Dog and Partridge Hotel, 1-3 Wellgate, Clitheroe BB7 2DS	WR			Awaiting Decision
3/2022/0380 R	22/02/2023	Land S of B6478 adjoining Marl Barn	WR (to be confirmed by PINS)	Yes – costs app received		Awaiting Decision
3/2022/0917 R	21/02/2023	2 Northacre Drive, Barrow BB7 9XT	HH	Yes – costs app received		Awaiting Decision

R = Refusal C = Condition U = Undetermined

3/2022/0970 R	28/02/2023	Swallows Barn, Whalley Old Road, Billington BB7 9JE	HH			Awaiting Decision
3/2022/0903 R	27/04/2023	Land SW of Garthpool 27 Whalley Old Rd York	WR			Awaiting Decision
3/2022/0451 R	21/02/2023	77 Mitton Road Whalley Clitheroe BB7 9JN	WR			Awaiting Decision
3/2021/0877 R	09/05/2023	Dove Syke Nursery, Eaves Hall Lane, West Bradford BB7 3JG	WR			Awaiting Decision
3/2022/0778 R LBC	Awaiting start date from PINS	32 Parson Lane, Clitheroe BB7 2JP	WR (to be confirmed by PINS)			
3/2022/0623 R	16/05/2023	Woodfold Park Stud, Woodfold Park, Mellor BB2 7QA	WR			Awaiting Decision
3/2022/0987 R	Awaiting start date from PINS	4 The Green, Osbaldeston Lane, Osbaldeston BB2 7LY	WR (to be confirmed by PINS)			
Enforcement appeal ground f	30/03/2023	Garth Cottage, Clitheroe Road, Mitton BB7 9PH	WR			Awaiting Decision
Enforcement appeal grounds a, c, f	03/04/2023	Land on NW side of Pendleton Road, Wiswell	WR			Awaiting Decision
3/2022/0678 R	20/06/2023	Chipping Farm Shop, Wilsden, Garstang Road, Chipping PR3 2QH	WR			Statement due 25/07/2023
3/2022/1105 R	Awaiting start date from PINS	Oakleigh, Longsight Road, Copster Green BB1 9EX	WR (to be confirmed by PINS)			
3/2023/0023 R	03/04/2023	52A Lowergate, Clitheroe BB7 1AD	HH			Awaiting Decision
3/2023/0233 R	10/05/2023	77 Ribchester Road, Wilpshire BB1 9HT	HH			Awaiting Decision
3/2022/1084 R (or 3/2022/0618 on the appeal form)	Awaiting start date from PINS	Land adjacent to 25 Paris, Ramsgreave BB1 9BJ	WR (to be confirmed by PINS)			
3/2023/0059 R	Awaiting start date from PINS	94 Ribchester Rd, Clayton le Dale BB1 9HQ	WR (to be confirmed by PINS)			
3/2023/0058 R	07/06/2023	5 Whalley Road, Read BB12 7PB	HH			Awaiting Decision

3/2023/0046 R	Awaiting start date from PINS	15 York Street, Clitheroe BB7 2DH	WR (to be confirmed by PINS)			
3/2023/0106 R	Awaiting start date from PINS	The Deer House, Woodfold Park, Mellor BB2 7QA	HH (to be confirmed by PINS)			
3/2022/1180 R	Awaiting start date from PINS	Pinfold Farm, Preston Road, Ribchester PR3 3YD	WR (to be confirmed by PINS)			
3/2022/0573 R	Awaiting start date from PINS	Land off Shire Lane, Hurst Green BB7 9QR	WR (to be confirmed by PINS)			

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