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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, 7 DECEMBER 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 5 - 18)
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** (Pages 19 - 20)

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

- i) 3/2022/1129 - Bridge Hey Wood Caravan Park Dunkirk Farm Read BB12 7RR (Pages 21 - 30)
- ii) 3/2023/0664 - Langho Sports and Social Club Dewhurst Road Langho BB6 8AF (Pages 31 - 38)
- iii) 3/2023/0707 - 1 Lower Lane Longridge PR3 3SL (Pages 39 - 48)
- iv) 3/2023/0766 - Waterloo Timber and Waterloo Mill Waterloo Road Clitheroe BB7 (Pages 49 - 66)

- v) 3/2023/0671 - The Warren Warren Fold Hurst Green (Pages 67 - 76)
BB7 9QH
6. **CONFIRMATION OF TPO ORDER AT NOS 3 & 7 CLARKWOOD CLOSE, WISWELL** (Pages 77 - 102)

Report of the Director of Economic Development & Planning enclosed.
7. **CONFIRMATION OF TPO ORDER AT LAND ADJ ST MARY'S CHURCH, MELLOR** (Pages 103 - 114)

Report of the Director of Economic Development & Planning enclosed.
8. **BIODIVERSITY NET GAIN - SPENDING GRANT MONIES** (Pages 115 - 118)

Report of the Director of Economic Development & Planning enclosed.
9. **BARROW PLANNING OBLIGATION** (Pages 119 - 120)

Report of the Director of Economic Development & Planning enclosed.

ITEMS FOR INFORMATION

10. **PLANNING FEE INCREASES** (Pages 121 - 122)

Report of the Director of Economic Development & Planning enclosed.
11. **PLANNING STATISTICS REPORT** (Pages 123 - 126)

Report of the Director of Economic Development & Planning enclosed.
12. **APPEALS (IF ANY)** (Pages 127 - 128)
13. **MINUTES OF WORKING GROUPS**

There are no items under this heading.
14. **REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES**

There are no items under this heading.
15. **EXCLUSION OF PRESS AND PUBLIC**

ITEMS FOR DECISION

There are no items under this heading.

ITEMS FOR INFORMATION

There are no items under this heading.

Electronic agendas sent to members of Planning and Development – .

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

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Minutes of Planning and Development

Meeting Date: Thursday, 19 October 2023, starting at 6.30 pm
Present: Councillor S Bibby (Chair)

Councillors:

T Austin	S Hore
D Brocklehurst	K Horkin
I Brown	S O'Rourke
S Brunskill	J Rogerson
L Edge	K Spencer
S Fletcher	N Stubbs
M French	L Jameson

In attendance: Head of Development Management and Building Control, Head of Legal and Democratic Services and Senior Accountant

385 APOLOGIES FOR ABSENCE

There were no apologies for absence.

386 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 21st September 2023 were approved as a correct record and signed by the Chair.

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

Councillor S Hore declared an interest in Agenda Item 5(a) – Planning Application at the Dog and Partridge, Hesketh Lane, Chipping PR3 2TH

388 PUBLIC PARTICIPATION

There was no public participation.

389 PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990

390 3/2023/0156 - DOG AND PARTRIDGE HESKETH LANE CHIPPING PR3 2TH

Councillor S Hore left the meeting and took no part in the discussion or vote.

RESOLVED THAT COMMITTEE:

Grant planning permission subject to the following conditions:

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

REASON: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- Location and Block Plan Dwg no LP01 Rev A
- Proposed Site Plan Dwg no P05 Rev H
- Proposed Floor Plan Dwg no P14 Rev E
- Proposed Elevations Dwg no P22 Rev D
- Proposed Ground Floor Plan Dwg no P12 Rev A
- Proposed First Floor Plan Dwg no P13 Rev A
- Proposed Elevations Dwg no P21 Rev B

REASON: For the avoidance of doubt as the proposal was the subject of agreed design improvements and/or amendments and to clarify which plans are relevant to the consent.

3. Notwithstanding the submitted details, precise specifications, or samples of all external surfaces, including surfacing materials and their extents, of the development hereby permitted shall have been made available to view to and approved by the Local Planning Authority before their use in the proposed development. The approved materials shall be implemented within the development in strict 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 in accordance with Policy/Policies DMG1 and DME2 of the Ribble Valley Core Strategy.

4. The holiday cottages hereby approved (identified as plots 8-10 on the approved site plan) shall be restricted to holiday accommodation use only and shall not be occupied at any time as permanent residential accommodation or as a person's main place of residence. These units shall not be occupied by the same occupant/s for periods of more than 28 days in any 3 month period.

The owners/operators of the site shall maintain an up-to-date register of the names of all occupiers of the individual holiday cottages on the site, and of their main home addresses, and shall make this information available, on request, to the Local Planning Authority.

REASON: To prevent the permanent residential occupation of the site in a location where new residential development is unacceptable in principle and to define the scope of the permission hereby approved.

5. No development shall commence on plots 8-10 as indicated on Dwg no P05 Rev H until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water sustainable drainage strategy submitted (20th April 2023 / C-1050 - Issue 1 / Hamilton Technical Services) and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly, and shall be limited to a maximum peak flow rate of 20l/s.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep

Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.
- d) Evidence of an assessment of the existing on-site sewer to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
- e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

REASON: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

6. No development shall commence on plots 8-10 as indicated on Dwg no P05 Rev H until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent runoff rate from the site prior to redevelopment.
- b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

REASON: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.

7. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures,
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and

g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

REASON: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

8. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

REASON: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

9. No part of the development shall be occupied or brought into first use until the foul drainage works have been completed in accordance with the approved scheme for foul water as identified in the FRA & Drainage Strategy, Issue 2, 6/27/2023, C-1050. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

REASON: To promote sustainable development using appropriate drainage systems and ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health.

10. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

11. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Black Barn drawing number P05 Rev H have been implemented in full.

REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

12. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 70 metres have been provided at the site access serving the proposed 6 apartments and 3 holiday lets and vehicular visibility splays of 2 metres by 70 metres have been provided at the site access serving the proposed dwelling. These shall thereafter be permanently maintained with nothing within those splays higher than 1 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

13. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary. The gates shall then open away from the highway only.

REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2021).

14. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

15. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Black Barn drawing number P05 Rev H. Thereafter the onsite parking provision shall be so maintained in perpetuity.

REASON: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

16. Prior to the first occupation of the 1no. 3-bed dwelling hereby approved details of the provision of 1no. electric vehicle charging point within the curtilage of this dwelling shall have been submitted to and approved in writing by the local

planning authority. The approved scheme shall have been made available for use prior to the first occupation of the dwelling and thereafter retained as such.

REASON: To contribute towards sustainable transport objectives and the reduction of harmful vehicle emissions.

17. Notwithstanding the submitted details, no building works hereby approved shall progress beyond slab level until a scheme for the hard and soft landscaping of the site, including details of boundary treatment, has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt the submitted details shall include the following: types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, and the location and types of all new boundary treatments to be installed.

The approved boundary treatments and hard landscaping details shall be implemented prior to first occupation of the dwelling. The approved soft landscaping scheme shall be implemented in the first planting season following occupation of the dwelling, whether in whole or part and shall be maintained thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: To ensure the proposal is satisfactorily landscaped.

18. Notwithstanding the submitted details, no building works hereby approved shall progress beyond slab level until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority.

The landscape shall thereafter be managed and maintained in accordance with the approved plan.

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

19. The development shall be constructed in accordance with the submitted Ecological Survey and Assessment ref 2023-006 July 2023 including the mitigation measures contained therein (including details of the specification and siting of 2no. house sparrow terraces and 4no. bat access panels), prior to use hereby approved first becoming operational. The approved details and mitigation shall remain in place thereafter.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and to minimise/mitigate the potential impacts upon protected species resultant from the development.

20. The development shall be constructed in accordance with the submitted Acoustic Survey and Assessment document (prepared June 2023) including the mitigation measures contained therein, prior to use hereby approved first

becoming operational. The approved details and mitigation shall remain in place thereafter.

REASON: In the interests of protecting the amenities of nearby residents and businesses.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (Schedule 2, Part 1, Classes A-E) or any subsequent re-enactment thereof, no development that falls within the above Classes shall be constructed without express planning permission first being obtained.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the visual and residential amenities of the immediate area.

22. There shall be no changes to the existing ground levels/FFL as indicated on the approved Proposed Elevations Dwg no P21 Rev B without express planning permission being obtained.

REASON: In order that the Local Planning Authority may ensure that proposed development responds appropriately to the topography of the site, is appropriate to the locality and to protect neighbouring amenity.

23. Notwithstanding the submitted details, elevational details at a scale of not less than 1:20 and details of the precise location of all proposed refuse storage provision shall have been submitted to and approved in writing by the Local Planning Authority prior to their installation.

The development shall be carried out in strict accordance with the approved details which shall be in place prior to first occupation of any dwelling or holiday unit, and the approved details shall be retained and made available for use at all times thereafter.

REASON: In order that the Local Planning Authority may ensure that the development provides adequate dedicated provision for the storage of domestic waste.

Councillor S Hore returned to the meeting.

391

3/2023/0680 - PARKS STORE CLITHEROE CASTLE CASTLE GATE CLITHEROE BB7 1AZ

RESOLVED THAT COMMITTEE:

Grant planning permission subject to the following conditions:

1. The proposed development must be begun not later than three years from the date of this permission.

REASON: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Park Store Location Plan
Park Store Proposed Plan

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

3. The external facing materials, detailed on the submitted application form, namely natural Welsh Blue Slate, shall be used and no others substituted.

REASON: To ensure that the materials used are visually appropriate to the locality.

4. The development hereby approved shall be carried out in accordance with the Bat Survey Report and Method Statement European Protected Species (Bats) dated 4th September 2023. In particular:

As part of the construction of the new roof four bat access slates, two per roof face, shall be fitted, two slate rows below ridge tiles. A loft space will be created within the new roof for bats to roost.

Prior to the commencement of the development compensatory bat box (Two Greenwood Eco Habitats two crevice box) shall be placed on trees within Clitheroe Castle grounds to south of the building. Thereafter the bat boxes shall be retained on site in perpetuity.

REASON: To ensure the continued protection of bats as part of the development and in the interests of biodiversity enhancement.

5. Before the commencement of any works, full details of the proposed rainwater goods, including the eaves detail, to be used on the building shall have been submitted to and been approved in writing by the Local Planning Authority. All works undertaken on site should be strictly in accordance with the approved details.

REASON: In the interests of the character and appearance of the building

INFORMATIVES:

1. In the event that bats are found during works, all works shall cease until the appropriate licence has been secured to rehouse the bats.

(i) 3/2023/0681 - Parks Store Clitheroe Castle Castle Gate Clitheroe BB7 1AZ

RESOLVED THAT COMMITTEE:

Grant Listed Building Consent subject to the following conditions:-

1. The proposed development must be begun not later than three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Park Store Location Plan
Park Store Proposed Plan

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

3. The external facing materials, detailed on the submitted application form, namely natural Welsh Blue Slate, shall be used and no others substituted.

REASON: To ensure that the materials used are visually appropriate to the locality.

4. Before the commencement of any works, full details of the proposed rainwater goods, including the eaves detail, to be used on the building shall have been submitted to and been approved in writing by the Local Planning Authority. All works undertaken on site should be strictly in accordance with the approved details.

REASON: In the interests of the character and appearance of the building

392 3/2022/1129 - BRIDGE HEY WOOD CARAVAN PARK DUNKIRK FARM READ BB12 7RR

Mr C Pollard spoke against the application.

Councillors M Peplow and D Birtwhistle were given permission to speak and both spoke against the application.

RESOLVED THAT COMMITTEE:

Minded to refuse Planning Permission on the grounds of visual harm, impact on character of area and insufficient information on impact to Martholme Viaduct (Grade II Listed). To be brought back to a future committee with draft reasons for refusal.

393 3/2022/1039 LAND ADJACENT 115 KEMPLE VIEW CLITHEROE BB7 2QJ

Mr P Hitchen spoke in support of the application.

RESOLVED THAT COMMITTEE:

Defer and delegate to the Director of Economic Development and Planning for approval subject to the drainage issues being resolved and no objections being raised by United Utilities and 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:
 - A102: Proposed Floor Plans and elevations Building 1

- A202: Proposed Floor Plans and Elevations Building 2
- A302: Proposed Site Plan
- A303: Site Plan Boundary Dimensions
- A400: Sections
- A401: Location Plan
- PH/366 Revision A (received 7/09/23): Site Drainage Diversion (TBC)

2. Notwithstanding the submitted details, details or specifications of all materials to be used on the external surfaces of the development hereby approved shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed development. The approved materials shall be implemented within the development in strict 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.

3. Details of the alignment, height, and appearance of all walling, retaining wall structures and gates to be erected within the development shall have been submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in strict accordance with the approved details.

REASON: To ensure a satisfactory standard of appearance in the interests of the visual amenities of the area.

4. 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 unless and until a scheme for protective fencing for trees and hedgerow within and adjacent to the site, has been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall be in accordance with BS5837 (2012): 'Trees in Relation to Construction'. The agreed fencing/protection shall be erected in its entirety prior to any other operations taking place on the site and shall not be breached nor removed during development. Furthermore, within the areas so fenced the existing ground level shall be neither raised nor lowered and there shall be no development or development-related activity of any description including the deposit of spoil or the storage of materials unless expressly agreed by the Local Planning Authority.

For the avoidance of doubt 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.

5. The flat roof/ roofed area(s) of the dwellings hereby approved shall not be used as a balcony, roof garden, terrace or similar amenity area.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm nearby residential amenity.

6. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the

construction period of the development hereby approved. For the avoidance of doubt the submitted details shall include the following:

- i. The parking of vehicles of site operatives and visitors
- ii. The loading and unloading of plant and materials
- iii. The storage of plant and materials used in constructing the development
- iv. The erection and maintenance of security hoarding
- v. Wheel washing facilities
- vi. Measures to control the emission of dust and dirt during construction
- vii. A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. Details of working hours
- ix. Routing of delivery vehicles to/from site

REASON: To minimise disruption during the construction phase of the development hereby approved.

7. Prior to commencement of any building works, the drainage diversion works shown on drawing 'Site drainage diversion and proposed building outline' PHA/366-100 Revision A shall be completed in accordance with Lancashire County Council Specification under an appropriate agreement with access rights agreed thereafter.

REASON: To ensure the appropriate provision(s) of drainage infrastructure to be installed/diverted.

8. The new estate 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 any other construction work is carried out.

9. Prior to the first occupation of any dwelling hereby approved, the car parking and turning areas shall be provided and made available for use. Such areas thereafter shall solely be maintained for the purposes of vehicle parking.

REASON: To ensure adequate dedicated parking provision is made available on site to accommodate the development hereby approved.

10. Prior to first occupation of each of the dwellings hereby approved, each dwelling shall be afforded the provision of an electric vehicle charging point. For the avoidance of doubt the installed charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of current electric vehicle.

REASON: To encourage sustainable methods of transport and to reduce carbon emissions associated with the dwellings(s) hereby approved.

11. The development hereby approved shall be carried out in accordance with the Preliminary Bat Roost Assessment Report dated 2nd December 2021. In particular:

- Prior to commencement of development above slab level a Greenwoods Ecohabitats Two Chamber Bat Box or Kent Bat Box shall be installed within the site to provide roosting potential for the local bat population. Thereafter the bat box shall be retained on site in perpetuity.

REASON: To ensure the continued protection of bats as part of the development and in the interests of biodiversity enhancement.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the dwellings shall not be altered or extended, nor shall any building, structure or enclosure be erected within the curtilage of the dwellings without planning permission.

REASON: To ensure that the Local Planning Authority have control over any future development of the dwellings in the interests of the residential amenity of occupants / neighbours.

394 FEES AND CHARGES 2024/25

The Director of Resources and Deputy Chief Executive submitted a report seeking Member approval on proposals to increase this Committee's fees and charges with effect from the 1 April 2024.

Work had been undertaken by financial services, heads of service and budget holders in reviewing the fees and charges operated by this Committee in advance of the next financial year. The Council's three-year budget forecast that was approved by Policy and Finance Committee in September 2023 assumed that fees and charges are increased next year by 4%. Members were advised that the charges set out in the annexes to the report would meet the 4% target for the financial year 2024/25.

RESOLVED THAT COMMITTEE:

Considered and approved the level of fees and charges to be levied for this committee for 2024/25.

395 CAPITAL MONITORING 2023/24

The Director of Resources and Deputy Chief Executive submitted a report for information on the progress on this Committee's 2023/24 capital programme for the period to the end of September 2023. At the end of September 2023 there had been no spend or commitments made against the capital programme budget.

There was one capital scheme for this Committee with a budget of £26,420. Whilst it is unlikely to be completed within the financial year, it was noted that, due to the residual purpose of the scheme, this should not cause concern for Members.

396 REVENUE MONITORING 2023/24

The Director of Resources and Deputy Chief Executive submitted a report for information on the position for the period April 2023 to September 2023 of this year's original revenue budget as far as this Committee is concerned.

The comparison between actual and budgeted expenditure showed an underspend of £20,157 to September 2023 of the financial year 2023/24. After allowing for transfers to/from earmarked reserves there was an underspend of £30,256.

397 APPEALS (IF ANY)

Committee noted the contents of the Appeals report.

398 MINUTES OF WORKING GROUPS

There were no minutes from working groups.

399 REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES

There were no reports from representatives on outside bodies.

400 EXCLUSION OF PRESS AND PUBLIC

There were no items under this heading.

The meeting closed at 7.49 pm

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

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: THURSDAY, 7TH DECEMBER 2023
title: PLANNING APPLICATIONS
submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

	<u>INDEX OF APPLICATIONS BEING CONSIDERED</u>			
	<u>Application No:</u>	<u>Officer:</u>	<u>Recommendation:</u>	<u>Site:</u>
A	APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS/REASONS FOR REFUSAL			
	NONE			
B	APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR APPROVAL:			
	3/2022/1129	Stephen Kilmartin	AC	Bridge Hey Wood Caravan Park, Dunkirk Farm, Read BB12 7RR
	3/2023/0664	Emily Pickup	AC	Langho Sports & Social Club, Dewhurst Road, Langho BB6 8AF
	3/2023/0707	Will Hopcroft	AC	1 Lower Lane, Longridge PR3 3SL
	3/2023/0766	Stephen Kilmartin	AC	Waterloo Timber and Waterloo Mill, Waterloo Road, Clitheroe
C	APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR REFUSAL:			
	3/2023/0671	Stephen Kilmartin	REF	The Warren, Warren Fold, Hurst Green BB7 9QH
D	APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING BEING SATISFACTORILY COMPLETED			
	NONE			
E	APPLICATIONS IN 'OTHER' CATEGORIES:			
	NONE			

LEGEND

AC Approved Conditionally
REF Refused
M/A/R Minded to Approve / Refuse

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RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

APPROVAL

DATE: 7 December 2023
REF: SK
CHECKED BY: LH

APPLICATION REF: 3/2022/1129

GRID REF: SD 375770 434060

DEVELOPMENT DESCRIPTION:

RETROSPECTIVE CHANGE OF USE WITH MINOR ENGINEERING WORKS AND ASSOCIATED LANDSCAPING WORKS FOR THE REUSE OF THE FORMER RAILWAY EMBANKMENT AND TRACK BED TO FORM AN INFORMAL RECREATIONAL AMENITY AREA IN ASSOCIATION WITH THE ADJACENT HOLIDAY PARK.

BRIDGE HEY WOOD CARAVAN PARK, DUNKIRK FARM, READ BB12 7RR



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Read Parish Council object to the application on the following grounds:

1. In the planning application it is stated that no trees were on the site however it appears multiple mature (70-80yrs+) trees have been removed from the site.
2. The removed woodland formed part of a natural ecosystem with a wealth of biodiversity and wildlife which has seen major impact from the development.
3. The Ditch and Bund formed block access to the Viaduct which is necessary for Railway Paths to perform maintenance on the Viaduct and ensure safety. This provides no additional protection from trespass as there is already a large metal fence in place. This right of access is noted on the land registry documentation (dated 12.10.1979). The ditch also holds potential to cause damage to the viaduct itself.
4. In the Ribble Valley's Local Plan (7.6.6) it is stated that "The site should blend into the landscape and be capable of being screened from both local and more distant viewpoints" and "Advantage should be taken of minor variations in topography and existing natural features, such as trees and hedgerows, should be used to sub-divide or screen the site. Particular importance will be given to the protection of views from footpaths and high level roads. The internal layout of the site should take advantage of natural features and be supplemented when necessary by further landscaping and new tree planting. This will both help to absorb the site into the landscape and create a pleasant internal appearance. Planning permission should therefore not be granted if a site presents an unacceptable intrusion into the landscape and cannot be satisfactorily screened from local and high viewpoints." The removal of healthy mature trees is contrary to this.
5. The planning documents note a footpath which travels under the Viaduct, this is not a footpath owned by the Caravan Park and actually belongs to Railway Paths

LANCASHIRE COUNTY COUNCIL HIGHWAYS (LOCAL HIGHWAYS AUTHORITY):

Initial response - Lancashire County Council acting as the Local Highway Authority (LHA) does not consider that the application as submitted fully assesses the highway impact of the proposed development and further information is required.

The LHA have reviewed the supporting information and are aware that the proposal will use a part of an existing track leading from the caravan park as part of the nature trail. The LHA require the LHAs Public Rights of Way team to comment whether the usability of the trail is suitable for the proposal.

Furthermore, as part of the proposal, works are going to be undertaken adjacent to the viaduct which is described in the Cover Letter as "the works undertaken involve the excavation of a channel and mound adjacent to the viaduct." The LHA require further information regarding what type of works are going to be undertaken adjacent to the viaduct, with the LHA needing to ensure that any works will not destabilise the viaduct and impact upon Lancashire County Councils land.

As the works have been completed already, photographs and a description of the works undertaken adjacent to the viaduct will suffice in this case.

Final response – Having seen the photographs no objection is raised.

THE COAL AUTHORITY:

There will be no operational development resulting from this proposal that materially intersects the ground and could therefore present risks to the coal mining features. Accordingly, we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application.

SUSTRANS:

Sustrans (National Cycle Network) are custodians of the National Cycle Network and would request that if the reporter is minded to approve the application, that this does not impact on any future aspiration for the former railway line to be reopened as an active travel corridor to connect Great Harwood and Padiham.

ADDITIONAL REPRESENTATIONS:

Twenty-two letters of representation have been received objecting to the application on the following grounds:

- Works undertaken restricts access to the viaduct for maintenance.
- Works could harm viaduct.
- Errors in the submitted information.
- Historic tree clearance.
- Impacts upon wildlife/ecology.
- Site owner denies access to the area by members of the public.
- Erection of fencing by Sustrans.
- Works results in destruction of walking routes.
- Historic works undertaken to the riverbank.
- Drainage issues.
- Visual harm.

1. Site Description and Surrounding Area

- 1.1 The application relates to a 2.54 Hectare area of land that incorporates former railway embankments that served the Great Harwood loop line of the Lancashire and Yorkshire Railway. The site area incorporates areas of raised embankments with areas of significant tree presence bounding the site to the north at its western extents and to the north and south at its eastern extents. The site is currently being utilised as an informal recreational area for patrons of the Bridge Hey Caravan Park to the southeastern extents of the site.
- 1.2 The western extent of the site adjoins the Grade II Martholme Viaduct (List Entry Number 1362005) with the official listing describing the structure as follows:

GREAT HARWOOD MARTHOLME LANE SD 73 SE 3/71 Martholme Viaduct - - II

Viaduct carrying Great Harwood loop line of Lancashire and Yorkshire Railway over River Calder, 1870-77 (Engineer, Sturges Meek). Sandstone rubble. Ten 40ft. span 65ft. high rounded arches on slightly curved line. Impost band and solid parapet. History: originally planned as wooden viaduct, but design in stone substituted before building; contractors

(Thomas Stone & Son) executed work only on condition that coal measures beneath were purchased. Line closed 1957.

- 1.3 The site is located outside of any defined settlement limits being within the designated Green Belt. The surrounding area is largely open aspect green field land with scattered parcels of woodland also being found in the area.

2. Proposed Development for which consent is sought

- 2.1 The application seeks retrospective consent for a retrospective change of use of land, minor engineering works and landscaping works to enable the use of a former railway embankment for the purposes of an informal 'recreational amenity' area associated with Bridge Hey Caravan Park.
- 2.2 The submitted supporting information states that the works involve the '*excavation of a channel and mound adjacent the viaduct to avoid trespass together with the siting of benches and picnic tables and the reseeding of areas with wild-flower meadow mix to incorporate the lands into a wider recreational facility as a nature walk*' for use by patrons of the caravan park.
- 2.3 The submitted details indicate the siting of three picnic benches/seating areas at intermittent points towards the western extents of the railway embankment, with embankment areas where tree-removal has been undertaken (north and south of the former railway track) to be seeded with grass and a wildflower mix. A pedestrian access point has been formed towards the eastern extents of the former railway embankment to facilitate pedestrian access between the site and the caravan park to the south.
- 2.4 An 'earth bund' has been formed at the western extents of the site, adjacent to the eastern extents of the Martholme Viaduct, to act as visual screening, mitigating views of palisade security fencing that has been erected at the eastern termination point of the Viaduct bridge.

3. Relevant Planning History

3/2021/0632: Application to thin out any weak/poor/dying trees. 152 Sycamore, 10 Beech, 52 Ash (Approved)

3/2018/0426: Discharge of condition 3 (materials), 4 (boundary treatment), 5 (landscape plan) and 6 (car parking plan) from planning permission 3/2015/0756. (Approved)

3/2017/0761: Application to vary condition 2 from planning permission 3/2006/0435 to allow all year round holiday occupation of caravans. (Approved)

3/2017/0687: Discharge of condition 3 (specifications of fence post foundations) from planning permission 3/2017/0501. (Approved)

3/2017/0686: Discharge of condition 3 (specifications of fence post foundations) from planning permission 3/2017/0502. (Approved)

3/2017/0502: Relocation of an existing steel palisade fence and pedestrian gate from the southern end of the viaduct to the northern end of the viaduct. The fence will be mounted

on posts founded in the material forming the viaduct deck and will not be fixed to the parapets of the viaduct. The fence and gate will be set in 2.0m from the northern end of the viaduct. The fence and gate will be painted gloss black once re-erected. (Approved)

3/2017/0501: Relocation of an existing steel palisade fence and pedestrian gate from the southern end of the viaduct to the northern end of the viaduct. The fence will be mounted on posts founded in the material forming the viaduct deck and will not be fixed to the parapets of the viaduct. The fence and gate will be set in 2.0m from the northern end of the viaduct. The fence and gate will be painted gloss black once re-erected. (Approved)

3/2015/0756: Erection of managers dwelling with reception and storage facilities, creation of access from existing track and landscaping work. (Approved)

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement EN1 – Green Belt
Key Statement EN2 – Landscape
Key Statement EN4 – Biodiversity and Geodiversity
Key Statement EN5 – Heritage Assets
Key Statement EC3 – Visitor Economy
Key Statement DMI2 – Transport Considerations

Policy DMB3 – Recreation and Tourism Development
Policy DMB5 – Footpaths and Bridleways
Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport & Mobility
Policy DME1 – Protecting Trees & Woodland
Policy DME2 – Landscape & Townscape Protection
Policy DME3 – Site and Species Protection and Conservation
Policy DME4 – Protecting Heritage Assets

Planning (Listed Buildings and Conservation Areas) Act
National Planning Policy Framework (NPPF)
Technical Guidance to National Planning Policy Framework

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 Given the proposal seeks retrospective consent for the use of a Green Belt area of land, to that of an informal recreational area associated with the nearby existing caravan park, Key Statement EN1 and Policies DMG1, DMG2, DME1, DME2, DME3, DMB3 and DMB5 together with the NPPF section on 'Green Belt' are primarily, but not solely, engaged for the purposes of assessing the acceptability of the principle of the development.

- 5.1.2 Policy DMG2 supports small scale tourism or recreational developments appropriate to a rural area. DMB3 seeks to support tourism facilities where there is no conflict with other policies of the plan. Policy DMB5 seeks to protect footpaths and bridleways, but no public rights of way networks would be affected (see 5.5.1 for further details). It is noted that a number of representations make reference to the site area forming part of the 'Martholme Greenway' and that the works undertaken will preclude the ability for a continuous route to be formed. Members will note that the ability to establish such route(s) relies upon the consent of individual associated landowners. As such this matter is not material to the determination of the current application insofar that it relates to third-party land ownership issues, which in this case, lie outside of the planning process. Furthermore, there is no policy protection of a possible future route being established, and the proposed works are not irreversible and so granting permission would not prevent this route from coming forward in the future should the associated landowners agree to this.
- 5.1.3 The referenced policies and key statements in 5.1.1 above, when considered in unison and in concert with each other, ensure that proposals do not undermine the character of the landscape – and in this case the openness of the Green Belt area - and that development proposals respond positively to the inherent character of the area without resulting in detrimental impacts upon ecology, biodiversity, protected species or species of conservation concern.
- 5.1.4 The submitted details do not propose any fundamental change in relation to the character of the land to which it relates other than the site will be made available for use by patrons of the adjacent caravan park. In this respect such a change of use would not be considered as development that would cause or result in any direct measurable harm to the character of the Green Belt, particularly insofar that such use would solely result in modest activities within the site area that are unlikely to have any measurable bearing on the open character of the Green Belt.
- 5.1.5 As such and taking account of the above matters, notwithstanding other development management considerations, the principle of the change of use of the area of land from that of a 'railway embankment' to that of an informal recreational area, raises no significant direct conflict with the adopted development plan for the borough that would warrant the refusal to grant planning permission in relation to 'matters of principle'.

5.2 Impact upon Residential Amenity:

- 5.2.1 Given the nature of the works associated with the proposal and given that the works have already been undertaken, it is not considered that approval will result in any significant nor measurable impacts upon nearby residential amenity.
- 5.2.2 As such and in this respect the proposal raises no significant direct conflict with Policy DMG1 of the Ribble Valley Core Strategy in respect of impacts upon residential receptors or nearby potentially affected residential amenities.

5.3 Landscape/Ecology and Visual Amenities:

- 5.3.1 It is noted that the works for which consent is sought are retrospective in nature, in this respect the extent of the operations/works undertaken were evident at the time of the officers site visit. It is recognised that a significant amount of tree clearance had been undertaken prior to the receipt of the application. However, members will note that the trees removed were not historically afforded protection by way of a formal Tree Protection Order. As such, no consent would have been required from the Local Planning Authority prior to their removal.
- 5.3.2 Officers are of the view that should an application for the consent for the change of use of the land have been submitted prior to the works being undertaken, and such an application included extensive tree removal, without warranted reason(s), and in the absence of adequate mitigation/replacement planting, that the authority would not have supported such a proposal. Whilst the historic tree removal is regrettable, and the opportunity to ensure appropriate tree retention as part of the development has been lost, there is at least an opportunity to secure appropriate replacement tree planting as mitigation.
- 5.3.3 Further to the above, officers have engaged with the applicant to secure additional replacement tree planting on the northern and southern extents of the embankment to ensure and provide ecological uplift and biodiversity enhancement within the site. In this respect indicative amended details have been submitted that propose tree planting in addition to the proposed wildflower and grass planting. Should consent be granted, a condition will be imposed requiring that full details of the proposed landscaping be submitted within 3 months of the issuing of the consent, with the condition also requiring that the approved landscaping scheme be implemented in the first planting season following approval of the submitted details and shall be maintained thereafter for a period of not less than 20 years to the satisfaction of the Local Planning Authority.
- 5.3.4 The use of the embankment for use by patrons/users of Bridge Hey caravan park, as an informal recreational area, raises no significant concerns nor direct conflict with any currently adopted development plan policies and is further unlikely, with appropriate management and custodianship, to result in any measurable impact upon the character or visual amenities of the area and immediate Green Belt setting.
- 5.3.5 In respect of the proposed picnic benches/seating areas, given their siting and modest scale in relation to the expansive landscape setting within which they will be sited, their visual presence is likely to be largely lost within the landscape and as such are not considered to result in any significant measurable harm. The use of the benches is likely to be transient and infrequent in nature, as such the activities associated with their use is also further considered to result in negligible harm upon the character of the designated area.
- 5.3.6 The 'earth bund' at the western extents of the site, complimented by landscape planting, acts to some degree as a successful visual device that mitigates the visual impact of the palisade fencing that is currently erected on the eastern extents of the viaduct bridge. As such it is not considered that the earthworks undertaken in this area result in any measurable harm to the character or visual

amenities of the immediate area. As such the proposal is acceptable in respect of Key Statement EN2 and Policies DMG1, DMG2, DME2 and DME3 in respect of visual, landscape and ecological impacts.

5.4 Heritage

5.4.1 Given the proposed 'earth bund' is located directly adjacent to the eastern extents of the Martholme Viaduct (Grade II Listed), consideration must also be given in respect as to whether the earthworks undertaken result in any measurable harm to the adjacent designated heritage asset.

5.4.2 In determining the application it is therefore a requirement to consider the Planning (Listed Building and Conservation Areas) Act 1990 (the Act). The principal statutory duty under the Act is to preserve the special character of heritage assets, including their setting. Relevant sections of the Act state the following:-

Listed Buildings - Section 66(1)

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.4.3 Paragraphs 194, 195, 197, 199, 200, 202 and 203 of the NPPF are a significant material consideration that should be considered alongside the Council's development plan policies (Key Statement EN5 and Policy DME4 of the Ribble Valley Core Strategy).

5.4.4 The purpose of the bund is to act as visual screening to an existing security palisade fencing arrangement that has been erected on the viaduct structure, whilst also acting to deter 'trespass' on to the applicants land. Given the bund currently accommodates grass and wildflower planting, it is visually read as being part of the landscape, albeit being raised in nature in relation to the surrounding topography. There is slight gap (channel) between the bund and the Viaduct and no concerns are raised by LCC Highways about the impact on the structure (see 5.5.2 below).

5.4.5 As such it is not considered that the presence of the 'bund' results in measurable harm to the inherent character of the Viaduct structure and as such the proposal raises no direct significant conflict with the aims and objectives of Key Statement EN5 or Policy DME4 of the Ribble Valley Core Strategy which aim to ensure the protection and enhancement of designated heritage assets and their setting.

5.5 Highway Safety and Accessibility:

5.5.1 It is noted that the Local Highways Authority have requested that the Public Rights of Way (PROW) team should 'comment as to whether the usability of the trail is suitable for the proposal'. Members will note that the site area, informal recreational area and associated route(s) does not form part of a wider PROW network, as such it is not considered appropriate nor reasonable to seek the views of the PROW team insofar that the 'pedestrian routes' within the area forms part

of private land associated with an existing Caravan Park, as such the nature and configuration of the route falls outside of the remit of the PROW team.

5.5.2 The Local Highways Authority had initially requested details of the works undertaken adjacent to the viaduct to ensure that they will not destabilise the viaduct. However, members will note that following discussion with the Local Highways Authority it has been deemed that such details are no longer required insofar that the scale and nature of the works undertaken are considered unlikely to result in undermining the structural stability of the viaduct.

5.5.3 For the above reasons there is no conflict with Key Statement DM12 or Policy DMB5 or DMG1 of the Ribble Valley Core Strategy in respect of highway safety and accessibility matters.

6. Observations/Consideration of Matters Raised/Conclusion

6.1 For the reasons outlined above and having regard to all material considerations and matters raised, the application is recommended for approval insofar that is not considered that the proposal will result in any significant measurable direct conflict with the adopted development plan or the borough nor any significant adverse harm to the character and visual amenities of the designated Green Belt.

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

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:

HANS/02 Dwg 1A: Site Plan

HANS/02 Dwg 2: Site Plan

HANS/03 Dwg 3: Site Plan

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

2. Notwithstanding the submitted details, full details for the landscaping of the site shall be submitted to the Local planning Authority no later than 3 months from the date of this consent. For the avoidance of doubt the submitted details shall include the following: types and numbers of trees and shrubs, their distribution on site, those areas to be seeded or turfed including detail of planting species.

The approved soft landscaping scheme shall be implemented in the first planting season following approval of the submitted details and shall be maintained thereafter for a period of not less than 20 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.

For the avoidance of doubt all trees/hedgerow shown as being retained within the approved details shall be retained as such in perpetuity.

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

3. No additional seating, structures or any ground mounted lighting or sources of illumination shall be erected or installed upon the site to which the application relates without details of such having first been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To enable the Local Planning Authority to exercise control over development which could prove materially harmful the character and visual amenities of the immediate area.

7. **Update Following Planning and Development Committee Meeting of the 19th October 2023**

- 7.1 Following the Planning and Development Committee of the 19th October 2023, members were minded to refuse the proposed development, contrary to officer recommendation.
- 7.2 In this respect the application is being brought back before the Committee for determination with suggested refusal reasons set out below, which are drafted based on the reasons for the motion outlined by the Committee at that meeting:

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

1. The development is considered to have an adverse visual impact on the landscape and locality, and a detrimental effect on the character of the local area, by virtue of the removal of a significant number of trees and the substantial earthworks that have been undertaken including the formation of the ditch and mound (bund) which is considered to be over-bearing and out of scale and character in a rural setting. This is in conflict with key statement EN1, EN2, EN3 and EN4 and policies DMG1, DMG2, DME2 and DME3 of the Ribble Valley Core Strategy.
2. The development involves excavating a trench immediately adjacent to Martholme Viaduct, a Grade II Listed Building, resulting in removal of fill material abutting the viaduct and exposure of stonework at risk of deterioration. Insufficient information (such as an engineering report) has been submitted to demonstrate that the development would preserve the structural integrity of the designated heritage asset, as such the proposal is in conflict with key statement EN5 and policy DME4 of the Ribble Valley Core Strategy.

BACKGROUND PAPERS

https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2022%2F1129

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

APPROVAL

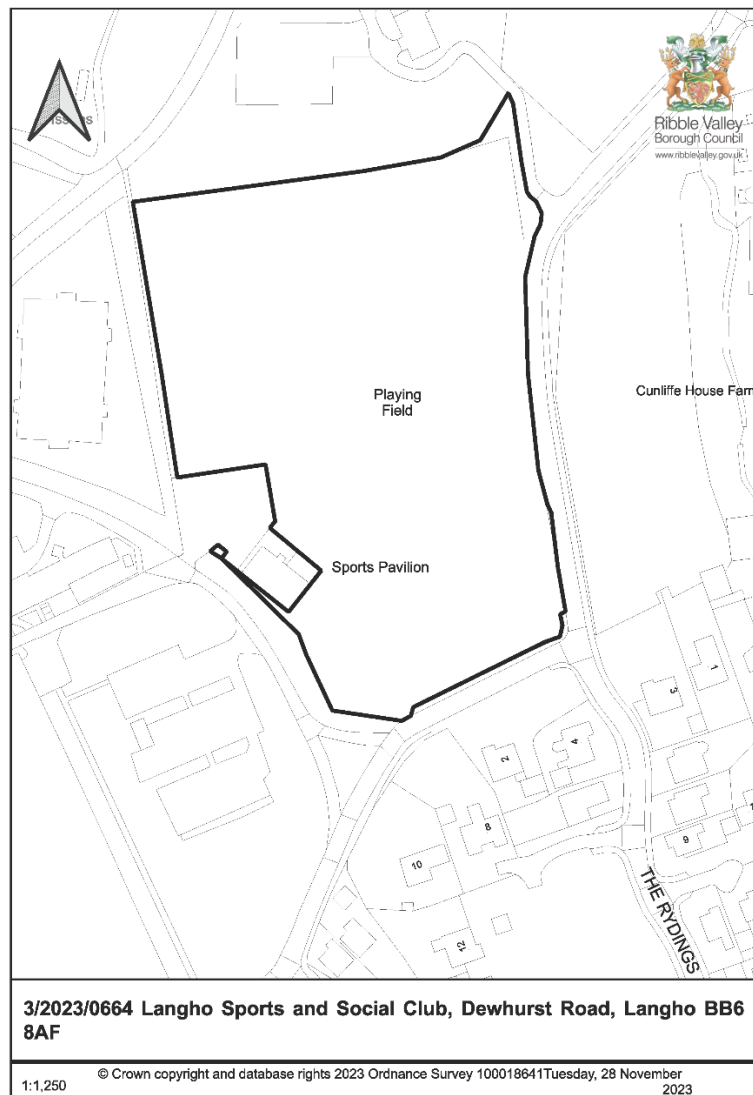
DATE: 7 DECEMBER 2023
REF: EP
CHECKED BY: LH

APPLICATION REF: 3/2023/0664

GRID REF: 369072 434193

DEVELOPMENT DESCRIPTION:

CONSTRUCTION OF TWO DUGOUT SHELTER BUILDINGS TO REPLACE THE EXISTING TEMPORARY SHELTERS AT LANGHO SPORTS AND SOCIAL CLUB, DEWHURST ROAD, LANGHO BB6 8AF



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Wiltshire Parish Council have objected to the proposal on the following grounds.

- Permanent structures are not in keeping with the original covenants.
- Only temporary structures that can be removed with ease should be installed in case the football club is disbanded in the future.

SPORT ENGLAND:

Sport England initially objected to the proposal on the following grounds.

- The proposed development does not meet any of the exceptions to their Playing Fields Policy or to accord with paragraph 99 of the NPPF.

Sport England advised they would reconsider their position should amended/additional details be provided to address the following points.

- Provision of further information regarding the need for the dugout.
- Provision of a detailed plan showing locations of pitch markings relative to the proposed dugout.

The applicant provided the above details and Sport England have now withdrawn their objection on the basis that Exception 2 of their Playing Fields Policy has been met and the development accords with paragraph 99 of the NPPF. This is subject to a condition imposing the need for a construction management plan prior to commencement.

ADDITIONAL REPRESENTATIONS:

In excess of 50 letters of representation have been received objecting to the application on the following grounds:

- Breach of covenant due to erection of permanent structures and change of use.
- Lack of ecological surveys.
- Increase in anti-social behaviour.
- Increase in traffic as a result of use of the structures.
- Potential increase in commercial advertising
- Proposed development will trigger further applications to develop the site.
- Loss of public open space.

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 relates to an area of designated open space outside of the defined settlement limits of Langho approximately 1 kilometre to the North-west of Langho village centre. There are residential developments around the site largely 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 for the erection of two brick-built dugout shelter buildings to replace the existing temporary shelters to be sited towards the northern end of the site.

3. **Relevant Planning History**

3/2020/0315: Applications for full consent. Construction of an all-weather football pitch with boundary fencing and floodlights and an extension of existing car park. (refused).

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1: Development Strategy
Key Statement DS2: Sustainable Development
Key Statement EN4: Biodiversity and Geodiversity

Policy DMG1: General Considerations
Policy DMG2: Strategic Considerations
Policy DME1: Protecting Trees & Woodland
Policy DME3: Site and Species Protection and Conservation
Policy DMB3: Recreation and Tourism Development
Policy DMB4: Open Space Provision

National Planning Policy Framework (NPPF)

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

- 5.1.1 Policy DMG2 of the Core Strategy States that *within the Tier 2 villages and outside the defined settlement areas development must meet at least one of the following considerations:*

- 1. The development should be essential to the local economy or social well being of the area.*
- 2. The development is needed for the purposes of forestry or agriculture.*
- 3. The development is for local needs housing which meets an identified need and is secured as such.*
- 4. The development is for small scale tourism or recreational developments appropriate to a rural area.*
- 5. The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.*
- 6. The development is compatible with the enterprise zone designation.*

- 5.1.2 The proposed development is considered to comply with point 4 of the above policy in as much that the proposed dugouts are modest in terms of scale and are for recreational purposes associated with the playing field. Policy DMG2 also requires consideration of visual impact, which will be considered at 5.3 of this report.
- 5.1.3 Policy DMB3 of the Core Strategy supports the expansion of recreational and leisure facilities. The proposed dugout shelters would improve the existing recreational facilities on the site, by replacing the current temporary facilities with a more permanent solution. Policy DMB3 also requires consideration of other matters which will be considered below.
- 5.1.4 Policy DMB4 of the Core Strategy resists development proposals resulting in a loss of public open space including private playing fields which are in recreational use. This is consistent with paragraph 99 of the NPPF. As the development is on a playing field Sport England are a statutory consultee however following the submission of additional information by the applicant, namely a statement of need, they raise no objection subject to a condition to control the construction of the dugouts. As such the proposal satisfies policy DMB4 and the NPPF.

5.2 **Impact upon Residential Amenity:**

- 5.2.1 The application site has a number of nearby residential properties including those at The Ryding's and Cunliffe House Farm. These properties are in excess of 160 metres from the proposed development. Given the distance, there is no potential for loss of light or overbearing impact, as such no adverse harm is expected on residential amenity in this respect.
- 5.2.2 The neighbouring property in closest proximity to the proposed development is Longsight House. There are an existing cluster of mature, protected trees to the North of the proposed development that will provide complete screening of the dugouts for the neighbouring receptors of Longsight House. Therefore, again there is no adverse impact on residential amenity expected in respect of loss of light or overbearing impact.
- 5.2.3 It is recognised that the neighbouring receptors use the site for recreation given its status as public open space. The application does not seek to change the use of the site, or enclose the open space in any way, consequently it will remain available for use by the public.
- 5.2.4 In respect of anti-social behaviour and potential noise disturbance, given there are existing shelters on site and this application does not seek to change the use of the site, it is not considered that the proposal would increase the risk of anti-social behaviour or result in an increase in noise levels as a result of the development. Whilst the concerns raised by third party objectors on this issue are noted, there is not considered to be any reasonable basis to refuse the application on noise or anti-social behaviour. Should any anti-social issues arise then this could be dealt with through other legislation or by the club operator or the police.
- 5.2.5 As such with respect to residential amenity, and matters that are a material planning consideration, the development is considered to satisfy policy DMG1 of the Core Strategy as well as the NPPF and is acceptable.

5.3 **Visual Amenity/External Appearance**

- 5.3.1 The proposed dugout shelters would be constructed of red facing brick to the elevations with a timber carcass roof and integral timber benches. The clubhouse itself, as well as properties in the vicinity, are constructed of red facing brick and as such it is considered the development will integrate sufficiently into the area without harming the character.
- 5.3.2 The proposed structures will each measure approximately 5.4m by 1.8m with a maximum height of 2.4m. Whilst the proposed shelters are larger than the existing temporary structures, they are still considered modest in respect of their overall height and footprint when viewed in context with the whole site. The proposed structures will not host a prominent position given their siting to the North of the playing field and given the presence of other buildings nearby. In addition, the site is not within an Area of Outstanding Natural Beauty (AONB) or conservation area and so is not subject to any special landscape or heritage protection. As such the visual impact is considered to be acceptable to allow the club to improve its facilities in accordance with policies DMG1, DMG2 and DMB3 of the Core Strategy.

5.4 **Landscape and Ecology:**

- 5.4.1 It is recognised that a number of letters of representation raised concerns over the lack of an ecological survey as part of the submission. The Council's countryside officer has reviewed the details submitted. Due to the proposed development being replacement shelters and taking into consideration the size of the structures, being situated on a well maintained public open space and sports pitches, it is considered that the requirement for a phase one habitat study cannot be justified.
- 5.4.2 The Council's countryside officer is satisfied that there would be a sufficient distance of over 10m between the proposed development and the protected trees to the North. As such, no arboricultural assessment is required and no harm to the trees is identified.

5.5 **Highway Safety and Accessibility:**

- 5.5.1 LCC Highways have not been consulted in relation to the proposal given the development does not involve a change of use or intensification of the use of the land. It is not considered that the proposed development will have an impact on highway safety or amenity and satisfies policies DMG1 and DMB3.

5.6 **Other Matters:**

- 5.6.1 The council are aware of a section 106 agreement on the application site that restricts the use of the land so that it remains as public open space. This application does not seek to change the use of the land and the introduction of two permanent dugouts would not prevent the use of the site for recreation purposes or prevent members of the public using the space.
- 5.6.2 Nonetheless, the granting of any permission does not give the applicant the automatic right to implement the consent should it result in a breach of any section

106 agreement or similar. This is a separate legal matter. For the avoidance of doubt, for the reasons above, there is not considered to be a breach of the section 106 agreement.

- 5.6.3 A number of letters of representation have been received raising concerns over future development at the site and a potential increase in commercial advertisement as a result of the application at hand being approved. Future development at the site requiring planning permission or advertisement consent will be assessed accordingly on a case-by-case basis. Therefore, this is not a justified reason to refuse the application.

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

- 6.1 By virtue of the proposed developments modest scale, considered siting and design it is not considered that there would be any unacceptable harm on either visual or residential amenity, or on the use of the site as a recreational / playing field facility.

- 6.2 Therefore the application is recommended for approval subject to conditions.

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

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

REASON: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Location Plan
Langho FC The Rydings Proposed Site Plan
Playing Field Site Boundary
Proposed Senior Pitch Dugouts 20-008

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

3. The materials to be used on the external surfaces of the development as indicated on the Application Form and as shown on the approved plans 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.

4. No development shall commence until the following details are submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England):

- (a) the works/contractors' compound (including any buildings, moveable structures, works, plant, machinery, access and provision for the storage of vehicles, equipment and/or materials); and
- (b) a scheme for the removal of the works/contractors' compound and the restoration of the land on which it is situated.

The works/contractors' compound shall not be provided and used on the site other than in accordance with the approved details and shall be removed and the land on which it is situated restored in accordance with the approved details before first use of the development hereby approved.

REASON: To protect the playing fields/sports facilities from damage, loss or availability of use.

BACKGROUND PAPERS

https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2023%2F0664

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RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

APPROVAL

DATE: 7 December 2023

REF: WH

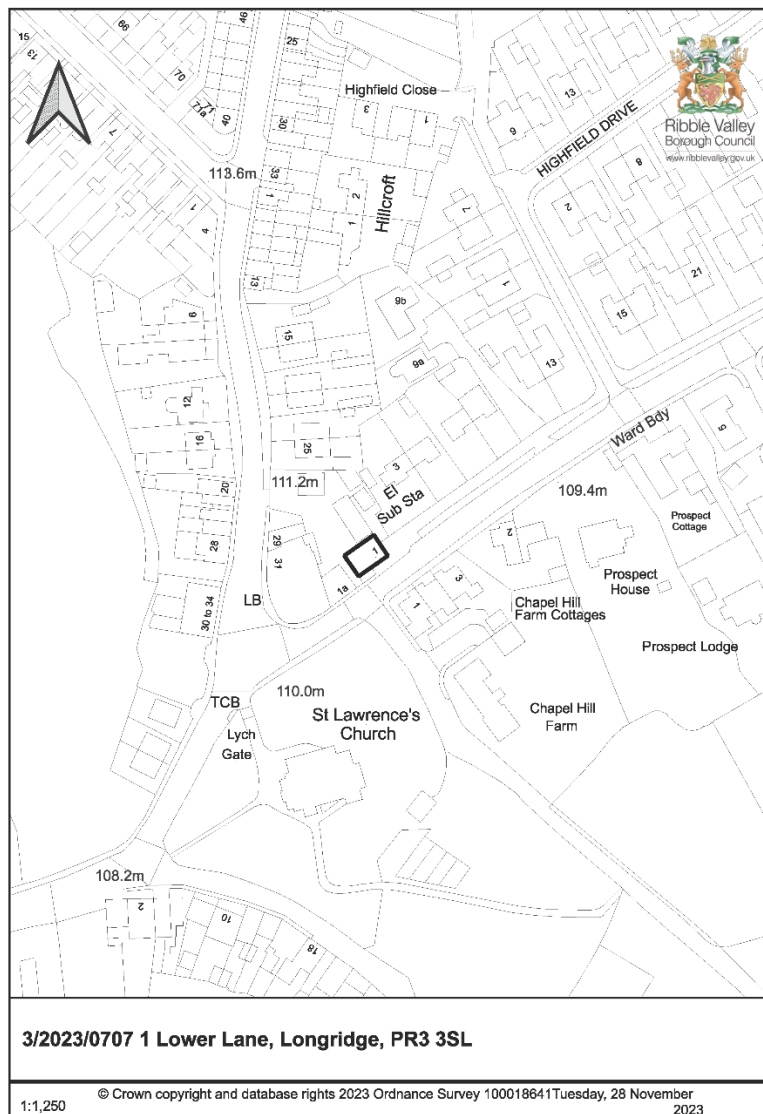
CHECKED BY: LH

APPLICATION REF: 3/2023/0707

GRID REF: SD 364160 431150

DEVELOPMENT DESCRIPTION:

APPLICATION TO REGULARISE MIXED BUILDING USE PERMITTING RETAIL WITH ASSOCIATED BAR SERVING ALCOHOL, AND OCCUPATIONAL DWELLING (SUI GENERIS) AT 1 LOWER LANE, LONGRIDGE PR3 3SL



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

TOWN COUNCIL:

No representations received in respect of the application.

LANCASHIRE COUNTY COUNCIL HIGHWAYS:

The Highways Development Control Section have offered the following observations:

Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development, subject to the matter of the events being controlled, and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

ADDITIONAL REPRESENTATIONS:

136 letters of representation have been received in support of the application, raising the following material considerations:

- Shop/bar is an asset to the local community and provides an important local meeting place
- There are no adverse impacts on the amenity or quality of life of adjacent residents
- There is no unacceptable impact on the local highways network
- The property always abides to its opening and closing times.

13 letters of representation have been received objecting to the application, raising the following material considerations:

- Primary activity is a bar, and not that of a retail store and interior design service
- Noise and music results in unacceptable impact on amenity and quality of life of adjacent residents
- Originally submitted acoustic report contains a number of factual errors
- 'Flexible arrangement' with regard to opening hours
- Required information not submitted with application
- Lack of parking results in inappropriate on-street parking, and subsequently an adverse impact on the local highways network.

Members will additionally note that the correspondence has been received from Nigel Evans MP. The correspondence reads as follows and was forwarded along with an objection from a local resident:

'I am writing on behalf of a number of my constituents, whom are residents of Lower Lane. My constituents have contacted me with regards to a planning application by DMD Designs in Longridge. An example of this correspondence is attached below for your perusal.

In light of the issues raised I would greatly appreciate if these concerns could be taken into consideration during the decision making process'.

The Council do not consider the above to represent a letter of objection but rather a request that material considerations raised by members of the public as part of the consultation process are taken into account within the decision-making process.

1. **Site Description and Surrounding Area**

- 1.1 The application relates to a detached property at 1 Lower Lane, Longridge. The property presently has consent as a 'live-work' unit with the ground floor permitted as an interior design shop/service and living accommodation permitted to the first floor, located within the roof-space.
- 1.2 The site sits within the settlement boundary of Longridge and is accessed immediately off Lower Lane. There is no off-street car parking associated with the property, and whilst the predominate nature of the area is residential it is noted there are a number of other uses immediately present – most notably an accountants and funeral directors. St Lawrence's Church also sits south of the site.

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

- 2.1 The application seeks to change the use of the building so that it is Sui Generis mixed use comprising of retail and interior design service with bar serving alcohol at ground floor, and occupational dwelling at first floor. This would effectively regularise a use that had been operating in this manner since approximately Spring 2021 until August 2023 when a temporary stop notice was served. It is noted that no external alterations are proposed.

3. **Relevant Planning History**

3/2022/0795: Variation of condition 4 of planning permission 3/2019/1131 to a mixed use premises – Withdrawn

3/2019/1131: Change of use of retail premises to live/work unit with residential facility for one person – Approved with Conditions

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement DMI2 – Transport Considerations

Key Statement EC1 – Business and Employment Development

Key Statement EC2 – Development of Retail, Shops and Community Facilities and Services

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport & Mobility

Policy DME4 – Protecting Heritage Assets

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMR2 – Shopping in Longridge and Whalley

Technical Guidance to National Planning Policy Framework

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

- 5.1.1 The site lies within the settlement boundary of Longridge and is proposing a Sui Generis mixed-use property incorporating retail and interior design services as well as a bar on the shop floor for the sale and consumption of drinks on the premises. As such the proposal is required to be compliant with Policies DMB1 and DMR2 of the Core Strategy (CS). There is no change to the previously permitted first floor living accommodation unit which is occupied by the owner of the business who works at the premises as such this element does not require further consideration.
- 5.1.2 CS Policy DMB1 states that *proposals that are intended to support business growth and the local economy will be supported in principle. Development proposals will be determined in accordance with the Core Strategy and detailed policies of the LDF as appropriate.*
- 5.1.3 The proposal seeks to expand an existing (permitted) retail use and interior design facility with a bar. The supporting Planning Statement explains that the business is based on the 'dual or complementary uses of product sales and sales of beverages from the bar... the proposal does not seek to establish a typical 'drinking establishment'...the bar is very much integrated into the shop floor where the interior design items are displayed and sold. The bar is only open when the shop is open, since they share the same entrance and premises...the bar also serves as an informal meeting place for members of the local community, providing social benefits for the people that live nearby'. In this sense, the proposal is considered compliant with the above policy, as it would sustain and support the growth of an existing business, and subsequently the local economy.
- 5.1.4 CS Policy DMR2 states that *proposals for new small scale shopping developments including existing facilities will be approved on sites which are physically closely related to existing shopping facilities. All proposed shopping developments will be subject to other relevant policies in the plan and the Borough Council will have particular regard to the effect of the proposals on the character and amenities of the centre and the consequences in respect of vehicular movement and parking.*
- 5.1.5 The small-scale retail aspect is already permitted and was considered in a previous application to satisfy Policy DMR2. The retail sales area has been reduced to accommodate the bar, however remains accessible and available for customers to utilise. The proposal would continue to satisfy this policy.
- 5.1.6 It is noted that some of the objections refer to non-compliance with the Longridge Neighbourhood Plan – specifically Policy LNDP10 which states that within Longridge main centre a number of development for town centre uses will be supported including drinking establishments. However this policy does not

preclude the provision of drinking establishments in areas outside of the main centre, as such there is no conflict.

- 5.1.7 Furthermore the provisions of the NPPF (paragraph 87) are a consideration, in which it is stated that *local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.*
- 5.1.8 A bar is considered a main town centre use, however there is no physical separation with the retail element and the business is based on these being dual or complementary uses. As such it would not be reasonable to apply a sequential test and there is no undue additional impact on the vitality of Longridge town centre as a result of the proposal.
- 5.1.9 Given the above the proposal is considered to be compliant with the relevant development plan policies and as such the principle of development is supported.

5.2 Impact upon Residential Amenity:

- 5.2.1 As per Core Strategy Policy DMG1, *development must:*
1. *Not adversely affect the amenities of the surrounding area.*
 2. *Provide adequate day lighting and privacy distances.*
 3. *Have regard to public safety and secured by design principles.*
 4. *Consider air quality and mitigate adverse impacts where possible.*
- 5.2.2 In this sense, it is not considered there would be any impact on the residential amenity of adjacent neighbours by way of overlooking, appearing dominant or overbearing, overshadowing or loss of light as no external changes nor changes to the footprint are proposed.
- 5.2.3 However, it is necessary to assess whether the introduction of a bar element would result in an unacceptable impact on amenity and quality of life for adjacent residents by way of noise, both from noise inside the premises including the playing of live and amplified music, and from comings and goings as people leave the premises. Noise is also mentioned in the National Planning Policy Framework (NPPF), which requires planning decisions to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 5.2.4 For clarity, the closest residences are 1-3 Chapel Hill Farm Cottages (over the road approx. 15m), 1A Lower Lane (south adjacent to the premises) and 3 Lower Lane (north approx. 20m).
- 5.2.5 It is also pertinent to note that many of the objections raised noise issues as a material consideration with regard to the determination of this planning application, citing concerns with the noise levels experienced when the premises has been operating with the bar in particular when there have been private functions and music.

- 5.2.6 The proposed hours of use of the ground floor retail/interior design/bar are 08.00 – 20.00 Monday to Saturday and 08.00 – 17.00 on Sunday and Bank Holiday. These are the same hours as were permitted by the Council (Planning) for the retail and interior design use previously, and similar to those permitted by the Council (Licensing) for a premises licence for the supply of alcohol on the premises (10.00 – 20.00 Mon – Sat and 10.00 – 17.00 on Sunday and bank holiday).
- 5.2.7 The Planning Statement explains that the bar occasionally provides entertainment, usually in the form of one vocalist with an acoustic instrument. Entertainment is generated from inside the building with its double glazed windows and the building does not feature any windows that can be opened, and the front door – the access point for customers – is always closed except when customers enter or exit the building. The officer's site visit confirmed that the property has no opening windows.
- 5.2.8 The applicant was invited to submit a Noise Impact Assessment in order to aid the Local Authority in assessing whether the noise impact is considered to be acceptable. Two assessments have been submitted and have been assessed internally by the Council's Environmental Health department.
- 5.2.9 Environmental Health have considered the impact calculations in the assessment, and recalculated the figures by adjusting attenuation levels, and have advised that levels are considered low enough with the windows and doors shut, however to account for breakout noise when the door open for access and egress which will inevitably occur in a bar, conditions are recommended including the installation of a sound limiter device and door closing mechanism.
- 5.2.10 Upon assessment, your officers consider that the amenity impact on local residents by way of noise would be acceptable, subject to the imposition of numerous conditions which are outlined at the end of this report.
- 5.3 Highway Safety and Accessibility:
- 5.3.1 Following consultation with the LHA (LCC Highways), no objection was raised although they have recommended a restriction on the number of planned events/functions, as without a designated car parking area the concern is that customers would park on Lower Lane close to the junctions of Chapel Hill, Highfield Drive and adjacent the private driveways. This has been reflected in the drafted conditions outlined at the end of this report.
- 5.4 Heritage:
- 5.4.1 As the application offers no external alterations, it is not necessary to assess on points of design nor on points of the impact on the historic environment, although Officers note that the site does sit within the St Lawrences Church Conservation Area and within close proximity to said church.
6. **Observations/Consideration of Matters Raised/Conclusion**
- 6.1 For the reasons outlined above the proposed development is considered to be compliant with the relevant Policies within the Core Strategy, the Longridge Neighbourhood Plan

and the NPPF, subject to conditions to ensure appropriate mitigation and controls are in place.

6.2 As such the proposal is recommended to be approved, subject to the following conditions.

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:

Plans and Elevations Dwg no 3154 001
Location Plan produced 04-09-23 @ 1:1250

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

2. The residential accommodation hereby approved shall be restricted to occupation by one resident at any one time and who works on the premises.

REASON: In the interests of the amenities of the area and of the residential amenities of the occupier of the unit.

3. The bar hereby approved shall only be in use in conjunction with the display of retail products at ground floor and which are available to purchase whenever the bar is in use.

REASON: To clarify the scope of the permission and prevent the bar from becoming the sole use to ensure that the development remains compatible with the character of the area, to protect residential amenity and to protect the vitality of the town centre.

4. The use of the premises hereby approved shall be restricted to the following hours:-

Monday - Saturday, 08:00 to 20:00
Sunday/Bank Holiday, 08:00 to 17:00

REASON: To ensure that the development remains compatible with the character of the area and to minimise the risk of noise pollution that may cause nuisance and harm the amenity and/or health of occupiers of nearby buildings.

5. Live or amplified music or musical instruments shall not be played outside of the following hours:

Monday - Saturday, 16:00 to 20:00
Sunday/Bank Holiday, 14:00 to 17:00

No live or amplified music shall be played at any time in any external areas.

REASON: To minimise the risk of noise pollution that may cause nuisance and harm the amenity and/or health of occupiers of nearby buildings.

6. There shall be no more than 12 organised events (including private parties) in any one year, and no more than 4 organised events within any given 28-day period.

REASON: Reducing the frequency of organised event reduces the chance that a highway safety issue will arise as the premises does not offer any off-street car parking

7. Prior to the playing of any live or amplified music or musical instruments, the front door as identified on plan reference Plans and Elevations Dwg no 3154 001 shall be fitted with a door-closer / self-closing device, which is to be retained in perpetuity.

When live or amplified sound or musical instruments are being played the front door shall be kept closed except for access and egress of patrons.

REASON: To minimise the risk of noise pollution that may cause nuisance and harm the amenity and/or health of occupiers of nearby buildings.

8. Prior to the playing of any live or amplified music or musical instruments, details of a sound limiter device capable of controlling the level of sound emitted, shall be submitted to and approved in writing by the Local Planning Authority.

The details shall include specifications of the limiter device which demonstrate that noise levels generated from the sound system shall not exceed background noise level as agreed by the Local Authority at each of the following octave frequency bands a minimum: 63Hz, 125Hz, 250Hz, 500Hz, 1 KHz, 2 KHz, 4 KHz, and 8 KHz when measured at the nearest noise sensitive residential properties.

The limiter device shall be installed and set up in accordance with the approved specifications / noise levels prior to the playing of any live or amplified music or musical instruments, and shall thereafter be retained at the approved level.

Any live or amplified sound or musical instruments shall be routed through the limiter at all times in accordance with the approved specifications / noise levels. There shall be no live music or musical instruments on the premises which can by-pass the noise limiter.

REASON: To minimise the risk of noise pollution that may cause nuisance and harm the amenity and/or health of occupiers of nearby buildings.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no new windows/dormer windows/rooflights shall be inserted or constructed at any time in any elevation of the building without express planning permission first being obtained.

REASON: To ensure any replacement windows are appropriate to minimise the risk of noise pollution that may cause nuisance and harm the amenity and/or health of occupiers of nearby buildings.

10. There shall not be any filling or emptying of bottle bins between the hours of 20:00 and 09:00 on any day.

REASON: To minimise the risk of noise pollution that may cause nuisance and harm the amenity and/or health of occupiers of nearby buildings.

BACKGROUND PAPERS

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RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

APPROVAL

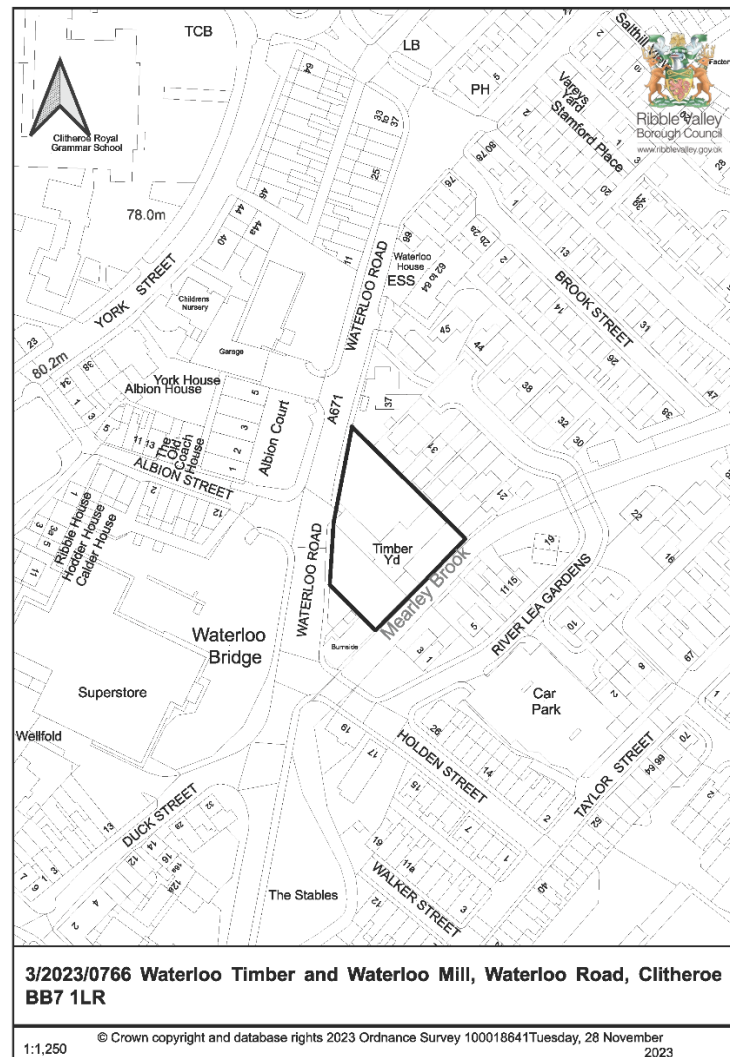
DATE: 7th December 2023
REF: SK
CHECKED BY: LH

APPLICATION REF: 3/2023/0766

GRID REF: SD 374649 441949

DEVELOPMENT DESCRIPTION:

PROPOSED PARTIAL DEMOLITION AND ALTERATIONS TO BUILDINGS. CREATION OF LARGER YARD AREA AND PARKING, RE-ORGANISATION OF EXISTING USES WITH THE BUILDINGS. WATERLOO TIMBER AND WATERLOO MILL, WATERLOO ROAD, CLITHEROE BB7 1LR



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Clitheroe Town Council Have raised no objection to the proposal.

LANCASHIRE COUNTY COUNCIL (LOCAL HIGHWAYS AUTHORITY):

Lancashire County Council acting as the Local Highway Authority have raised no objection to the proposal subject to the imposition of conditions requiring the submission of a Construction Method Statement, that the site access be implemented prior to first use of the parking/turning area, and that the proposed gates be left in an open position during operational hours to prevent vehicles dwelling/parking on Waterloo Road.

LEAD LOCAL FLOOD AUTHORITY:

The Lead Local Flood Authority have raised no objection to the proposal but have provided the following advice:

The applicant should take note to carefully consider the demolition and construction phase of the re-development in relation to surface water quality given the sites proximity to the river, as well as the impact of pollutants being collected into the drainage system through the use of the new car parked area and the HGV turning area and the impact these could have if discharged into the river without the correct mitigation measures. Given the sites proximity to medium to high surface water flood risk, the applicant could explore options for introducing a betterment through this site re-development by providing surface water attenuation within the car parked area.

ENVIRONMENT AGENCY:

The site lies within Flood Zones 2 and 3 with the applicant having submitted a Flood Risk Assessment and Drainage Strategy in support of the application. In this respect the Environment Agency have raised no objection stating the following:

A basic FRA has been submitted with the application. We have reviewed the FRA prepared by PSA Design, referenced T4099/DW, dated 5 September 2023, and we consider the FRA is appropriate to the nature and scale of the development. We are therefore satisfied that the proposed development would be safe and that it would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. As indicated in the FRA, the applicant as owners of the existing property, will be aware of the potential flood risk and frequency. The applicant should be satisfied that the impact of any flooding will not adversely affect their proposals.

The Environment Agency have further stated that the applicant be informed of the following:

The development site is adjacent to Mearley Brook, which is a designated statutory main river. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- *on or within 8 metres of a main river (16 metres if tidal)*
- *on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)*
- *on or within 16 metres of a sea defence*

- *involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert*
- *in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission*

UNITED UTILITIES:

United Utilities have offered the following observations/comments:

Following our review of the submitted drainage documents; Flood Risk Assessment, prepared by PSA Design, Ref: T4099/DW, the plans are not acceptable to United Utilities.

This is because we have not seen robust evidence that the drainage hierarchy has been thoroughly investigated. If the applicant intends to connect to the public sewer we require a plan showing the proposals for the connection, including a proposed discharge rate, manhole cover and invert levels and the proposed connection point. The applicant advises that the current surface water system may discharge to the watercourse or the sewer and the existing connection could be utilities. The outfall of the current site needs to be investigated before a formal proposal is submitted in order to determine whether the applicant is proposing to discharge to the public sewer.

Should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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 in accordance with BRE365;
- (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);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

ADDITIONAL REPRESENTATIONS:

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

- Loss of privacy

- Increased noise and disturbance by virtue of intensification of commercial activities
- Building to be demolished is of heritage value
- Detrimental impacts upon the highway

One letter of support has been received citing economic benefits, increased safety for residents/victors and that it will reduce congestion on Waterloo Road currently caused by customer and delivery vehicles.

1. **Site Description and Surrounding Area**

- 1.1 The application relates to the site of Waterloo Timber and Waterloo Mill located off Waterloo Road Clitheroe. The site is located to the east of and outside of the Main centre Boundary of Clitheroe, also being located within close proximity to and to the east of the defined Clitheroe Conservation Area.
- 1.2 The site is a designated Existing Employment Area (Core Strategy DMB1 designation) currently accommodating Waterloo Timber and associated warehouse(s), external storage areas(s), workshop, offices and 'shop'. The southern-most buildings within the site are of a twin gabled appearance being faced in primarily natural stone with the northern most building being of a typical commercial appearance being partially faced in natural stone and profiled cladding.
- 1.3 The Heritage Statement submitted in support of the application provides historical context in relation to the range of buildings within the site stating the following:

The application site has not been well documented and does not appear to have been investigated in detail previously. However, a brief description of the site is provided in 'Industrial Heritage: A Guide to the Industrial Archaeology of the Ribble Valley (1990) by Mike Rothwell and is summarised below;

The application site is comprised of buildings which were once the former Waterloo Brewery believed to have been started by Thomas Hornby, in the latter half of the 1850's. However, the brewery would be taken over by John Tillotson of Colne in 1867, following the failure of Thomas and Richard Hornby. At this time production was limited to 300 barrels per week and the brewery employed less than 10 workers. The business was later run by Tillotson's son, Hargreaves, prior to its sale to E. & J. Crabtree around 1904 who closed down the brewery. During the 1920's the building was purchased by Trutex and was equipped for the manufacture of clothing which continued into the 1970's and has since had a number of uses.

On the brook side of the site is a three storey brewhouse with roof ventilators and adjoining the south west wall of the brewhouse is the former office (now a dwelling) and Burnside House. A two-storey block, possibly the former fermentation house, extends from the tower to Waterloo Road.

Map regression analysis shows the historic development of the site from the mid 19th century up to the early 20th century. With the brewery having been built in the 1850's the site is vacant on mapping dating from the 1840's and is assumed to be open farmland. By 1886, the site is well built up, with the brewhouse to the southeast of the site. The former office and Burnside House are also shown to the southeast of the brewhouse.

The two, two-storey ranges are shown extending north eastwards but only the southeast ranges extended fully towards Waterloo Road. By 1912, the site had changed little with the exception of the northeast range which has been extended towards the northwest and lines up with the gable of the southeast range.

- 1.4 Members will note, notwithstanding the above, the site contains no designated heritage assets and it is considered that the buildings/site are of limited/low archaeological value due to extensive incremental changes that have occurred throughout the lifetime of the buildings.

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

- 2.1 The application seeks consent for the partial demolition of one of the range of buildings within the site, with a revised and altered vehicular and pedestrian access point being proposed. The submitted details further indicate the installation of 'timber storage racking' within the existing envelope of the 'timber storage' structure to the eastern extents of the site.
- 2.2 The revised vehicular and pedestrian access point will benefit from the installation of a 'double-gated' arrangement that will secure the site outside of operational hours. The partial demolition of one of the buildings within the site will result in the rebuilding of one of the internal facing (north-east) elevations within the site. The proposed site plan indicates that the demolition will allow for an improved internal vehicular manoeuvring area with dedicated car-parking provision also being provided for customers/staff, with the provision of four dedicated bays being proposed.
- 2.3 The submitted details propose that the reconfigured building arrangement will result in the existing warehousing/machinery and workshop areas being accommodated within the larger northern building as per the existing arrangement. With the building where partial demolition is proposed now accommodating reconfigured 'retail' areas and a canteen for staff. The applicant has confirmed that the retail areas will solely be for the sale and display of products/good related to the existing timber yard, a such there would be no direct conflict with the Existing Employment Area designation of the site.

3. **Relevant Planning History**

3/2004/0146: Alterations to the north elevation to form a fire exit door and steps, and 2no. windows. (Approved)

3/2001/0744: Enclosure to house filtration plant above roof level of existing timber storage building. (approved)

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement DMI2 – Transport Considerations

Key Statement EC1 – Business and Employment development

Key Statement EC2 – Development of retail, shops and community facilities and services

Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport & Mobility
Policy DME6 - Water Management
Policy DMB1 – Supporting Business Growth and the Local Economy

National Planning Policy Framework (NPPF)
Technical Guidance to National Planning Policy Framework

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

- 5.1.1 Given the proposal seeks consent for the reconfiguration of an existing designated Existing Employment Area, Key Statement EC1 and Policy DMB1 are primarily, but not solely, engaged for the purposes of assessing the compatibility of the proposed development with the aims and objectives of the adopted development plan.
- 5.1.2 In respect of the above, Key Statement EC1 states that *‘employment development will be directed towards the main settlement of Clitheroe, Whalley and Longridge as the preferred locations to accommodate employment growth’* with Policy DMB1 stating that ‘Proposals that are intended to support business growth and the local economy will be supported in principle’.
- 5.1.3 As such and taking account of the above matters, notwithstanding other development management considerations, the principle of the physical reconfiguration of the site, including the reconfiguration of the existing uses are considered to be in broad alignment with the aims and objectives of Key Statement EC1 and Policy DMB1.

5.2 **Impact upon Residential Amenity:**

- 5.2.1 The existing site/buildings are bounded to the north-east by existing residential properties fronting River Lea Gardens with the southern range of buildings benefitting from a direct physical attachment to ‘Burnside’ a residential dwelling that benefits from a corner location on the junction with Waterloo Road and Mearley Brook Bridge.
- 5.2.2 In respect of the residential properties to the north, no operational development is proposed in this area, save that for the installation of timber storage racking within the envelope of the existing timber storage building. As such the perceived visual change and visual impact resultant from the physical presence of the racking is likely to be minimal when viewed from the rear windows of these properties. It is accepted that the presence of the racking may result in additional activities within this area, however it is not considered that such an increase, by virtue of the racking alone, would result in impacts that would warrant mitigation or raise significant concerns in respect of impacts upon residential amenity.
- 5.2.3 The southern elevation of the southern-most range of buildings that have a direct interface with ‘Burnside’ to the south will remain largely unaltered with the retention

of an existing first-floor escape door. It is noted that this elevation has a direct-facing relationship with the garden area of Burnside by virtue of three existing first floor windows and the aforementioned escape-door (and associated external fire stairwell), with the current relationship being poor in terms of direct-intervisibility between both elements. However, given there are no alterations to this elevation it is considered that the development will not result in exacerbating the already poor relationship between the application building and the existing dwelling.

- 5.2.4 Representations have been received raising concerns in respect of potential intensification of commercial activities on site leading to potential additional noise and disturbance. However, members will note that the existing activities undertaken on site could intensify regardless of the proposed works with no current mechanisms in place to limit such intensification. Notwithstanding this matter, any increase in related activities will largely be contained within the reconfigured site arrangement and as such are unlikely to result in measurable impacts upon nearby residential receptors.
- 5.2.5 As such and taking account of the above matters it is not considered that the proposed development will result in any significant measurable detrimental impacts upon nearby residential receptors to a degree that would warrant the need for mitigation nor warrant refusal on these grounds. In this respect the proposal is not considered to result in any significant direct conflict with Policy DMG1 of the Ribble Valley Coire Strategy which seeks to protect and safeguard existing and future residential amenities from adverse impacts.

5.3 Visual Amenity/External Appearance:

- 5.3.1 The majority of the proposed works will result in the partial demolition of one of the southern most buildings within the site, creating an enlarged internal courtyard arrangement. This will necessitate the partial reconstruction of one of the southerly boundary walls that fronts Mearley Brook to the south, with the reconstruction of one of the internal facing elevations (northeast) of the part of the building to be retained. It is further proposed that new 'racking' for the storage of timber will be erected within the existing envelope of the timber storage structure located at the eastern extents of the site adjacent the rear garden areas of residential properties fronting River Lea Gardens.
- 5.3.2 The proposed demolition will result in the range of buildings being read as being of a single gabled appearance in-lieu of that of the current twin gabled appearance when viewed from Waterloo Road. Whilst it is accepted that this will result in notable visual change within the streetscene, it is not considered that such change will result in a detrimental impact upon the immediate nor wider area, particularly insofar that the current character and visual appearance of the site is largely utilitarian both in configuration and appearance.
- 5.3.3 The partial demolition of the building(s) will necessitate the partial reconstruction of one of the southerly boundary walls that fronts Mearley Brook to the south, with the submitted details proposing that the wall will be rebuilt utilising random rubble natural stone with stone coping. This elevation is largely only afforded views from the south, from within the public realm associated with the residential development River Lea Gardens. In this respect the visual impact of the demolition and partial

rebuilding of the wall is unlikely to result in any adverse visual impact(s) upon the immediate or wider area.

- 5.3.4 Taking account of the above matters, it is not considered that the proposed development will result in any measurable nor quantifiable detrimental impact(s) upon the character or visual amenities of the immediate or wider area and as such no direct significant conflict with Policy DMG1 of the Ribble Valley Core Strategy, which seeks to ensure that the visual appearance of development remains compatible with and responds positively to the inherent character of the surrounding context.

5.4 Landscape and Ecology:

- 5.4.1 The application has been accompanied by a Bat Survey Report, the report concludes that the building(s) are located on a very busy road and opposite a constantly used car park, where the traffic noise is significant. The building(s) are part of a thriving business with vehicles frequenting the site constantly, together with plant machinery movements and saw machinery being used throughout the day with high levels of noise being generated. The light pollution in the locality is significant ie. street lighting, car park lighting and intermittent lights directed towards the building from the manoeuvring cars on the car park opposite (Tesco) and security lighting within the yard area of the business. There is also a distinct lack of forage habitat in the immediate locality. Bat activity was not detected in or around the building during the survey. As such the proposed demolition and reconfiguration of the site will not disturb or impact adversely on any local bat population nor is it likely that any bats will be uncovered or disturbed during the roof removal.

- 5.4.2 Taking account of the above it is not considered that the proposed development will result in any adverse impacts upon protected species or species of conservation concern. As such no mitigation is required to offset the impact of the development upon protected species.

5.5 Highway Safety and Accessibility:

- 5.5.1 The proposed partial demolition of one of the buildings within the site will result in a significant widening of the existing primary vehicular and pedestrian entry point fronting Waterloo Road, with a double gated arrangement being proposed to be installed which will be set back from the immediate highway to the north. In this respect the Local Highways Authority have raised no objection to the proposal in that the reconfigured site arrangement will result in an improvement over the current arrangement and will allow 12m Rigid Wagon Vehicles to enter, turn and exit onto Waterloo Road in forward gear.
- 5.5.2 The Local Highways Authority have requested that conditions be imposed in relation to the requirement to submit a Construction Method Statement, that the site access be implemented prior to first use of the parking/turning area, and that the proposed gates be left in an open position during operational hours to prevent vehicles idling/parking on Waterloo Road.

- 5.5.3 In light of the above it is not considered that the proposed development will result in any measurable detrimental impact(s) upon the safe operation of the immediate highway and as such no direct conflict with Key Statement DMI2 or Policy DMG3 of the Ribble Valley Core Strategy.

5.6 Flood Risk and Drainage

- 5.6.1 The site lies within Flood Zones 2 and 3, as such consideration must be given in respect for the potential for the development to exacerbate or increase flood-risk. United Utilities have stated that the submitted Flood Risk Assessment fails to contain robust evidence that the drainage hierarchy has been thoroughly investigated. As such, should consent be granted, United utilities have requested that a condition be imposed that requires the submission of a sustainable surface water drainage and a foul water drainage scheme.

- 5.6.2 Members will additionally note that no objection has been raised by the Lead local Flood Authority nor the Environment Agency in respect of the proposed development.

6. Observations/Consideration of Matters Raised/Conclusion

- 6.1 For the reasons outlined above and having regard to all material considerations and matters raised, the application is recommended for approval insofar that is not considered that the proposal will result in any significant measurable direct conflict with the adopted development plan for the borough nor any significant adverse harm to the character and visual amenities of the immediate or wider area or residential amenity.

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

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

REASON: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

6718-L01: Location Plan
6718-S02B: Proposed Site Plan
6718-S03B: Proposed Site Plan
6718-P11C: Proposed Floor Plan Layouts and Streetscene
6718-P12B: Proposed Elevations
6718-P13A: Proposed Visibility Splay
6718-P14A: Proposed Swept Path Plan
6718-P15A: Proposed Demolition Plan
6718-P16: Proposed Non-Residential Floorspace

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

3. Notwithstanding the submitted details, details or specifications of all materials to be used on the external surfaces of the development hereby approved shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed development. The approved materials shall be implemented within the development in strict 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.

4. The Class E(a) floorspace hereby approved shall solely be for the use, sale and display of goods associated with the existing B2 and B8 uses undertaken within the (sui generis) planning unit to which the application relates.

REASON: To ensure the activities undertaken on site remain compatible with the Existing Employment Area (DMB1) designation of the site.

5. No commercial operations shall be undertaken from the site in relation to the development hereby approved outside of the following hours:

Monday to Friday: 07:00hrs – 17:30hrs
Saturdays: 07:00hrs – 13:30hrs

For the avoidance of doubt there shall be no commercial operations undertaken from the site in relation to the development hereby approved on Sundays or Bank Holidays.

REASON: To ensure the activities undertaken from the site remain compatible with the character of the area and do not prove injurious to nearby residential amenities.

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

- (i) The parking of vehicles of site operatives and visitors
- (ii) The loading and unloading of plant and materials
- (iii) The storage of plant and materials used in constructing the development
- (iv) The erection and maintenance of security hoarding
- (v) Wheel washing facilities
- (vi) Measures to control the emission of dust and dirt during construction
- (vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- (viii) Details of working hours
- (ix) Routing of delivery vehicles to/from site

REASON: To ensure the safe operation of the highway and to minimise disruption during the construction and demolition phase of the development hereby approved.

7. Prior to the first use of the parking and turning area hereby approved, the site access shall be widened in accordance with the details hereby approved and to Lancashire County Councils specification under the appropriate agreement (see informative note).

REASON: To ensure a safe and suitable access is provided for highway safety reasons.

8. The gates to be installed as part of the development hereby approved (fronting Waterloo Road) shall be left in the open position during operational hours of the commercial business to which the consent relates.

REASON: To prevent vehicles dwelling/idling on the highway known as Waterloo Road and to ensure the safe operation of the immediate highways network.

9. The area shown edged green on the swept path drawing 'SPA 6718-P14A' shall be kept free of all obstruction to allow for the adequate manoeuvring of vehicles.

REASON: To ensure adequate manoeuvrability for vehicles entering/leaving the site.

10. Prior to the commencement of any new construction works (save that for demolition), details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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 in accordance with BRE365;
- (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);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

INFORMATIVE NOTE:

The grant of planning permission will require the applicant to enter into a S278 Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works.

The applicant should be advised to contact Lancashire County Council for further information by emailing the Highway Development Control Section at developeras@lancashire.gov.uk .

BACKGROUND PAPERS

https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2023%2F0766


Late Items – Planning & Development Committee				 <div>Ribble Valley Borough Council</div> <div>www.ribblevalley.gov.uk</div>	
Meeting Date: 7 DECEMBER 2023					
Briefing version			Issue Date:		
Committee Version		•	Issue Date:	07/12/2023	
Application Ref:	3/2023/0766	PROPOSED PARTIAL DEMOLITION AND ALTERATIONS TO BUILDINGS. CREATION OF LARGER YARD AREA AND PARKING, RE-ORGANISATION OF EXISTING USES WITH THE BUILDINGS WATERLOO TIMBER AND WATERLOO MILL WATERLOO ROAD CLITHEROE BB7 1LR			REC: APPROVAL
<p>Since the publication of the Committee Agenda the applicant has submitted a Construction Method Statement, which LCC Highways had requested and was to be secured by condition 6. LCC Highways have confirmed they are satisfied with the document. As such it is proposed to re-word condition 6 as follows:-</p> <p>6. All construction and demolition works/activities associated with the development hereby approved shall be undertaken in strict accordance with the submitted Construction Method Statement (Ref: 6718 Version 1.01).</p> <p>Reason: To ensure the safe operation of the highway and to minimise disruption during the construction and demolition phase of the development hereby approved.</p>					

Photo 1 – Google Earth dated November 2017 (pre engineering works the subject of the planning application)

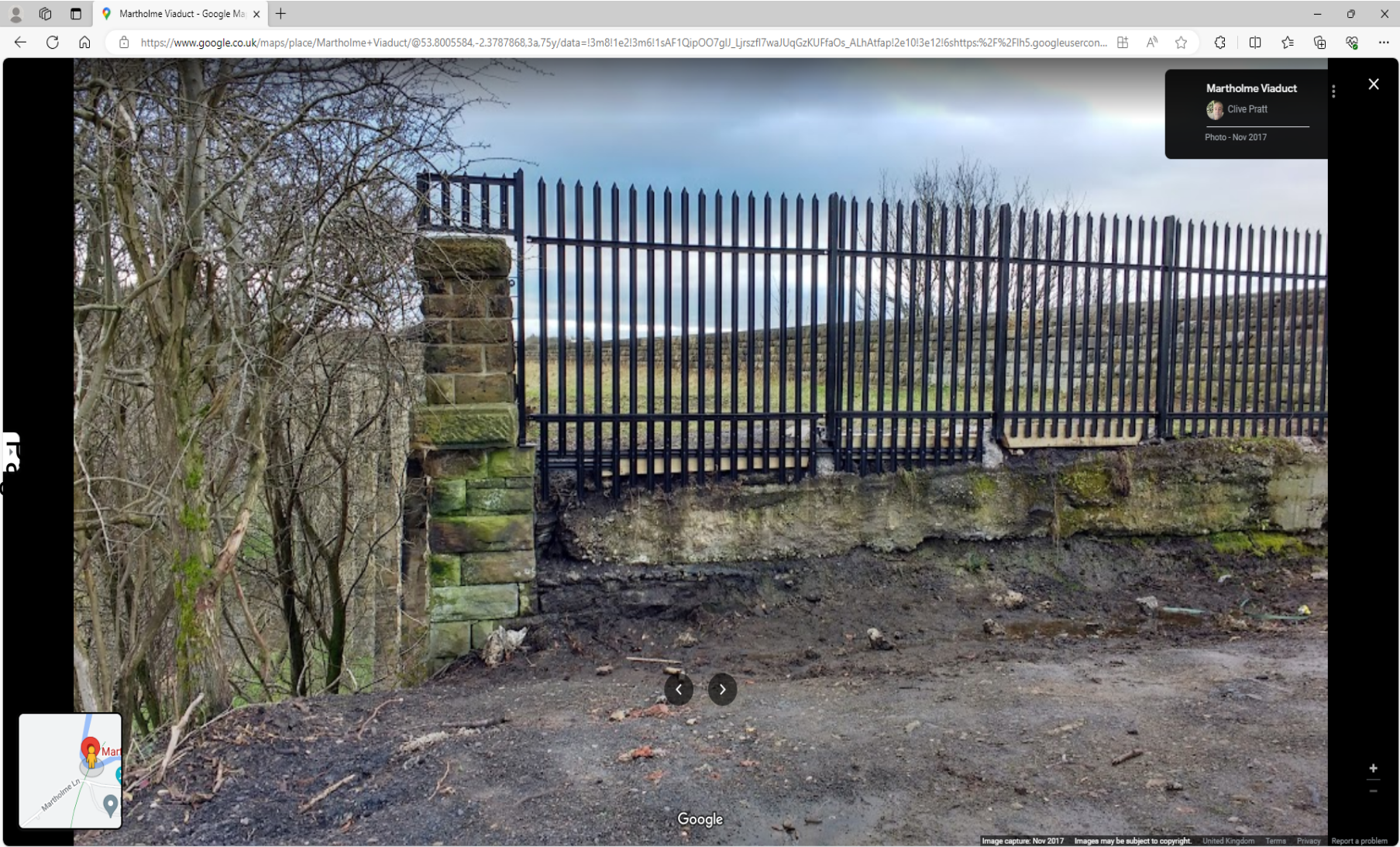


Photo 2 – Photo taken by Council Enforcement Officer February 2022 (post engineering works)



Photo 3 – Photo taken by Planning Dept 18/10/2023 (current)



Photo 4 – Photo taken by Planning Dept 18/10/23 showing the proposed bund



Page 65

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RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

REFUSAL

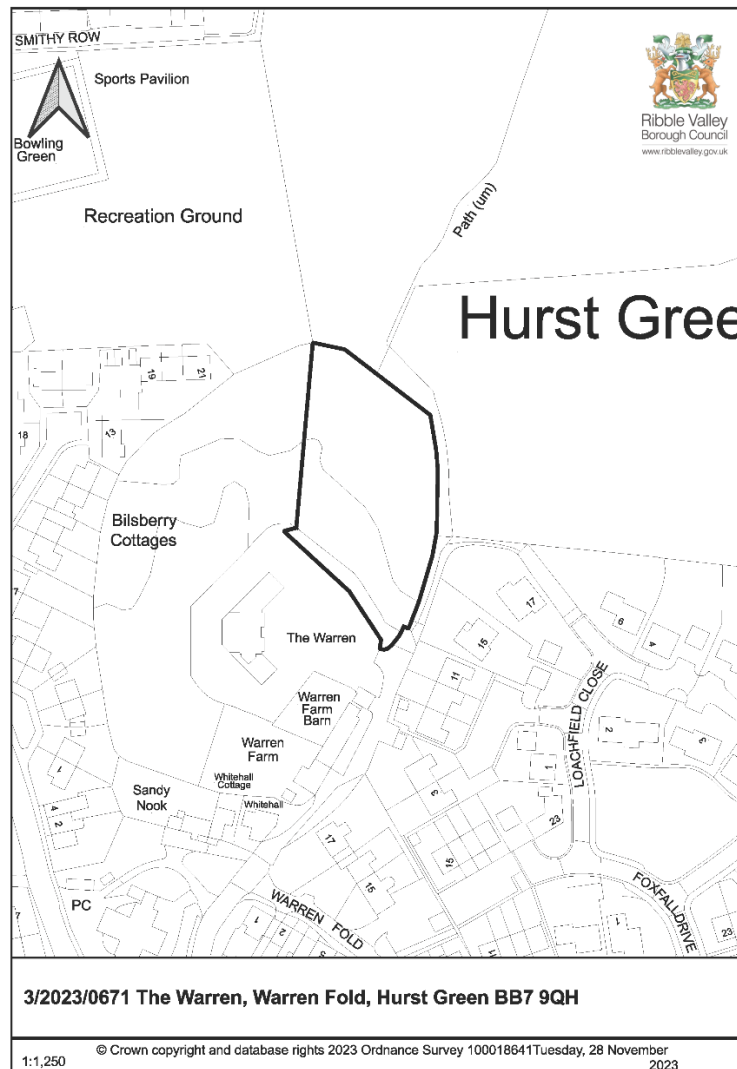
DATE: 7th December 2023
REF: SK
CHECKED BY: LH

APPLICATION REF: 3/2023/0671

GRID REF: SD 368573 438134

DEVELOPMENT DESCRIPTION:

OUTLINE PLANNING APPLICATION FOR THE ERECTION OF TWO NEW RESIDENTIAL SELF-BUILD BUNGALOWS FOR THOSE AGED 55 OR OVER (ALL MATTERS RESERVED). RESUBMISSION OF 3/2022/0469. THE WARREN, WARREN FOLD, HURST GREEN, BB7 9QH.



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Aighton Bailey and Chaigley Parish Council have raised no objections to the proposal.

LANCASHIRE COUNTY COUNCIL (HIGHWAYS):

No objection subject to the imposition of conditions requiring the submission of a Construction Method Statement prior to the commencement of development.

UNITED UTILITIES:

United Utilities have raised no objection to the proposal subject to the imposition of conditions relating to the requirement to submit details of sustainable surface water and foul water drainage.

ADDITIONAL REPRESENTATIONS:

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

- Impacts upon wildlife
- Impacts resultant from construction vehicles
- Visual urbanisation
- Undermines the visual aspect of the 'Tolkien Trail'
- Detrimental to landscape/visual character

Five letters of support have been received in respect of the application.

A ward councillor has requested that this application is determined by Planning and Development Committee for the following reason(s):

- High level of public interest

1. Site Description and Surrounding Area

- 1.1 The application relates to an area of land outside of but directly adjacent to the defined settlement limits of Hurst Green. The site is located within the defined Forest of Bowland Area of Outstanding Natural Beauty (AONB) also being adjacent, at its south-eastern extents, the defined Hurst Green Conservation Area.
- 1.2 The area of land to which the application relates lies directly to the north of the dwelling known as 'The Warren' and currently accommodates an area of extensive woodland/shrubland with the site also being directly adjacent a Public Right of Way (footpath 64) which bounds the site to the east.

2. Proposed Development for which consent is sought

- 2.1 The application seeks outline consent (all matters reserved) for the erection of two 'self-build' bungalows for occupation by those aged 55 or over. The application has been

accompanied by an illustrative layout which shows pedestrian and vehicular access being provided by way of the existing access serving the existing dwelling.

3. **Relevant Planning History**

3/2022/0469: Outline planning application for the erection of three new residential self-build bungalows for those aged 55 or over. (refused)

3/2014/0204: Outline planning application for the erection of one new residential dwelling. (Refused) (Subsequent Appeal Dismissed)

3/2013/0963: New dwelling in garden of The Warren. Land adjacent to The Warren Warren Fold Hurst Green BB7 9QS. (Withdrawn)

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement DMI2 – Transport Considerations#
Key Statement EN2 - Landscape

Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport & Mobility
Policy DMH3 – Dwellings in the Open Countryside

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 application site lies within the defined Forest of Bowland Area of Outstanding Natural Beauty (AONB) being located outside of, but directly adjacent the defined settlement limits of Hurst Green, as such given the application seeks consent for new residential development, Policies DMH3 and DMG2 are fully engaged for the purposes of assessing the proposal.

5.1.2. Policies DMH3 and DMG2 of the Ribble Valley Core Strategy seeks to restrict residential development within the open countryside and AONB to that which meets a number of explicit criterion, with Key Statement DS1 setting out the overall spatial aspirations for general development within the Borough. Given the proposal site is located outside of any defined settlement limits, being upon land that benefits from an AONB designation, Policy DMG2 is primarily, but not solely, engaged for the purposes of assessment of the application in relation to the spatial aspirations for new housing growth within the borough.

- 5.1.3 Policy DMG2 is two-fold in its approach to guiding development. The primary part of the policy DMG2(1) is engaged where development proposals are located 'in' principal and tier 1 settlements with the second part of the policy DMG2(2) being engaged in circumstances when proposed development is located 'outside' defined settlement areas or within tier 2 villages, with each part of the policy therefore being engaged in isolation and independent of the other dependant on the locational aspects of a proposal.
- 5.1.4 The mechanics and engagement of the policy are clear in this respect insofar that it contains explicit triggers as to when the former or latter criterion are applied and the triggers are purely locational and clearly based on a proposals relationship to defined settlement boundaries and whether, in this case, such a proposal is 'in' or 'outside' a defined settlement.
- 5.1.5 The proposal is located outside of any defined settlement boundary, in this respect, when assessing the locational aspects of the development, it is the secondary element of Policy DMG2 that is engaged (Policy DMG2(2)) which states that:

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

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

- 5.1.6 Given the site is located outside of any defined settlement limits, DMH3 is also engaged in parallel with Policy DMG2. In this respect Policy DMH3 states that:

Within areas defined as open countryside or AONB on the proposals map, residential development will be limited to:

- 1. Development essential for the purposes of agriculture or residential development which meets an identified local need. In assessing any proposal for an agricultural, forestry or other essential workers dwellings a functional and financial test will be applied.*
- 2. The appropriate conversion of buildings to dwellings providing they are suitably located and their form and general design are in keeping with their surroundings. buildings must be structurally sound and capable of conversion without the need for complete or substantial reconstruction.*
- 3. The rebuilding or replacement of existing dwellings [subject to a number of criteria].*

- 5.1.7 In respect of the above policy criterion, it is clear from the submitted details that the proposal could not be argued as being 'essential to the local economy or social wellbeing of the area' nor could it be considered that the proposal 'is needed for the purposes of forestry or agriculture' or 'replacement of existing dwellings'.

Self-Build and Local Needs Housing

- 5.1.8 Turning to the matter of 'local needs housing', no clear or robust supporting evidence has been provided to suggest that the proposal would align with the locally adopted definition of 'local needs housing'.
- 5.1.9 The Ribble Valley Core Strategy sets out the adopted definition of local needs housing as *'housing developed to meet the needs of existing and concealed households living within the parish and surrounding parishes which is evidenced by the Housing Needs Survey for the parish, the Housing Waiting List and the Strategic Housing Market Assessment.'* and that *'the most recent SHMA and Housing Needs Survey and waiting list evidence would always be used in determining if the proposed development meets the identified need'*.
- 5.1.10 Members will additionally note that the submitted details propose that the dwellings will be self-build in nature (for those aged 55 or over), as defined within the Self-build and Custom Housebuilding Act 2015 (as amended by the housing and planning act 2016).
- 5.1.11 However, the proposal remains for that of residential development and as such the proposal must be assessed against relevant adopted development plan policies relating to the locational aspirations for new residential development and housing growth in the borough, regardless of the 'self-build' nature of the housing with policies DMH3 and DMG2 of the Adopted Core Strategy, once again, remaining fully engaged in this respect.
- 5.1.12 In this respect the authority does not consider that the current application for self-build housing can be considered as 'local needs housing' for the purposes of being treated as an 'exception', particularly in respect of the secondary criterion of Policy DMH3, particularly given it fails to fall within or meet the definition of 'local needs housing' as contained within the current adopted development plan.
- 5.1.13 This matter in relation to 'self-build' housing has been clarified through recent inspectors' decisions, the 'Wiswell Decision' (APP/T2350/W/18/31210850) and the 'Stables Decision' (APP/T2350/W/19/3235162) whereby both inspectors concurred with the Local Planning Authority approach in that self-building housing cannot be considered as 'local-needs housing' as defined within the adopted development plan. As such, in this respect, it is considered that the 'self-build' housing fails to meet the exception criterion of both Policies DMH3 and DMG2 in respect of new housing outside of a defined settlement.
- 5.1.14 At the time of writing this report, the number of individuals/groups registered on the self-build register held by the authority are as follows:
- Part 1 Register - 15 individuals and 1 association.
 - Part 2 Register – 1 individual

- 5.1.15 The Self-Build Act places a duty on authorities to comply with their duty to grant sufficient permissions to match demand as reflected on Part 1 of the self-build register.
- 5.1.16 Section 6(c) of the Self-build and Custom Housebuilding Act states that development permission is 'suitable' if it is permission in respect of development that could (emphasis added) include self-build and custom build housebuilding. The Planning Practice Guidance advises that off-plan housing, homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer are not considered to meet the definition of self-build. Therefore, when identifying the supply of self-build and custom build housing, any outline permissions relating to the provision of a small number of dwellings should be included.
- 5.1.17 In total, the Council consider that the calculated supply of dwellings permitted that could include self-build and custom housebuilding is 11no. dwellings (minimum). Whilst this could represent a minor shortfall against demand, the Council consider that the weight provided to this potential shortfall is not significant enough to outweigh other non-compliance with the Core Strategy, namely CS Policies DMG2 and DMH3.
- 5.1.18 Additionally, even if there were a significant shortfall, the authority does not consider that the 'duty to grant sufficient consents' releases 'self-build' housing proposals from the need to comply with the compliment of policies that relate to the location and spatial aspirations for new residential development within the borough, as embodied within the currently adopted development plan, which in this case are primarily enshrined within the criterion of Policies DMG2 and DMH3.
- 5.1.19 As such, the authority does not consider that the 'self-build' nature of the proposal allows for 'exceptional site release' nor does it exempt such proposals from having to meet policy specific locational criterion in relation to the location of new housing in the borough.

Over 55's Housing Need

- 5.1.20 Turning to the matter of the dwellings being for occupation solely by those aged 55 or over. Notwithstanding the potential occupancy restrictions that would be required to be imposed, the proposal would still remain for that of open market housing albeit occupancy of the dwellings would be age restricted. In this respect the imposition or engagement of an age-related occupancy restriction alone would also fail to satisfy any of the explicit exception criterion contained within Policies DMG2 and DMH3.
- 5.1.21 A recent Inspectors decision, whereby an appeal was dismissed, considered similar matters elsewhere in the borough (APP/T2350/W/20/3247676) with over 55's housing also being proposed outside of defined settlement limits. In reaching their conclusion(s) the Inspector found that:

'The SHMAs –one of the documents referred to in the Core Strategy glossary – include reference to the proportion of older people within the borough's

demographic and the implications for housing provision within the borough. However, even having regard to the appellant's LHNAs (Local housing Needs assessment) as a further material consideration, I am not satisfied that a compelling local housing need for the older people's market bungalows proposed has been demonstrated to justify the development in the open countryside'.

With the Inspector further stating that 'It is common ground that the Council is currently able to demonstrate a 5-year supply of deliverable housing sites. Taking those factors together, from the evidence before me I am satisfied that the Council's development strategy and housing policies are functioning to deliver the type of housing identified in the LHNAs and proposed in this case.

- 5.1.22 In respect of the current proposal, the applicant has not provided any robust evidence whatsoever in respect of outstanding over 55's housing need in the parish or adjacent parishes. Providing only anecdotal evidence. As such there is no evidence that that would warrant the proposal being considered as being for that of an identified and outstanding local need. Notwithstanding this matter, members will note in the above referenced appeal decision, that the Inspector determined that the currently adopted policies are 'functioning' to deliver over 55's housing boroughwide in any case.
- 5.1.23 In light of the above matters, and in the absence of any other evidence to suggest otherwise, it cannot be considered that the proposal meets any of the exception criterion contained within Policies DMG2 nor DMH3 in relation to new dwellings outside of defined settlement limits.
- 5.1.24 As such, the clear, significant and direct conflict with both Policies DMG2 and DMH3 of the Ribble Valley Core Strategy, in that the proposal fails to meet any explicit residential exception criterion, precludes the ability for the principle of residential development to be supported in this location.
- 5.1.25 Members will further note, in the absence of any robustly demonstrated or evidenced exceptional circumstances, and given the proposal fails to meet any adopted exception criterion. The authority considers that the granting of consent for residential development in this location, would significantly undermine the continued long-term effectiveness and consistency in the engagement of Policies DMH3 and DMG2 - which primarily empower and maintain the spatial integrity of the currently defined settlement boundaries/limits within the borough.
- 5.1.26 Taking account of the above, the authority is of the view that the proposal is considered to be in direct conflict with Policies DMG2 and DMH3 of the Ribble Valley Core Strategy insofar that approval would lead to the creation of new residential dwellings, located outside of a defined settlement boundary, without sufficient justification, in that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need or that the proposal would meet any of the exception criterion inherently contained within either policy.

5.2 Impact upon Residential Amenity:

- 5.2.1 Given the proposal seek outline consent with all matters reserved, no definitive assessment of the impacts upon residential amenity or the level of residential amenity that will be afforded to future occupiers of the dwellings can be made at this stage. However, given the scale of the site to which the application relates, and taking account of the relationship with immediate adjacent residential receptors, it is considered that a proposal for two residential dwellings could be undertaken on site without compromising existing or future residential amenities.

5.3 Visual Amenity/External Appearance

- 5.3.1 The application is made in outline with all matters reserved, as such no definitive determination can be made in respect of the likely impacts upon the character or visual amenities of the area that may be resultant from the proposal.
- 5.3.2 Notwithstanding this matter, the applicant has submitted an indicative site layout that illustrates how the quantum of development could be accommodated on-site, with the submitted details indicating two detached dwellings being located within significant individual plots with access being provided via the existing shared access that affords pedestrian and vehicular access to the 'The Warren'.
- 5.3.3 Whilst the full impacts of potential landscape or visual harm cannot be fully ascertained at this stage, members will note that a historic Inspectors decision (APP/T2350/A/14/2221778) on the site, which sought outline consent for the erection of one residential dwelling was dismissed with the Inspector concluding, in addition to other matters, that there would be visual harm stating the following:

'The site is surrounded by a stone wall and is elevated in relation to the adjoining fields. As such, it is already visually delineated from the wider countryside to the north and east. I also appreciate that the proposed house could be further screened by additional landscaping to lessen its visual impact. Nevertheless, in my view the further containment of the site would itself be harmful to the open character and appearance of the surrounding area.'

Thus, whilst I appreciate that the matters of scale, layout, appearance and landscaping are reserved for future consideration, a dwelling on the appeal site would protrude into the open countryside and extend built development into it. Moreover it would be highly visible from the open fields to the north and east. This being so, I cannot see that the proposal would appear sympathetic to the surrounding countryside or that it would conserve the natural beauty of the AONB. That the site is not in the Green Belt does not alter my view.'

- 5.3.4 As such, taking account of the above, given visual harm was determined to be evident resultant by virtue of the introduction of one single dwelling, it must therefore be concluded that the siting of two dwellings on the site would also undoubtedly result in a similar if not greater quantum of visual harm upon the character and visual amenities of the area and that of the Forest of Bowland Area of Outstanding Natural Beauty.
- 5.3.5 As such, it is considered that the proposal is considered to be in direct conflict with Key Statement EN2 and Policy DMG1 of the Adopted Ribble Valley Core Strategy insofar that the introduction of built form and resultant quantum of development in

this location, would result in a level of development that would appear both anomalous and incongruous, undermining the character and visual amenities of the immediate area and that of the Forest of Bowland Area of Outstanding Natural Beauty.

5.4 Highway Safety and Accessibility:

5.4.1 The Highways Development Control Officer has raised no objections to the proposal subject to the imposition of a condition relating to the requirement for a Construction Method Statement to be submitted should consent be granted.

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

6.1 For the reasons outlined above the proposed development is considered to be in significant direct conflict with conflict with Key Statement EN2 and Policies DMG2 and DMH3 of the Ribble Valley Core Strategy, in that the proposal fails to meet any explicit residential exception criterion in relation to the creation of new residential dwellings outside of defined settlement limits, and would undermine the character and visual amenities of the immediate area and that of the Forest of Bowland Area of Outstanding Natural Beauty.

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

1. The proposal is considered to be in direct conflict with Policies DMG2 and DMH3 of the Ribble Valley Core Strategy insofar that approval would lead to the creation of new residential dwellings, located outside of a defined settlement boundary, without sufficient justification, in that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need or that the proposal would meet any of the exception criterion inherently contained within either policy.
2. The proposal is considered to be in direct conflict with Key Statement EN2 and Policy DMG1 of the Adopted Ribble Valley Core Strategy insofar that the introduction of built form and resultant quantum of development in this location, would result in a level of development that would appear both anomalous and incongruous, undermining the character and visual amenities of the immediate area and that of the Forest of Bowland Area of Outstanding natural beauty.

BACKGROUND PAPERS

https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2023%2F0671

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RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

meeting date: THURSDAY, 7 DECEMBER 2023
 title: 7/19/3/236 3 & 7 CLARKWOOD CLOSE, WISWELL TREE PRESERVATION ORDER 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 3 & 7 Clarkwood Close, Wiswell 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 Core Strategy – Environment – Policy DME1: Protecting Trees and Woodlands.

2 BACKGROUND

2.1 On Friday 8 September 2023 the Council received a phone call from a Building Surveyor requesting a Tree Preservation Order (TPO) and Conservation Area (CO) search to be carried out at 7 Clarkwood Close, Wiswell as the owner wanted to fell an oak tree. According to the original TPO (see Appendix A) there were potentially two groups and a single tree albeit of different species within the Close.

2.2 The Council's Countryside Officer visited the site on the 13 September 2023 and carried out a Tree Evaluation Method for a Tree Preservation Order [TEMPO] (see Appendix B). The Countryside Officer evaluated the trees outside 3 & 7 Clarkwood Close, Wiswell and based on the results and the threat of T2 being felled the local authority considered it expedient to serve a TPO (see Appendix C). By placing a temporary TPO on T1 (copper beech) and T2 (oak), it enables the Council to protect the trees so any felling or pruning works cannot take place without the Council's approval.

2.3 After the TPO was served on 13 September 2023, two formal objections have been submitted to the Council by the landowners (see Appendix D) outlining a number of issues with the proposed TPO.

3 ISSUES

3.1 From the date that the TPO was served, the Council has six months to confirm the Order, with or without modification, or to decide not to confirm the Order.

3.2 A Local Planning Authority (LPA) 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 the tree[s] being cut down or pruned in ways which would have a significant impact on the amenity of the area.

- 3.3 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.
- 3.4 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.
- 3.5 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.
- 3.6 In this instance the trees are considered to be of visual amenity value to the locality (see Appendix E). They are situated in a prominent position for the ins and outs of the village and Conservation Area and are important to the wider tree-scape.
- 3.7 Both trees appear to have been planted simultaneously and although they have had some historic pruning both trees are of good form. The estate was built around the 1960's which due to the girth of the trees means they were successfully protected and retained throughout the development.
- 3.8 T2 was initially thought to be felled, however the landowner requires severe pruning, which will affect the amenity value and health of the tree and will not conform to BS:3998 Recommendations. It is estimated the oak tree (*Quercus robur*) is between 70 -100 years old as it has grown within a compacted area. T1 has also grown in a compacted area and due to the ribbing present on the stem (reactional wood growth) the tree again is older than it appears.
- 3.9 Historically none of the protected trees that have been felled within Clarkwood Close have been replaced, coupled with the felling and imminent removals of mature ash trees by private landowners and Lancashire County Council within the village that have succumbed to ash dieback, this means the local treescape in Wiswell is vastly diminishing.
- 3.10 The issues outlined within the objection letters can be managed or rectified through property management like jet washing and remedial building works. The trees do also require some form of canopy management which will help alleviate the neighbours and homeowner's issues but also retain the trees amenity value. Common law pruning can be carried out if the tree is deemed a nuisance and a tree work application has been approved by the Council.
- 3.11 All trees have a risk of failure but by assessing trees by an approved arborist or consultant the risk can be classified as low as reasonably practicable (ALARP) by carrying out any recommendations.

4 RISK ASSESSMENT

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

- Resources – Dealing with tree related issues 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 objectives are being maintained.
- Equality & Diversity – None.

5 CONCLUSION

- 5.1 The trees are an important feature within the locality of Wiswell. The order was made to enable the Council to make an informed decision on the future management of the trees.
- 5.2 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 with 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 3 & 7 Clarkwood Close, Wiswell Tree Preservation Order 2023, with a modification to the Order to change the address spelling to 'Clarke Wood Close' so that it matches the address register.



ALEX SHUTT
COUNTRYSIDE OFFICER

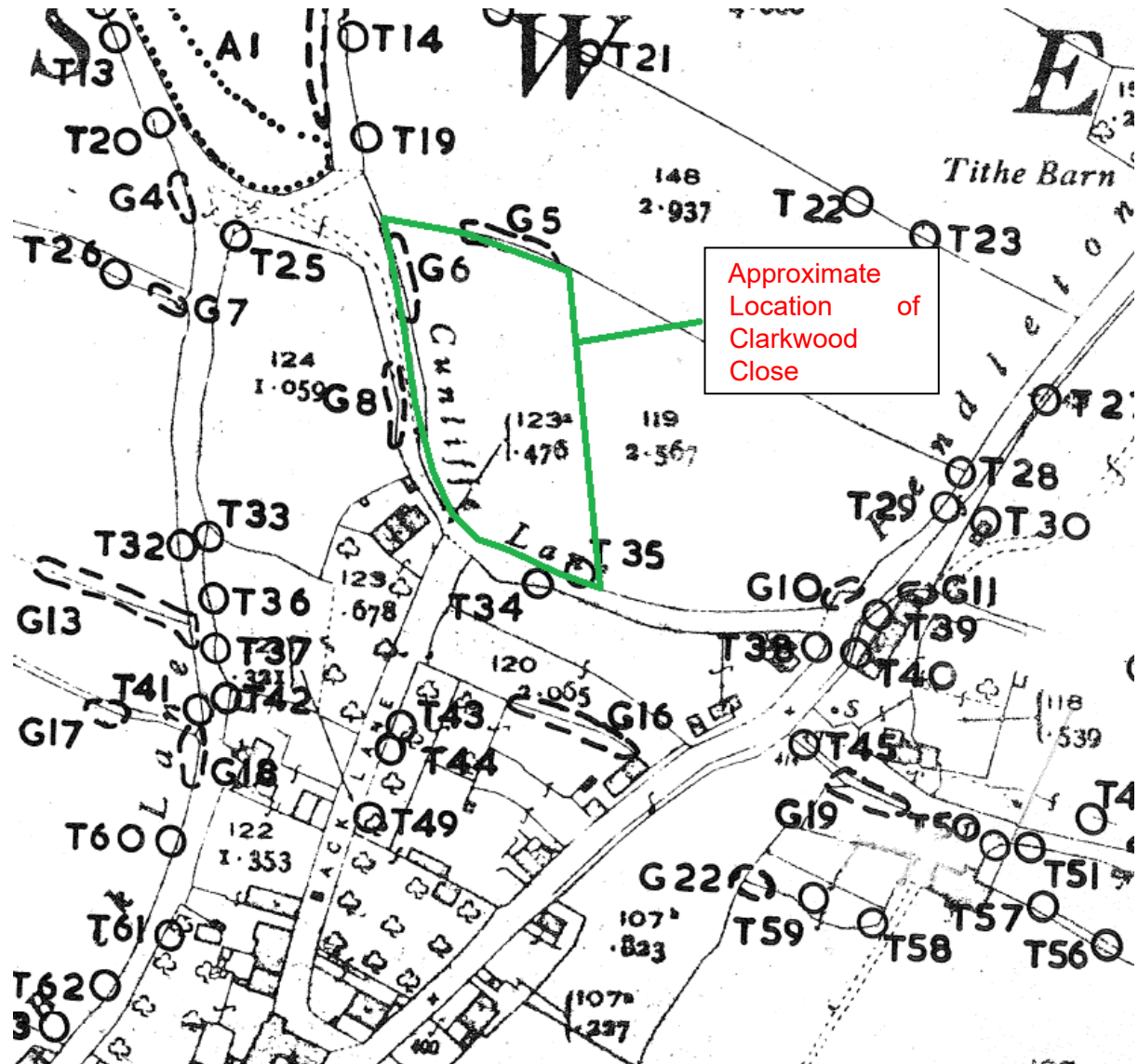
BACKGROUND PAPERS

NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT AND
PLANNING SERVICES

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

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

Cropped Copy of 15 – 1971 Wiswell TPO PLAN



Cropped Copy of 15 – 1971 Wiswell TPO SCHEDULE

T 29	Sycamore	Plots 106-119
T 30	Sycamore	Plots 106-119
T 31	Ash	Plot 115
T 32	Sycamore	Plot 71
T 33	Sycamore	Plots 125-157
T 34	Ash	Plots 123-157
T 35	Sycamore	Plots 120-123a
T 36	Ash	Plots 119-123a
T 37	Elm	Plots 123-157

A 11	Beech, Sycamore	Plot 83
<u>Groups of Trees</u> (within a broken black line on map)		
G 1	2 Ash, 3 Sycamore, 3 Elms, 1 Oak	Plot 146
G 2	2 Elm stools	Plots 106-153
G 3	3 Ash	Plots 106-152
G 4	2 Sycamore	Plots 145-157
G 5	2 Sycamore, 1 Ash	Plots 119-148
G 6	2 Sycamore	Plots 119-123a
G 7	3 Ash	Plots 144-125
G 8	2 Ash	Plots 124-123a
G 9	2 Ash, 1 Oak, 1 Rowan	Plots 71-152-153
G 10	2 Sycamore, 2 Ash	Plots 106-119



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

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

Date: 13/09/2023

Surveyor: Alex Shutt

Tree Details

TPO Ref (if applicable):

Tree/Group G1 Species: T1 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"/>

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

Score & Notes = 3

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"/>

**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*

Score & Notes = 4

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
3) Medium trees, or large trees with limited view only	<input type="checkbox"/>	Suitable
2) Young, small or medium/large	<input type="checkbox"/>	

**Score & Notes =
5**

trees visible only with difficulty	<input type="checkbox"/>	Barely suitable	<input type="text"/>
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 ☐
- 3) Foreseeable threat to tree ☐
- 2) Perceived threat to tree ☐
- 1) Precautionary only ☒

Score & Notes = 1

Part 3: Decision

- Any 0 Do not apply TPO ☐
- 1 – 6 TPO indefensible ☐
- 7 – 11 Does not merit TPO ☐
- 12 – 15 TPO defensible ☒
- 16+ Definitely merits TPO ☐

ADD SCORES FOR TOTAL

14

Decision

TPO SERVED



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

Date: 13/09/23

Surveyor: Alex Shutt

Tree Details

TPO Ref (if applicable):

Tree/Group G1 Species: T2 English Oak

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"/>

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

Score & Notes = 3

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"/>

*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

Score & Notes = 4

c) Relative Public Visibility & Suitability for TPO

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

Score & Notes =
3

2)	Young, small or medium/large trees visible only with difficulty	<input type="checkbox"/>	Barely suitable	<div style="border: 1px solid black; width: 150px; height: 60px;"></div>
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	<div style="border: 1px solid black; width: 150px; height: 150px;"></div>
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	

Part 2: Expediency Assessment

5)	Immediate threat to tree	<input checked="" type="checkbox"/>	<div style="border: 1px solid black; width: 300px; height: 60px;"></div>
3)	Foreseeable threat to tree	<input type="checkbox"/>	
2)	Perceived threat to tree	<input type="checkbox"/>	
1)	Precautionary only	<input type="checkbox"/>	

Part 3: Decision

Any 0	Do not apply TPO	<input type="checkbox"/>	<div style="border: 1px solid black; width: 150px; height: 100px; text-align: center; vertical-align: middle;">ADD SCORES FOR TOTAL 16</div>	<div style="border: 1px solid black; width: 150px; height: 100px; text-align: center; vertical-align: middle;">Decision TPO SERVED</div>
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"/>		

Form of Tree Preservation Order

Town and Country Planning Act 1990

The 3 & 7 Clarkwood Close, Wiswell 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 3 & 7 Clarkwood Close, Wiswell 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 13 day of September 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	Front garden of 3 Clarkwood Close
T2	English Oak	Front garden of 7 Clarkwood Close

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-

APPENDIX D

FORMAL OBJECTION

Ribble Valley Borough Council (RVBC) Regulation 5 Notice

Tree Preservation Order: 3 & 7 Clarkwood Close,

Order 2023

Plan Reference 7/19/3/236 TPO T2



TPO T2 shown on Plan Reference 7/19/3/236

1. INTRODUCTION

RGK Surveyors (RGK) are instructed by the owners of the above property, [REDACTED] (our clients) to formally object to the temporary Tree Preservation Order (TPO) dated 13 September 2023. The challenge and objection are made in accordance with the requirements of Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. In addition to the comments and concerns below, we provide a factual account and summary of the circumstances preceding the Regulation 5 Notice. This objection is made in relation to the TPO and we wish to also register our deep concern and disappointment in the tactics preceding the TPO.

2. FORMAL OBJECTION

This objection refers to the Temporary Order made on the English Oak Tree, referred to as T2 on the Plan referenced 7/19/3/236, dated 13 September 2023. It is noted that the Temporary Order is made because significant pruning of the tree will have a detrimental effect on its amenity value. The amenity value is understood to stem from the visual appreciation of the tree, which is also deemed to provide community enjoyment.

This objection is made in part on the grounds that the amenity value has diminished over the 25 years our clients have lived here. The tree has more than doubled in size during this period and the authorised pruning appears to have been counter intuitive.

Our client's neighbour [REDACTED] has mentioned the tree related problems on several occasions. Our clients [REDACTED] have installed safety measures such as hand railing and lighting. Despite this, they hold a genuine concern for their own safety and for the safety of visitors.

When purchasing the property, our clients believed there to be a TPO on T2, hence their intention to follow the legal procedure in applying for pruning. We were appointed to inspect the damage caused by the tree and further instructed to investigate the constraints on the TPO, Our initial enquiries on the RBVC Planning Portal found no evidence of a TPO.

On our client's behalf, we wish to formally appeal the decision to place a TPO on the English Oak Tree, T2. The grounds for this appeal are based on the following issues and dangers:

- Damage to the foundation of the joint fence.
 - Structural damage to the property and to the neighbour's property.
 - Public amenity value is low as the tree is in a private secluded location.
 - Tree roots undermining a gate post causing it to lean and rendering the gates inoperable. • Tree roots undermining steps — uneven steps creating a danger to occupants and visitors.
 - Loss Of light to the [REDACTED] neighbour's property.
 - Leaves and algae cling to the neighbour's path and create a dangerous slip surface.
 - Leaves and algae cling to the steps and create a dangerous slip surface.
- [REDACTED] slipped earlier this year cutting his forehead — photo of his injury enclosed.

3. CIRCUMSTANCES PRECEDING THE REGULATION 5 NOTICE

On 4 September 2023, RGK (we) were instructed to prepare a formal request to examine the constraints on a TPO which was believed to exist on the large Oak Tree in our client's front garden. Our clients wanted to heavily prune the tree on grounds of safety, and to mitigate against the ongoing structural damage to their own and to their neighbour's property. The Oak Tree is referred to as T2 and is shown on the plan attached to the Regulation 5 Notice.

On 8 September 2023, we researched the RVBC Planning Portal and found no evidence of a TPO on the Oak Tree, T2. This suggested that our clients understanding of a TPO on T2 was wrong. However, because they did not wish to risk breaching a TPO, we spoke on their behalf to RVBC Countryside Officer, [REDACTED]. We declared our client's intentions for tree management, and requested formal confirmation that a TPO did not exist on T2.

[REDACTED] concurred with us in that there was no record of a TPO on T2 but advised that he could not at the time formally commit to confirm this. Instead, [REDACTED] advised that he needed to inspect the site and check the existence of a Sycamore Tree, after which he would confirm to us the status of T2 hopefully, during the following week, commencing 11 September 2023. We were confused as to the relevance of a Sycamore Tree, particularly as we later discovered there to be no Sycamore Trees at the property.

Our understanding was that [REDACTED] would visit the property on Friday afternoon, 8 September 2023. Following our conversation with [REDACTED] we sent him an email stating the following:

Good afternoon [REDACTED]

Further to our earlier conversation in connection with the above, we acknowledge that there exists no Tree Preservation Order (TPO) regarding the Oak tree within the property boundary, and that you will formally confirm this in due course.

We also acknowledge your intention to visit the site to check the existence or otherwise of a Sycamore tree on which a TPO is understood to exist.

We look forward to hearing from you.

We later contacted [REDACTED] on 13 September 2023 and asked whether he was able to forward confirmation that there was no TPO on T2. He advised that he had not yet visited the site but would do so as soon as possible. On the evening of 13 September 2023, our clients advised us that [REDACTED] had visited the property unannounced, and that they had discussed our client's concerns regarding T2. On 14 September 2023, we contacted [REDACTED] and were informed that rather than sending written confirmation that a TPO did not exist on T2, he had decided to place a TPO on the tree due to its amenity

This came as a surprise to us, and we asked [REDACTED] to confirm whether prior to his visit on 13 September 2023, our clients could have legally pruned the tree but could no longer do so because of his decision to serve a TPO. [REDACTED] confirmed this to be correct, adding that this was a part of his job that he found difficult.

We asked [REDACTED] to elaborate on this difficulties and he explained that he found it awkward when law abiding citizens make genuine enquiries as to whether they can legally prune a tree and he becomes duty bound to put a TPO on the tree because of its amenity value. When we disagreed that

this was the case here, ██████ stated that we (we as in RGK Surveyors) must surely agree that the tree is of huge amenity value. We refused to agree with him on this point.

The accurate account of what happened is that we requested formal confirmation from RVBC that a TPO did not exist on T2, ██████ agreed that a TPO did not exist and then led us to believe that written confirmation of this would be given the following week. We thought this would be a formality however, to our disappointment, we were advised on 13 September 2023, that a TPO had been put on the tree.

We do not intend to comment as to whether RVBC acted underhand or unprofessionally however, we would say that ██████'s agenda was not transparent. Rather than formally confirming that a TPO did not exist on T2, evidence suggest that his inspection of a fictitious Sycamore Tree may have been a ruse and/or a distraction intended to delay and postpone the planned pruning of the Oak Tree, T2.

SCHEDULE		
<u>Specification of trees</u>		
Trees specified <u>individually</u> (encircled in black on the map)		
Reference on map	Description	Situation
	Copper Beech	Front garden of 3 <u>Clarkwood Close</u>
	English Oak	Front garden of 7 <u>Clarkwood Close</u>
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-		

Figure 1. TREE SCHEDULE ATTACHED TO REGULATION 5 NOTICE DATED 13 SEPTEMBER 2023

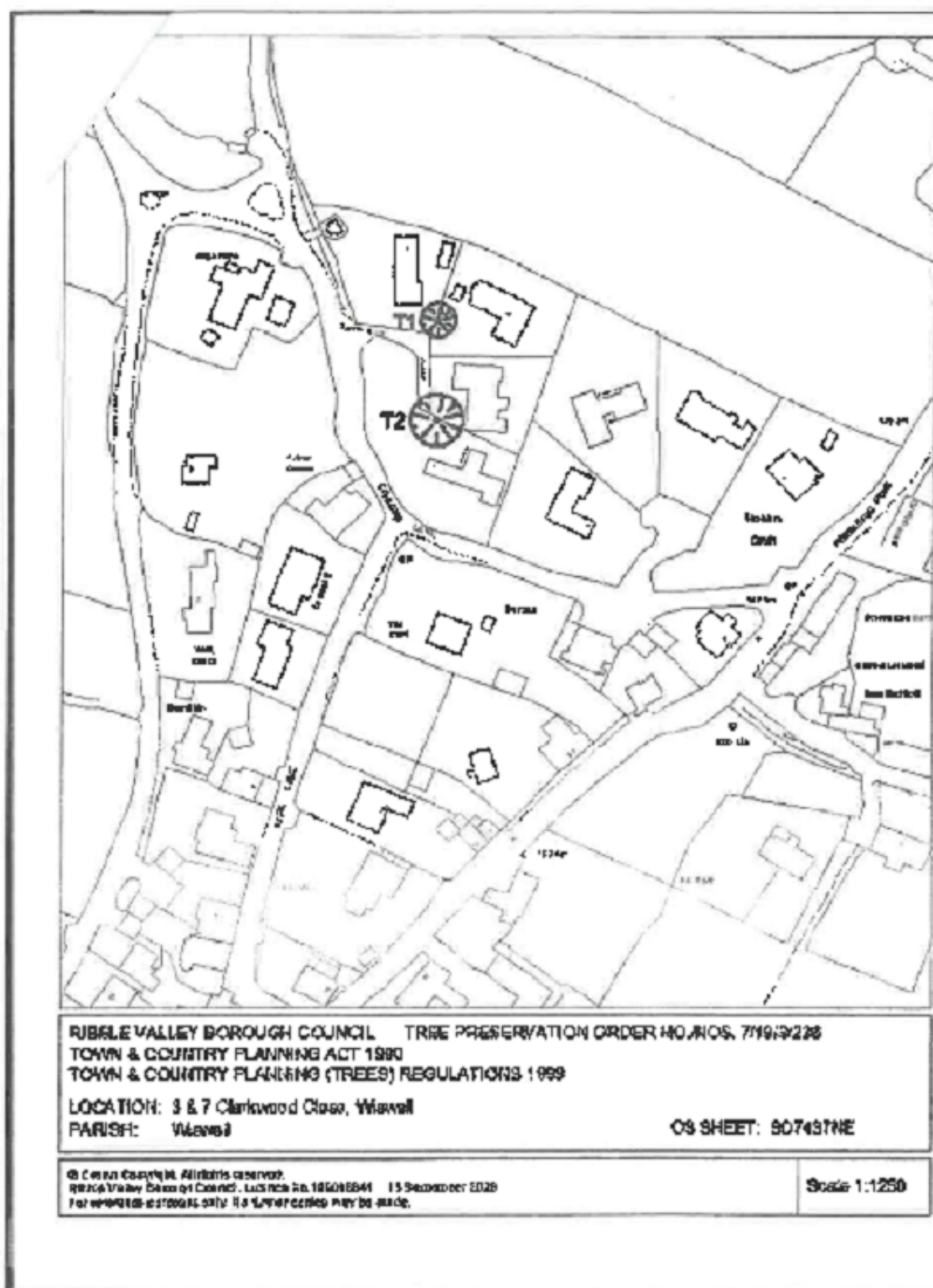


Figure 2. MAP ATTACHED TO REGULATION 5 NOTICE DATED 13 SEPTEMBER 2023.

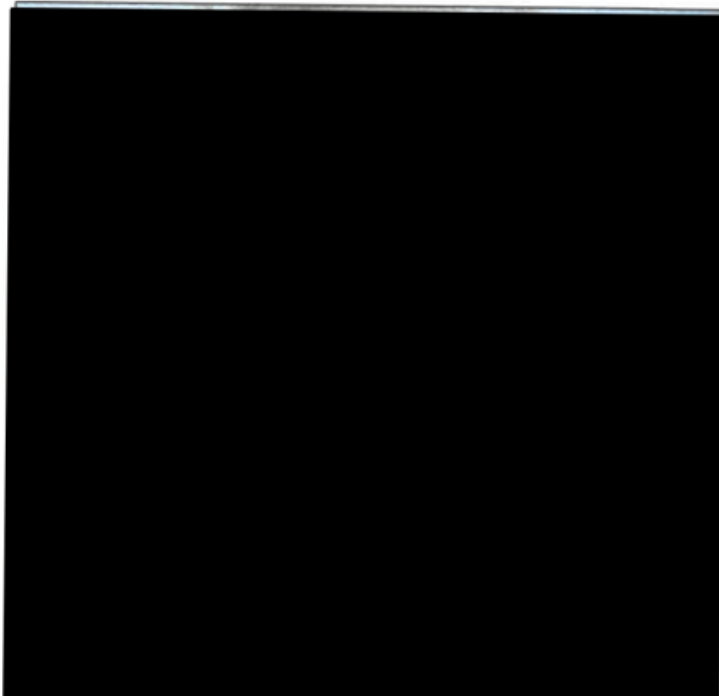
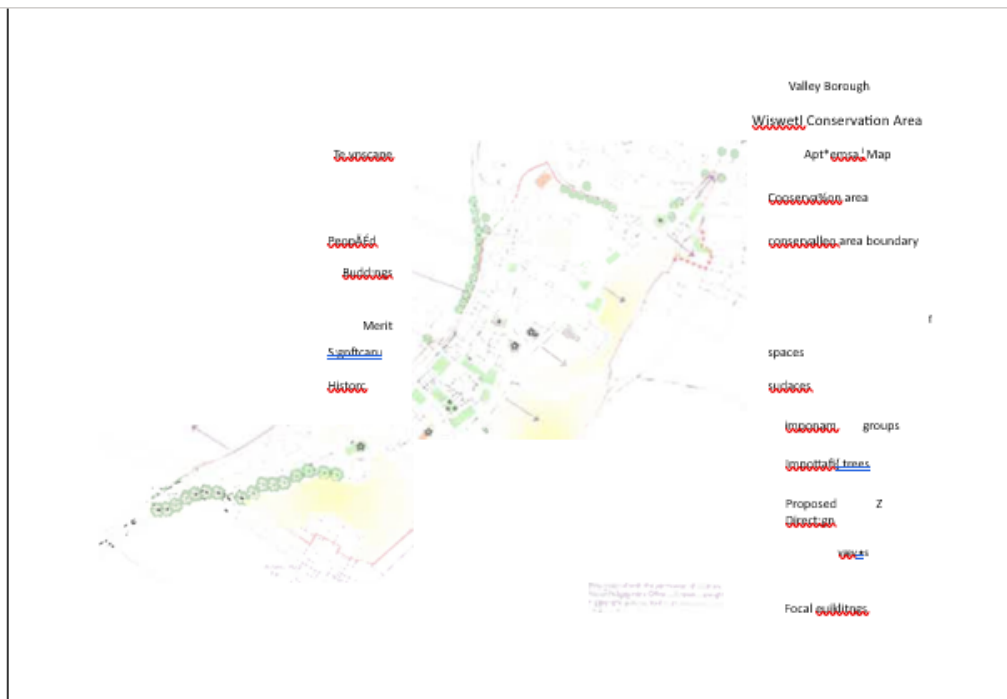




Figure 5. Spirit level showing the lean to the gate pillar.



Figure 6. Damage to neighbour's wall and gate pillar.

4. SUMMARY

RGK Surveyors contacted RVBC to enquire as to whether a TPO existed on T2 at the above property. [REDACTED] confirmed that there no record Of a TPO as Of 8 September 2023. [REDACTED] advised RGK that he needed to check a Sycamore Tree on the site, following which he would confirm in writing that there was no TPO on T2.

[REDACTED] inspected the site on 13 September 2023 and immediately placed a TPO on T2 and thus deprived our clients of the option to carry out tree management work required primarily on grounds of safety.

On grounds of safety and in order to mitigate against continuing damage, we strongly object to the TPO and would express our extreme disappointment regarding [REDACTED] conduct in the matter. We consider [REDACTED] to have been less than transparent and insincere regarding his purpose for visiting the site.

For the reasons explained above, we should be grateful if Ribble Valley Borough Council would reconsider the temporary TPO and reverse its decision. This would enable our clients to create a safer environment for their neighbours, their visitors and themselves.

[REDACTED]
Building Surveyor

BSc (Hons) AssocRICS

RGK Surveyors

October 2023.

From: [REDACTED] 3 Clarkewood Close, Wiswell, Clitheroe BB79BX
Tel: [REDACTED]

Friday, 22nd September 2003

To: The Countryside Officer
Planning Section,
Council Offices
Church Walk
Clitheroe
BB72RA

Dear Sir

3 Clarkewood Close, Wiswell Tree Preservation Order 2023

We refer to the above and the Regulation 5 notice dated 13 September 2023.

We wish to object to the Order in the strongest terms and to comment as set out as below.
The reasons for this are as follows:

1 Most fundamentally, the tree has already caused damage to the wall adjacent to it (which can be inspected) and, if it continues to grow at the current rate, has the potential to cause or threaten damage (by either falling branches or its roots) both to 3 Clarkewood Close and 1 Clarkewood Close. It is therefore dangerous and/or has the potential to become dangerous and should not therefore be subject to a TPO.

2 This is a large (and in spring/summer) a very densely leaved tree which is located in very close proximity to 1 Clarkewood Close. It was not planted by the current owners of 3 Clarkewood Close and is already on the verge of not being an appropriate size given its location. It overhangs the garden of 1 Clarkewood Close as much as 3 Clarkewood Close, and in spring/summer causes significant shading problems for the owner of 1 Clarkewood Close, [REDACTED] who is keen on [REDACTED] gardening. This renders [REDACTED] property in significant gloom and materially detracts from [REDACTED] ability to garden in the way [REDACTED] wishes to.

3. It is likely in law - and certainly very arguable - that (notwithstanding any TPO) the owner of 1 Clarkewood Close has the legal right to remove overhanging branches from its side, which will cause damage to the tree in any event. Whilst the current owners of 1 and 3 Clarkewood Close are on the best terms, this (together with the shading and overhanging problem) is a potential cause for future significant dispute. RVBC's imposition of a TPO in such circumstances will only increase the potential for dispute. If such a dispute occurred (e.g. with new owners), in our view RVBC's imposition of the TPO would make them in part directly culpable for the dispute (and consequently liable for loss caused by any damage arising from the tree). Any such dispute is something that we very much wish to avoid, and

we suggest, something that RVBC should consider very carefully before imposing a TPO on a tree located in such circumstances.

3 The tree in question does not in any event deliver sufficient amenity for the public to merit the imposition of a TPO, on any reasonable justification. It is barely visible from the main village of Wiswell (being obscured by the tree situated at 7 Clarkewood Close), and the only place where it is really visible from a public highway or a public footpath is on the road at the bottom of the shared drive for all houses on Clarkewood Close. This is a shaded and damp section of narrow road, and anyone walking there has more focus on not being run over by speeding cars rather than admiring a copper beech tree planted in a private garden on a modern housing estate.

4. The tree is common and not rare or endangered.

5 Clarkewood Close is a small development in the early 60s of four houses, with only average size gardens. The tree would most likely have been planted when the estate was built, and its size already probably exceeds what is appropriate given its location to dwellings. It is highly likely in the future that its size will only increase and that this problem will only become greater.

Yours sincerely

[REDACTED]

[REDACTED]

T1 BEECH



T2 – OAK

View Of Oak from Back Lane





View from top of Cunliffe Lane



RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

meeting date: THURSDAY, 7 DECEMBER 2023
title: ST MARY'S GARDENS MELLOR TREE PRESERVATION ORDER 2023
submitted by: NICOLA HOPKINS – DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING
principal author: DAVID HEWITT – COUNTRYSIDE OFFICER

1 PURPOSE

- 1.1 For Committee to consider whether the St Mary's Gardens 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 Core Strategy – Environment – Policy DME1: Protecting Trees and Woodlands.

2 BACKGROUND

- 2.1 An area of land to the east of St Mary's Church in Mellor was sold by Woodfold Estates Limited to the Rural District Council of Blackburn in 1946. The Rural District Council then arranged for the construction of residential properties known as St Mary's Gardens on part of the site, and the library and surgery occupy another part of the site. An area of land immediately to the east of St Mary's Church was left undeveloped. In 1975, this undeveloped area was bought by Mellor Parish Council from Ribble Valley Borough Council (who had acquired the assets of the Rural District on reorganisation in 1974).
- 2.2 The Parish Council bought the land for the Parish and entered into certain commitments in the Conveyance. These included maintaining the area permanently as open space, and not doing or permitting to be done anything which might be considered noisome, offensive or any annoyance to the public or the neighbourhood. The Parish Council has installed a play area at the southern end of the plot.
- 2.3 As part of the commemoration of the late Queen's Diamond Jubilee, the Parish Council decided to plant seven trees on the undeveloped land at the northern end of the plot, as part of the Queen's Green Canopy, supported by a grant of £1,000 from the Lancashire Environment Fund. The trees were planted in the planning season in the spring of 2022. Within 2 months, 2 of the trees had been damaged. This has variously been alleged to have been malicious vandalism, or an accident involving 2 children of primary school age.
- 2.4 At the time of planting, the Parish Council were aware that there was some opposition to the use of the open area in this way. There had been some public consultation, which resulted in views being expressed both in support and objecting to the planting.
- 2.5 In May 2023, the Council's Countryside Officer received a report, alleging that the trees were under threat, due to there having been discussions in the village about removal of

the trees. The complainant requested that consideration be given to a Tree Preservation Order (TPO) to ensure the trees were protected in that location.

2.6 Following receipt of further information, the Countryside Officer attended on site and carried out an assessment of the trees, recording the appropriate scores for various categories and issues relating to the trees (see Appendix A). The total score was 18, which, applying the prescribed guidance for decision making, qualified as definitely meriting a TPO. A TPO was duly served on the Parish Council on 30 August 2023 (see Appendix B).

2.7 There have been various representations received which should be considered in determining whether the Order should be confirmed.

- Eight representations in support have been received from residents, including several individuals who were members of the Parish Council at the time of planting of the trees, but who are no longer members. These representations submit that the planting of the trees has enhanced the area, and that they should remain in that location.
- Eleven representations have been received, requesting that the TPO should not be confirmed. These challenge the reasons and evidence put forward by those who had requested the TPO in the first instance. It is also claimed that three of the trees are shrubs and therefore cannot be protected. (The Countryside Officer is of the opinion that all seven are trees, and case law supports that an officer's subjective view is sufficient.) Objectors also refer to the covenants, and state that the trees in this location are causing annoyance, nuisance and upset.
- The current Parish Council oppose confirmation of the TPO. They have received conservative legal advice, warning them of risk of breach of the covenants, and are concerned about children coming into contact with thorns, holly and poisonous berries. The Parish Council have indicated that they wish to relocate the trees to other land and would have no objection to a TPO being in place in that location, if appropriate. (One resident has identified the field adjacent to the village hall, also owned by the Parish Council, as being a possible location.)

3 ISSUES

3.1 From the date that the TPO was served, the Council has six months to confirm the Order, with or without modification, or to decide not to confirm the Order.

3.2 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 Local Planning Authority 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.

3.3 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.

3.4 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.

- 3.5 Any tree management decisions about any of the trees included in the Preservation Order 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.
- 3.6 The seven trees are currently young enough and small enough to be relocated. However, it should be noted that transplanting is never the preferred course of action, and relocation could result in some harm to the trees, even when carried out properly by a qualified arborist.

4 RISK ASSESSMENT

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

- Resources – Dealing with tree related issues 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 **RECOMMENDED THAT COMMITTEE**

5.1 Confirm the St Mary's Gardens Tree Preservation Order 2023 without modification.

DAVID HEWITT
COUNTRYSIDE OFFICER

NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT
& PLANNING

BACKGROUND PAPERS

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

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

APPENDIX A

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date:	Surve or:		
Tree details			
TPO Ref (if applicable):	Tree/Group No:	Species:	
Owner if known :	Location:		

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part I: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

Score & Notes

5

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

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- Unsuitable

Score & Notes

5

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

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes

2

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal 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 (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes

3

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

3

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits TPO |

Add Scores for Total

18

Decision

2

APPENDIX B

Form of Tree Preservation Order

Town and Country Planning Act 1990

The Open Space, St Marys Gardens, Mellor 2023 Tree Preservation Order

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 The Open Space, St Marys Gardens, Mellor 2023 Tree Preservation Order.

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 30th day of August 2023

Signed on behalf of the Ribble Valley Borough Council

.....

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

TO: Mellor Parsh Council

Regulation 5 Notice

IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREE PRESERVATION)
(ENGLAND) REGULATIONS 2012



**Ribble Valley
Borough Council**

www.ribblevalley.gov.uk

Tree preservation order: The Open Space, St Marys Gardens, Mellor
Ribble Valley Borough Council

THIS IS A FORMAL NOTICE to let you know that on the 30th of August 2023 we made the above tree preservation order.

A copy of the order is enclosed. In simple terms, no one is allowed to cut down, top, lop or uproot without our permission any of the trees described in the 1st Schedule of the order and shown on the map.

We have made the order because: to protect 7 trees planted as part of HM Queen's Green Canopy as part of Jubilee celebrations.

The order came into force, on a temporary basis, on the 30th day of August 2023, and will remain in force for six months. During this time, we will decide whether the order should be given permanent status.

People affected by the order have a right to object or make comments on any of the trees or woodlands covered before we decide whether the order should be made permanent.

If you would like to make any objections or comments, please make sure we receive them in writing by the 30th of September 2023. Your comments must meet regulation 6 of the Town and Country Planning (TREE PRESERVATION) (ENGLAND) Regulations 2012 (a copy is attached). Please send your comments to the Countryside Officer, Planning Section, Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA. We will carefully consider all objections and comments before deciding whether to make the order permanent.

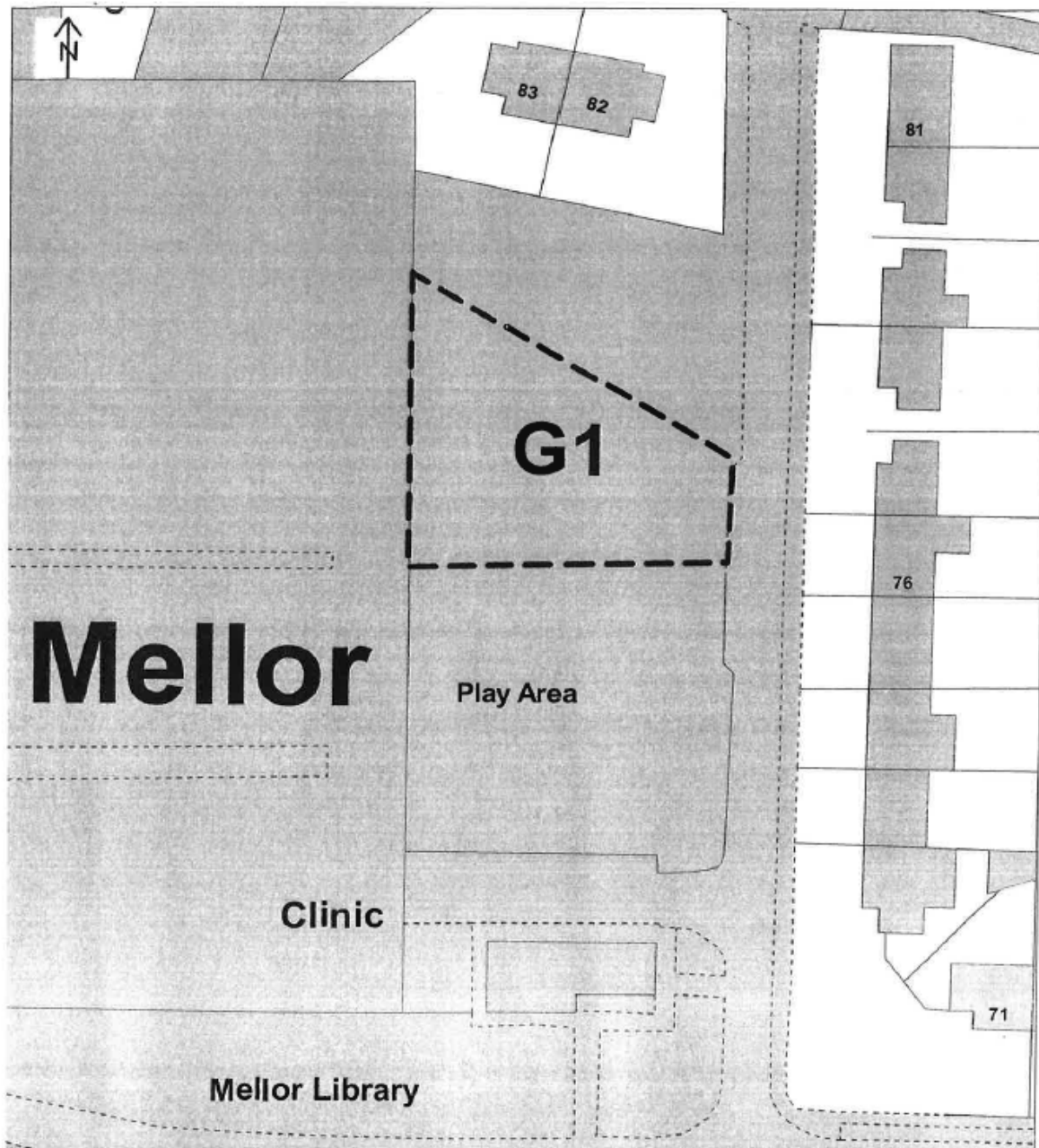
We will write to you again when we have made our decision. In the meantime, if you would like any more information or have any questions about this notice, please contact the Countryside Officer, Planning Section, Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA, tel: 01200 414 505.

Dated:

30th August 2023

Signed:

Countryside Officer
Ribble Valley Borough Council
Council Offices
Church Walk
CLITHEROE
Lancashire BB7 2RA



RIBBLE VALLEY BOROUGH COUNCIL TREE PRESERVATION ORDER NO./NOS. 7/19/232
TOWN & COUNTRY PLANNING ACT 1990
TOWN & COUNTRY PLANNING (TREES) REGULATIONS 1999

LOCATION: OPEN SPACE, ST MARYS GARDENS, MELLOR
PARISH: MELLOR

OS SHEET: SD6530NW

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Scale 1:500

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
none	none	n/a

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
none	none	n/a

Groups of trees

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
[G1]	7 trees consisting of: 1 Scarlet Hawthorn 1 Variegated Holly 1 Weeping Birch 1 Silver Birch 1 Hornbeam 1 Copper Beech 1 Field Maple	Growing on the open space, St Marys Gardens, Mellor

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
none	none	n/a

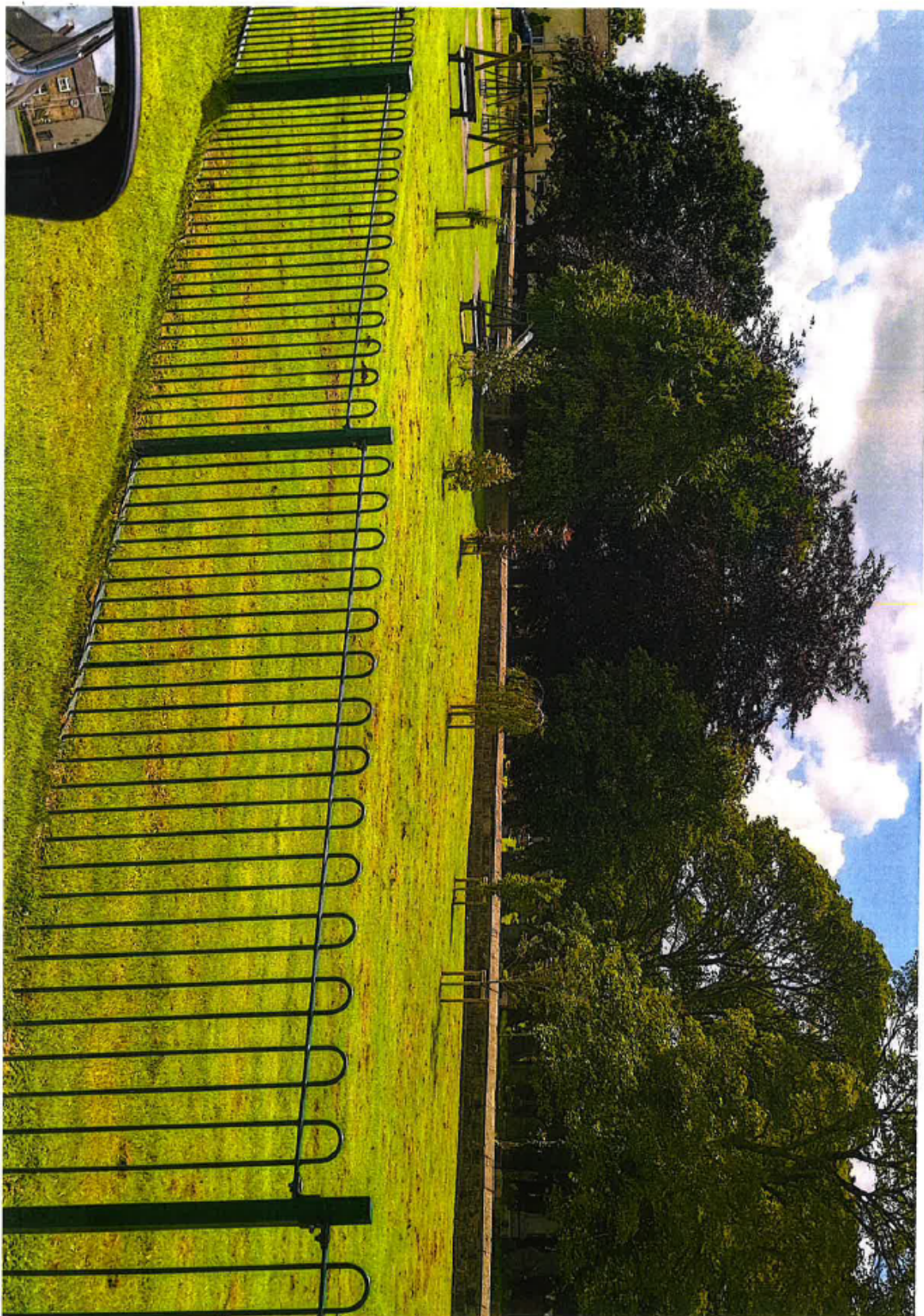
COPY OF REGULATION 6 OF THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

Objections and representations

6. (1) Subject to paragraph (2), objections and representations:

- (a) shall be made in writing; and
 - (i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or
 - (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;
- (b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which such objections and representations are made; and
- (c) in the case of an objection, shall state the reasons for the objection.

(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.



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RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 7th DECEMBER 2023
title: BIODIVERSITY NET GAIN
submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING
principal author: HEAD OF DEVELOPMENT MANAGEMENT & BUILDING CONTROL

1. PURPOSE

- 1.1 To inform Members on the Biodiversity Net Gain (BNG) requirements.
- 1.2 To seek authority from Members to enter into a 12-month contract with Greater Manchester Ecology Unit (GMEU) to assist the Council in meeting its BNG responsibility from January 2024.
- 1.3 Relevance to the Council's ambitions and priorities:
 - Community Ambitions
 - To be a well-managed council providing efficient services based on identified customer needs.
 - To protect and enhance the existing environmental quality of our area.
 - Corporate Objectives
 - To conserve our countryside, the natural beauty of the area and enhance our built environment

2. BACKGROUND

- 2.1 Biodiversity net gain (BNG) is a way to contribute to the recovery of nature while developing land. It is making sure that new development or land management leaves the natural environment in a measurably better state than it was beforehand.
- 2.2 BNG was introduced in England through the 2021 Environment Act. Through this primary legislation there is a mandatory requirement for Council's to ensure new developments deliver BNG. During 2022 and 2023 the Department for Environment, Food and Rural Affairs (Defra) has been consulting on and considering the secondary legislation, policy and guidance needed to deliver BNG, including the biodiversity metric for measuring BNG.
- 2.3 There are three possible mechanisms for delivery of BNG in developing land; on-site (habitat creation or enhancement, landscaping or green infrastructure), off-site (new habitat creation or enhancement on land holdings or via habitat banks) or through the purchase of statutory credits (landscape-scale strategic habitat creation). Statutory credits are intended to be a last resort for developers unable to provide sufficient biodiversity units on-site or off-site. On-site and off-site habitats would need to be secured for 30 years.
- 2.4 The latest timetable, published September 2023, is that developers of large sites in England will be required to deliver 10% (minimum) "Biodiversity Net Gain" from January 2024 onwards when building new housing, industrial or commercial developments. BNG for small sites will be applicable from April 2024, and implementation for Nationally Significant Infrastructure Projects remains planned for

2025. There will be some development exemptions in having to provide BNG which is expected to include householder development.

2.5 Secondary legislation and guidance is still required to enact the mandatory requirement, which is expected to be forthcoming in late November 2023 including:

- The statutory biodiversity metric, critical for calculating the correct biodiversity gain
- The draft biodiversity gain plan template, which will help developers prepare for what they will need to complete during the planning application stages
- The Habitat Management and Monitoring Plan template, which will set out how the improved significant on-site and off-site habitats will be managed for the long term
- A package of BNG guidance that sets out further advice for landowners, developers, and Local Planning Authorities around their role and responsibilities in delivering mandatory Biodiversity Net Gain

2.6 On and off site gains and losses will be calculated by a statutory biodiversity metric. Natural England published a 'main metric' in March 2023 which is expected to form the basis of the calculations. It requires the calculation of a baseline position which includes condition assessment, and then a forecast outcome based on the habitats proposed. The different habitat types are scored based on their relative value to wildlife to determine whether a 10% (minimum) uplift in value is achieved.

2.7 It requires a 'competent' person in the form of a qualified ecologist to submit the metric on behalf of a developer, and to appraise the metric on behalf of a local planning authority. It includes a 'small sites metric', a simplified version of the main metric, to use on small sites which do not contain priority habitat or designated habitat sites. It is designed to provide confidence and ensure consistency of approach.

3. PROPOSAL

3.1 Local planning authorities are dependent on the services of specialist ecology advisors to support them in delivering the mandatory BNG requirement. Lancashire County Council did consult the district councils in Spring 2023 to see what the demand and likely uptake would be for a joint ecology/BNG planning advice service in the county but came to a decision that they were not able to provide this service at the present time. In part this is due to LPAs choosing to continue with their existing ecology advice service.

3.2 Officers propose that Greater Manchester Ecology Unit (GMEU) would be a good option for Ribble Valley to use to provide a consultancy service from January 2024 given their knowledge of Lancashire habitats and their skill set and experience in assessing BNG. Currently GMEU is delivering a BNG/ecology service to 22 Unitary and District Authorities throughout North West England. They currently employ seven suitably qualified full-time planning Ecologists and do have capacity to provide an advisory service to this Council which would include the following:-

1. Pre-application advice – GMEU could check metrics and biodiversity gain plans before they are submitted, but would not be able to actually undertake Biodiversity Metric calculations or prepare gain plans on behalf of applicants.
2. Planning application input - Advice will include the assessment of Biodiversity Metrics, Biodiversity Statements and any dialogue and

negotiation for the provision of biodiversity net gain in accord with the provisions of the Environment Act 2021. Advice will include the preparation of Habitat Regulations Assessments (HRAs) of applications on behalf of the Council, if an HRA is required.

3. Post approval/discharge - GMEU can advise on condition discharge applications, including for the Discharge of comprehensive Biodiversity Net Gain Plans. These will be regarded as a separate consultation.
4. Reviewing monitoring reports – It will be up to developers to monitor the provision of BNG and provide monitoring reports, but there will be a requirement for someone in the LPA to register, read and audit these monitoring reports, and it is best that the reports are looked at by a suitably qualified ecologist. For an additional fee, based on a rate of £21.56 per hour (£155.00 per day), GMEU could assess monitoring reports received, monitor and report on BNG delivery, however this is unlikely to be a cost for the first few years.

3.3 GMEU have confirmed that they would not have the capacity / resources to do the following, which would need to be undertaken by Council officers unless alternative resources were found:

- draw up S106 agreements for off-site BNG delivery
- assess council owned sites for BNG provision / habitat creation projects as BNG off-sets
- bring sites forward for the sale of BNG Units
- register monitoring reports / report on BNG delivery as part of the extended requirements for reporting to government on biodiversity
- audit a sample of the monitoring reports received to make sure that BNG delivery as reported is actually happening on the ground

3.4 The cost of GMEU providing the above Service to Ribble Valley Council from January 2024 for a 12 month period would be £8,673 excluding VAT, based on Consultation responses of 150 planning applications per year. A 'consultation' includes initial provision of ecological advice and any resulting dialogue and additional consultations on the same application. Pre-application advice is included as part of a 'consultation'

3.5 If applications received for comment exceed the above numbers then GMEU would charge for providing advice on additional applications received at the rate of £21.56 per hour (£155.00 per day). If applications received for comment are lower than the above numbers then GMEU will charge less than the above quoted fee at the end of the financial year, proportionate to the actual numbers of applications received.

3.6 The government has made available a BNG Grant fund to all authorities in England for 2022/23 and 2023/24 to support them in delivering measures to prepare them for BNG. To date the council has drawn down £21,439.25 of funding, predominantly against staff time, with up to £32,174.75 of unspent funds remaining to be spent by 31 March 2024 (unspent funds cannot be carried forward beyond this point).

3.7 Officers have been advised by Defra that the above unspent funds must be used for activities that take place between 1 April 2023 and 31 March 2024 so it would not be possible under the grant conditions to use the funding to pay for work carried out beyond 31 March 2024.

- 3.8 Therefore the Council would be entitled to draw down the contract value for January – 31 March 2024 from the ringfenced funds, however the remaining 9 month contract value would need to be found from the resources budget for this Committee to ensure that the council is able to meet this mandatory requirement, unless future funding from Defra is confirmed.

4. RISK ASSESSMENT

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

- Resources – There are financial implications in respect of meeting the full contract cost, to be met from this Committee's budget unless future BNG grant funding is announced by Defra (further details outlined in the main report above).
- Technical, Environmental and Legal – This would enable the Council to fulfil its requirements under the 2021 Environment Act as well as emerging secondary legislation expected to be published late November 2023. Any ringfenced monies used would need to fulfil the terms of the BNG Grant.
- Political – N/A
- Reputation – The proposal would improve public confidence in the council's delivery of mandatory BNG
- Equality and Diversity – N/A

5. RECOMMENDED THAT Committee

- 5.1 Members are asked to confirm:

- 5.1.1 That they are happy to obtain the services of Greater Manchester Ecology Unit (GMEU) to support the Council's assessment of planning applications against the requirement for biodiversity net gain (BNG), with a 12-month contract to commence from January 2024 assuming that this is when BNG becomes mandatory.

LYNDSEY HAYES
HEAD OF DEVELOPMENT MANAGEMENT AND BUILDING CONTROL

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 7th DECEMBER 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 to one of the footpaths in Barrow.

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.
- 2.3 In June this Committee authorised the payment of £2,960 to Barrow Parish Council 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 contacted the LPA again to seek the utilisation of some of the remaining S106 contribution to improve the Barrow Primary School footpath. The school footpath leads from the car park at the rear of Old Row, (which is leased by the Parish Council from RVBC), is used by children and adults as they start and finish the school day and by the residents whose houses back on to the path.
- 3.2 Whilst Ribble Valley Council's Contract Procedure Rules, for a scheme of this value, do not require written quotations Parish Council have obtained and provided two quotes.
- 3.3 The Parish Council chose to opt for the slightly higher quote on the basis that the works included a 10-year guarantee. The quote is for £4,692.00 including VAT. The works were completed in late August 2023, just in time for the start of the new school year. Weeks earlier the Parish council engaged a contractor to trim the hedges running parallel to the footpath. This is routinely maintained by the Council's Lengthsman. The works have already been paid for by the Parish Council.

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. With £2,960 already allocated there is still existing sufficient funds for the works
 - 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 £3,910 to Barrow Parish Council, for the footpath works set out in paragraph 3.1. The figure excludes the VAT which the Parish Council can claim back.

NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 7 DECEMBER 2023
 title: NATIONAL PLANNING FEE INCREASE
 submitted by: NICOLA HOPKINS – DIRECTOR ECONOMIC DEVELOPMENT AND PLANNING
 principal author: LYNDSEY HAYES – HEAD OF DEVELOPMENT MANAGEMENT & BUILDING CONTROL

1 PURPOSE

- 1.1 To update Committee on the notification letter issued by Government on 14th November 2023 that planning fees will increase on 6th December 2023. The last time that planning fees were set was 17 January 2018.

2 NOTIFICATION ON PLANNING FEE INCREASES

- 2.1 The following text is lifted from the notification letter:-

I am writing to inform you that planning fees will increase on 6th December 2023. This will be a welcome increase in income for all planning departments. The Government expects the fee increase to result in increased investment in the planning service and lead to an improved service.

National Planning Fee Increase

Following debates in Parliament, the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023 have been approved and made on 8th November.

The regulations can be viewed here <http://www.legislation.gov.uk/id/ukxi/2023/1197>.

The regulations do the following:

- Increase planning application fees by 35% for applications for major development and 25% for all other applications.
- Introduce an annual indexation of planning applications fees, capped at 10%, from 1 April 2025.
- Remove the fee exemption for repeat applications (the 'free-go'). An applicant will still be able to benefit from a free-go if their application was withdrawn or refused in the preceding 12 months, subject to all other conditions for the free-go being met.
- Reduce the Planning Guarantee for non-major planning applications from 26 to 16 weeks.
- Introduce a new prior approval fee of £120 for applications for prior approval for development by the Crown on closed defence sites.

The new fees will come into force from the start of 6th December 2023.

An applicant will still be able to benefit from a free-go if their application has been refused or withdrawn in the preceding 12 months, subject to all other conditions for the free-go being met.

Local planning authorities should make arrangements to update their websites etc to reflect these changes to planning fees. The Planning Portal will also be ready to implement the new fees, where they receive applications on your behalf.

2.2 To give Committee an indication as to what the new fees are for more common development types, please see below:

- householder applications will increase from £206 to £258
- full applications for new dwellings will increase from £462 to £578
- full applications for agricultural buildings <465 sqm will increase from £96 to £120
- change of use of a building or land will increase from £462 to £578
- removal or variation of a condition will increase from £234 to £293
- discharge of condition applications for non-householder permissions will increase from £116 to £145
- advertisement consent application for adverts relating to the business on the premises will increase from £132 to £165

2.3 For a full list of the new planning fees please see:-

https://ecab.planningportal.co.uk/uploads/forthcoming_english_application_fees.pdf

3 **CONCLUSION**

3.1 Members are asked to note the report.

LYNDSEY HAYES
HEAD OF DEVELOPMENT MANAGEMENT
AND BUILDING CONTROL

NICOLA HOPKINS
DIRECTOR ECONOMIC DEVELOPMENT
AND PLANNING

For further information please ask for Lyndsey Hayes extension 4502.

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 7 DECEMBER 2023
 title: PLANNING APPLICATION STATISTICS REPORT
 submitted by: NICOLA HOPKINS – DIRECTOR ECONOMIC DEVELOPMENT AND PLANNING
 principal author: LESLEY LUND – SENIOR PLANNING ADMINISTRATION OFFICER

1 PURPOSE

- 1.1 To update Committee on key information in relation to the determination of planning applications..
- 1.2 The report covers the second quarter of year 2023/2024 (1 July 2023 – 30 September 2023)

2 PLANNING APPLICATIONS RECEIVED AND DETERMINED DURING QUARTER 2 2023/2024

- 2.1 The table below shows the number of applications received and determined during Quarter 2 of the current year 2023/2024 in comparison to previous quarters.

	QUARTER 2 2023/2024	QUARTER 1 2023/2024	QUARTER 4 2022/2023	QUARTER 3 2022/2023	QUARTER 2 2022/2023
APPLICATIONS RECEIVED	144	156	173	174	191
APPLICATIONS DETERMINED	143	154	155	160	139
% OF DELEGATED DECISIONS	97.20%	97.40%	96.13%	98.12%	96.40%

- 2.2 These figures do not include other types of applications that are submitted (including discharge of conditions/non-material amendments, prior approvals) which we are not required to report our performance on to Government.

3 CATEGORY OF PLANNING APPLICATIONS

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

Major applications are applications which fall into the following categories:

- Dwellings - 10+ dwellings or cover a site area of 0.5ha+
- Offices/Retail & Distribution/Light Industry -cover over 1,000m2 or floor space or a site area of 1ha+
- General Retail Distribution and Servicing – 1,000m2+ or floor space or site area of 1ha+

- Gypsy and Traveller sites – 10+ pitches
- All other major developments – all other uses, whether in a use class or sui generis uses – 1,000m²

Minor applications are applications which fall into the following categories:

- Dwellings – 1-9 dwellings. Or site area of less than 0.5ha
- Offices/Retail & Distribution/Light Industry – less than 1,000m² floor space or less than 1 ha site area
- General Industry and Distribution and Servicing – less than 1,000m² floor space or less than 1ha site area
- Gypsy and Traveller sites – 1-9 pitches
- All other minor developments – less than 1,000m² floor space or less than 1ha site area

Other Developments

- Minerals Processing
- Change of Use – going from one class use to another
- Householder developments - extensions, conservatories, garages etc within the domestic curtilage of the property
- Advertisements
- Listed Building Consent

4 TARGETS

4.1 Performance has traditionally been measured in terms of time taken to determine a planning application. Current targets percentages are below. The target is 13 weeks for major applications and 8 weeks for minor and other applications, and is calculated from the date of validation to the date of despatch of the decision notice. There is also an opportunity to negotiate an extension of time for applications where it is clear that the statutory target cannot be met.

4.2 Currently the Government has set Local Planning Authority performance targets (Improving Planning Performance: Criteria for Designation Updated 2020) as follows

60% of Major Applications to be determined within 13 weeks

70% of Minor Applications and Others to be determined within 8 weeks.

<https://www.gov.uk/government/publications/improving-planning-performance-criteria-for-designation>

4.3 RIBBLE VALLEY DETERMINATION RATES

QUARTER 2 2023/2024 – 1 July 2023 to 30 September 2023

Majors - 100% determined within 13 weeks or within agreed time extensions

Minors - 78.12% determined within 8 weeks or within agreed time extensions

Others - 78.68% determined within 8 weeks or within agreed time extensions

5 FEES RECEIVED

5.1 The fees received for planning applications are as follows:

	QUARTER 2 2023/2024	QUARTER 1 2023/2024	QUARTER 4 2022/2023	QUARTER 3 2022/2023	QUARTER 2 2022/2023
FEES RECEIVED	£86,226	£144,305	£141,587	£109,421	£86,712

6 APPEALS DETERMINED

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

WRITTEN REPRESENTATION

6.2 Most planning appeals are decided by the written representations procedure. With this procedure the Planning Inspector will consider written evidence from the appellant, the local planning authority (LPA) and anyone else who has an interest in the appeal.

6.3 The written evidence usually takes the form of a statement of case by the main parties (the appellant and the LPA), and there is also the opportunity to comment on each other's statements.

6.4 For householder appeals there is a slightly different process, There are no opportunities to submit further information once the original appeal form has been submitted and the Local Authority will provide a copy of either the officers delegated/ committee report rather than a separate statement.

HEARING

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

PUBLIC INQUIRY

6.6 An Inquiry is more formal process and there is normally legal representation who cross examine witnesses.

7. APPEAL DECISIONS

The following appeal decisions were determined during quarter 2 of 2023/24.

QTR 2 01/07/2023 – 30/09/2023

Planning Appeals Determined	Number	Allowed	Dismissed
Written Representations	7	2	5
Hearings	1	0	1
Inquiry	0	0	0
Householder	6	1	5
Total	14	3	11

The percentage of allowed appeals is 21.4%. The performance target set by the Government in the 'Improving Planning Performance – Criteria for Designations updated 2020' is 10%.

7.1 COST AWARDS

None to report this quarter.

8 PRE-APPLICATION ADVICE

8.1 The National Planning Policy Framework (NPPF) actively encourages pre-application engagement. It advises that early engagement has significant potential to improve the efficiency and effectiveness of the planning application process.

8.2 The fees received for pre-application fees are as follows:

	QUARTER 2 2023/2024	QUARTER 1 2023/2024	QUARTER 4 2022/2023	QUARTER 3 2022/2023	QUARTER 2 2022/2023
FEES RECEIVED	£6631	£9726	£7080	£5140	£9135

9 CONCLUSION

9.1 The Local Planning Authority met the Government performance targets for determining Planning Applications in Quarter 2 of 2023/24 and whilst the percentage of appeals allowed was slightly higher than Government targets this quarter, appeal decisions are monitored and this does not raise any concern.

9.2 Members are asked to note the report.

LESLEY LUND

NICOLA HOPKINS
DIRECTOR ECONOMIC DEVELOPMENT
AND PLANNING

For further information please ask for Lesley Lund extension 4490.

APPEALS UPDATE for P & D Committee 7 December 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
3/2022/0263 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
3/2022/0380 R	22/02/2023	Land S of B6478 adjoining Marl Barn	WR (to be confirmed by PINS)	Yes – costs app received		Appeal Dismissed 16/11/2023 Costs application refused
3/2022/0451 R	21/02/2023	77 Mitton Road Whalley Clitheroe BB7 9JN	WR			Appeal Dismissed 21/11/2023
3/2022/0778 R LBC	13/09/2023	32 Parson Lane, Clitheroe BB7 2JP	WR			Awaiting Decision
Enforcement appeal ground f	30/03/2023	Garth Cottage, Clitheroe Road, Mitton BB7 9PH	WR			Appeal Dismissed 25/10/2023
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			Appeal Allowed 17/11/2023
3/2022/1105 R	06/09/2023	Oakleigh, Longsight Road, Copster Green BB1 9EX	WR			Awaiting Decision
3/2022/1084 R (or 3/2022/0618 on the appeal form)	02/08/2023	Land adjacent to 25 Paris, Ramsgreave BB1 9BJ	WR			Appeal Dismissed 08/11/2023
3/2023/0059 R	09/08/2023	94 Ribchester Rd, Clayton le Dale BB1 9HQ	WR	Costs Refused		Appeal Dismissed 31/10/23
3/2023/0046 R	01/09/2023	15 York Street, Clitheroe BB7 2DH	WR			Awaiting Decision
3/2023/0106 R Prior	12/09/2023 Changed to WR 07/11/2023	The Deer House, Woodfold Park, Mellor BB2 7QA	WR			Statement due 12/12/2023
3/2022/1180 R	13/11/2023	Pinfold Farm, Preston Road, Ribchester PR3 3YD	WR			Statement due 18/12/2023
3/2022/0573 R	04/10/2023	Land off Shire Lane, Hurst Green BB7 9QR	WR			Awaiting Decision

3/2023/0226 R	03/08/2023	Land adj to Miles Hill Moor Lane Billington BB7 9JH	Hearing		10/10/2023 Meeting Rm Level D	Appeal Dismissed 01/11/2023
3/2022/1011 R	17/10/2023	Killymoon, 1 Bennetts Close, Whalley BB7 9AF	WR			Statement due 05/12/2023
3/2022/0771 R	07/11/2023	Flat 6 35-39 Whalley Road, Clitheroe BB7 1EE	WR			Statement due 12/12/2023
3/2023/0246 R	Awaiting start date from PINS	Land adj Southport House, Hollins Syke, Sawley BB7 4LE	WR (to be confirmed by PINS)			
3/2023/0327 R	Awaiting start date from PINS	19 Abbey Road, Whalley BB7 9RP	WR (to be confirmed by PINS)			
3/2022/1176 R	Awaiting start date from PINS	Flat 3 Hodder Court Knowles Brow Hurst Green BB7 9PP	WR (to be confirmed by PINS)			
3/2023/0163 R	13/09/2023	2 The Walled Garden, Woodfold Park, Mellor BB2 7QA	HH			Awaiting Decision
3/2022/0650 R	Awaiting start date from PINS	Mill House Chipping Road Chaigley BB7 3LS	WR (to be confirmed by PINS)			
3/2022/0722 R	Awaiting start date from PINS	Mayfield Slaidburn Road Waddington BB7 3JJ	WR (to be confirmed by PINS)			
3/2023/0464 C	Awaiting start date from PINS	107 Whalley Road, Read BB12 7RP	HH (to be confirmed by PINS)			
3/2022/0945 R	Awaiting start date from PINS	Hackings Caravan Park, Elker Lane, Billington BB7 9HZ	WR (to be confirmed by PINS)			
Enforcement appeal ground f 3/2022/0440 R	Awaiting start date from PINS	1 Park Road Gisburn BB7 4HT	WR (to be confirmed by PINS)			
3/2023/0221 R	Awaiting start date from PINS	Lower Barn Farm Whalley Road Sabden BB7 9DT	WR (to be confirmed by PINS)			