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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, 11 JANUARY 2024** 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 - 14)
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 15 - 16)

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

- i) 3/2023/0305 - land at former Higher Standen Farm (adj Swardean Way Valley Lane Higher Peak Crescent South Gate Broadfield Street) Pendle Road Clitheroe BB7 1PR (Pages 17 - 30)

Late agenda report on this item is to be circulated at Committee

- ii) 3/2023/0801 - Car Park Mardale Road Longridge PR3 3EU (Pages 31 - 36)
 - iii) 3/2023/0767 - Land adj Rush Paddock Farm Osbaldeston Lane Osbaldeston BB2 7LY (Pages 37 - 48)
 - iv) 3/2023/0833 - Unit 26 Mitton Road Business Park Whalley BB7 9YE (Pages 49 - 54)
6. **PLANNING ENFORCEMENT UPDATE** (Pages 55 - 80)
Report of the Chief Executive enclosed
 7. **REVISED REVENUE BUDGET 2023/24** (Pages 81 - 94)
Report of the Director of Resources & Deputy Chief Executive enclosed
 8. **ORIGINAL REVENUE BUDGET 2024/25** (Pages 95 - 118)
Report of the Director of Resources & Deputy Chief Executive enclosed
 9. **REVISED CAPITAL PROGRAMME 2023/24 AND FUTURE CAPITAL PROGRAMME REVIEW AND NEW BIDS** (Pages 119 - 120)
Report of the Director of Resources & Deputy Chief Executive enclosed

ITEMS FOR INFORMATION

10. **CORPORATE PLAN PERFORMANCE REPORTING** (Pages 121 - 132)
Report of the Chief Executive enclosed.
11. **WORKING GROUP MEMBERSHIP** (Pages 133 - 134)
Report of the Chief Executive enclosed
12. **APPEALS (IF ANY)** (Pages 135 - 136)
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**
There are no items under this heading

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

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

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Agenda Item 2

Minutes of Planning and Development

Meeting Date: Thursday, 7 December 2023, starting at 6.30 pm
Present: Councillor S Bibby (Chair)

Councillors:

T Austin	M French
D Brocklehurst	S Hore
I Brown	K Horkin
S Brunskill	K Spencer
L Edge	N Stubbs
S Fletcher	L Jameson

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

Also in attendance: Councillor D Birtwhistle

507 APOLOGIES FOR ABSENCE

Apologies for absence for the meeting were received from Councillors J Rogerson and S O'Rourke.

508 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 19 October 2023 were approved as a correct record and signed by the Chair.

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

Councillor S Brunskill declared an interest in Agenda Item 7 – Confirmation of TPO Order at land adjacent to St Mary's Church, Mellor.

510 PUBLIC PARTICIPATION

The Chairman welcomed several speakers.

Mel Ball, Sue Outhwaite, Jennifer Proctor and John Fletcher spoke in respect of agenda item 8 – confirmation of TPO Order at the land adjacent St Mary's Church, Mellor. They all spoke in opposition to confirming the TPO.

Nick Marsden also spoke on agenda item 8 and was in favour of confirming the TPO.

Catherine Hewitt spoke on agenda item 7 – confirmation of TPO Order at no's 3 & 7 Clarkwood Close, Wiswell. She spoke in opposition to confirming the TPO.

511

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990

(i) 3/2022/1129 - Bridge Hey Wood Caravan Park Dunkirk Farm Read BB12 7RR

RESOLVED THAT COMMITTEE:

Refuse planning permission for the following reasons:

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.

(ii) 3/2023/0664 - Langho Sports and Social Club Dewhurst Road Langho BB6 8AF

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 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.

(iii) 3/2023/0707 - 1 Lower Lane Longridge PR3 3SL

Mark Flaherty (PWA Planning) spoke in support of the application and Mr Michael Johnson spoke in opposition to the application.

RESOLVED THAT COMMITTEE:

Grant planning permission 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 bypass 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.

(iv) 3/2023/0766 - Waterloo Timber and Waterloo Mill Waterloo Road Clitheroe BB7

Councillors noted the late item report.

RESOLVED THAT COMMITTEE:

Grant planning permission 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. 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).

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

(v) 3/2023/0671 - The Warren Warren Fold Hurst Green BB7 9QH

Mr Neil Molyneux spoke in support of the application.

Councillor J Alcock was given permission to speak and spoke in support of the application.

RESOLVED THAT COMMITTEE:

Refuse planning permission for the following reasons:

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.

512

CONFIRMATION OF TPO ORDER AT NOS 3 & 7 CLARKWOOD CLOSE, WISWELL

The Director of Economic Development and Planning submitted a report for Committee to consider whether the 3 & 7 Clarkwood Close, Wiswell Tree Preservation Order 2023 should be confirmed.

Members were concerned that confirming the TPO would have a detrimental impact on the amenity of the properties involved. It was noted that the branches have a significant reach and would be very difficult to prune and concerns were raised as to the potential damage of the roots to the properties' foundations.

RESOLVED THAT COMMITTEE:

TPO not confirmed.

513

CONFIRMATION OF TPO ORDER AT LAND ADJ ST MARY'S CHURCH, MELLOR

A vote was held and Members agreed to consider this item before all other decision items on the agenda. The public participants who had spoken on the item were then able to leave to attend the Mellor Parish Council meeting.

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

Councillor R Walsh was given permission to speak, he spoke in opposition to confirming the TPO.

The Director of Economic Development and Planning submitted a report asking Committee to consider whether the St Mary's Gardens Tree Preservation Order 2023 should be confirmed. The trees had been planted as part of the commemoration of the late Queen's Diamond Jubilee.

Members noted that this was a sensitive issue and expressed sadness that it had been ongoing for two years without a satisfactory resolution. Whilst it was commendable to plant the trees, the consensus from Members was that they had not been planted in the best possible location. Particular regard was given to the fact that

they were situated next to a children's play area and as the trees were still young and relatively small, they would be likely to survive a relocation.

RESOLVED THAT COMMITTEE:

TPO not confirmed.

Councillor S Brunskill returned to the meeting.

514

BIODIVERSITY NET GAIN - SPENDING GRANT MONIES

The Director of Economic Planning and Development submitted a report seeking Member authority 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.

The Head of Development Management and Building Control advised that since the agenda was published, the Government had published further information on this issue. It was noted that secondary legislation and guidance is still required to enact the mandatory requirement, however it is still expected that the latest timetable will remain in place i.e. developers of large sites in England would 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 would be applicable from April 2024, and implementation for Nationally Significant Infrastructure Project is planned for 2025.

RESOLVED THAT COMMITTEE:

Agreed that the services of Greater Manchester Ecology Unit (GMEU) be obtained 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.

515

BARROW PLANNING OBLIGATION

The Director of Economic Development and Planning submitted a report seeking authority from Members to release Section 106 contributions to Barrow Parish Council to facilitate improvement works to 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.

RESOLVED THAT COMMITTEE:

To authorise payment of £3,910 to Barrow Parish Council to improve the Barrow Primary School footpath (leading from the car park at the rear of Old Row). This figure excludes the VAT which the Parish Council can claim back.

516

PLANNING FEE INCREASES

The Director of Economic Development and Planning submitted an information report updating 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.

Members noted the contents of the report.

517 PLANNING STATISTICS REPORT

The Director of Economic Development and Planning submitted an information report updating Committee on key information in relation to the determination of planning applications.

It was noted that the Local Planning Authority met the Government performance targets for determining Planning Applications in Quarter 2 of 2023/24. Whilst the percentage of appeals allowed was slightly higher than Government targets for the quarter, appeal decisions are monitored and it did not give cause for any concern.

518 APPEALS (IF ANY)

Members noted the contents of the Appeals report.

519 MINUTES OF WORKING GROUPS

There were no minutes from working groups.

520 REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES

There were no reports from representatives on outside bodies.

521 EXCLUSION OF PRESS AND PUBLIC

There were no items under this heading.

The meeting closed at 8.33 pm

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

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: THURSDAY, 11TH JANUARY 2024
 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:			
	3/2023/0305	Stephen Kilmartin	AC	Land at former Higher Standen Farm, Pendle Road, Clitheroe BB7 1PR
	3/2023/0801	Lucy Walker	AC	Car Park on Mardale Road, Longridge PR3 3EU
C	APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR REFUSAL:			
	3/2023/0767	Kathryn Hughes	REF	Land adj Rush Paddock Farm, Osbaldeston Lane, Osbaldeston BB2 7LY
	3/2023/0833	Will Hopcroft	REF	Unit 26, Mitton Road Business Park, Whalley BB7 9YE
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

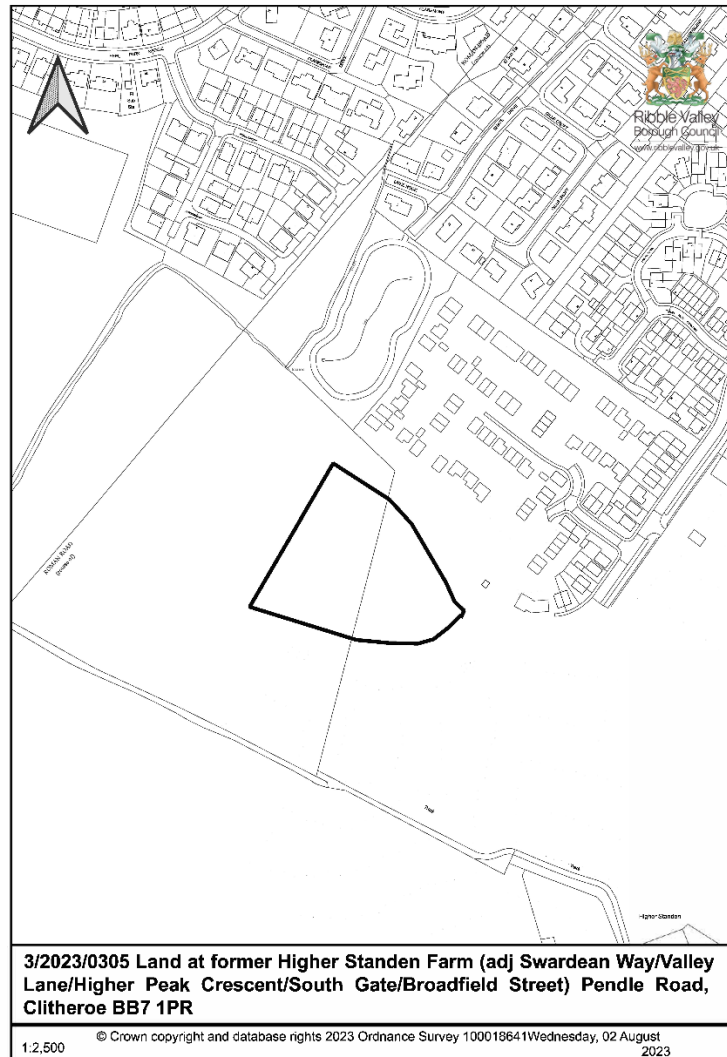
DATE: 11 JANUARY 2024
REF: SK
CHECKED BY: LH

APPLICATION REF: 3/2023/0305

GRID REF: SD 374896 440717

DEVELOPMENT DESCRIPTION:

PROPOSED CONSTRUCTION OF A 68 BED RESIDENTIAL CARE HOME, RELATED INFRASTRUCTURE AND LANDSCAPING. LAND AT FORMER HIGHER STANDEN FARM (ADJ SWARDEAN WAY VALLEY LANE, HIGHER PEAK CRESCENT, SOUTH GATE BROADFIELD STREET) PENDLE ROAD, CLITHEROE BB7 1PR



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

No representations received in respect of the application.

LOCAL HIGHWAYS AUTHORITY (LANCASHIRE COUNTY COUNCIL HIGHWAYS):

The Local Highways Authority have raised no objections to the proposal, subject to the imposition of conditions and have offered the following observations:

Lancashire County Council acting as the Local Highway Authority does not raise an objection regarding the proposed development 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 subject to the following conditions being stated on any approval.

Conditions requested are as follows:-

- Requirement to submit a Construction management Plan prior to commencement of the development
- Need for the maintenance of vehicular visibility splays
- Parking and turning facilities to be provided prior to occupation
- Accessible parking provision to be provided
- Cycle storage to be provided
- Within 6 months of occupation the submitted Interim Travel Plan should be developed into a Full Travel Plan

UNITED UTILITIES:

United Utilities have raised no objection to the proposal.

LANCASHIRE COUNTY COUNCIL ARCHAEOLOGY:

LCC Archaeology have raised no objection to the proposal subject to the imposition of a condition requiring that the applicant or their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted to, and approved in writing by, the local planning authority.

If remains are encountered then a subsequent phase of impact mitigation (which may include preservation in situ by the appropriate design or siting of new roads, structures and buildings, formal excavation of remains or other actions) and a phase of appropriate analysis, reporting and publication shall be developed and a further written scheme of investigation submitted to and agreed with the local planning authority before development commences.

LEAD LOCAL FLOOD AUTHORITY (LANCASHIRE COUNTY COUNCIL FLOOD TEAM):

Following the submission of additional information, the Lead Local Flood Authority have raised no objections to the proposal subject to the imposition of conditions in relation to the following:

- Development to be carried out in accordance with the submitted Flood Risk Assessment

- The requirement to submit a Final Surface Water Sustainable Drainage Strategy
- The requirement to submit a Construction Surface Water Management Plan
- The requirement to submit a Sustainable Drainage System Operation and Maintenance Manual
- The requirement to submit a verification report of the constructed Sustainable Drainage System

ADDITIONAL REPRESENTATIONS:

No representations have been received in respect of the proposed development.

1. Site Description and Surrounding Area

- 1.1 The application relates to an area of greenfield land that forms part of the 'Standen Strategic Site', with the site being located within the defined settlement limits of Clitheroe. The site is bounded to the west by the recently constructed Ribblesdale Primary School to the east by a 'green infrastructure corridor' associated with residential dwellings being constructed as part of the 'Half Penny Meadows' development, with the site being bounded to the south by the central 'spine road' associated with the residential estate.

2. Proposed Development for which consent is sought

- 2.1 The application seeks consent for the erection of a two-storey 'residential care home' (use Class C2), with associated amenity areas, landscaping and parking provision. It is proposed that the building will accommodate 68 'beds, providing for internal and external communal areas, with a library/games room 'bar' area and hair salon for residents.

3. Relevant Planning History

The site to which the application relates is part of the Standen Strategic Housing Site which has outline planning permission for a mixed use development (permission ref 3/2012/0942 as subsequently varied by variation of condition permission 3/2015/0895). Subsequent reserved matters parcels have come forward on the estate with the housing being built out in phases.

4. Relevant Policies

Ribble Valley Core Strategy

Key Statement DS1: Development Strategy
 Key Statement DS2: Sustainable Development
 Key Statement EN3: Sustainable Development and Climate Change
 Key Statement EN4: Biodiversity and Geodiversity
 Key Statement EN5: Heritage Assets
 Key Statement EC1: Business and Employment Development
 Key Statement DMI2: Transport Considerations

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
Policy DME5: Renewable Energy
Policy DME6: Water Management
Policy DMB1: Supporting Business Growth and the Local Economy
Policy DMB4: Open Space Provision
Policy DMB5: Footpaths and Bridleways

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 settlement limits of Clitheroe (Principal Settlement). The site forms part of the Standen Strategic Site, granted outline consent pursuant to planning permission 3/2012/0942 as subsequently varied by variation of condition consent 3/2015/0895. In this respect, the approved Masterplan and Parameters Plan pursuant to the consent for the Strategic Site allocated/designated the site to which the application relates as 'retirement' accommodation.

5.1.2. The proposal seeks consent for the erection of a C2 'residential care home' which would align with the site allocation/designation within the site-wide approved Parameters Plan (associated with extant consent 3/2015/0895). As such, the principle for the development of the site to accommodate a C2 residential care home, notwithstanding other development management considerations, does not raise any significant measurable conflicts with the adopted development strategy for the borough.

5.2 Impact upon Residential Amenity:

5.2.1 The proposed building benefits from a centralised location within the application site which affords a high degree of open space around the building, with no direct interface/relationship with nearby residential receptors, save that for proposed residential development to the south on the opposing side of the 'central spine road'.

5.2.2 Taking account of the separation distances between the proposed building and that of any nearby residential dwellings, it is not considered that the proposed building, nor its configuration or scale, will result in any measurable detrimental impacts on residential amenity by virtue of a direct loss of privacy, loss of light nor overbearing impact.

5.2.3 Taking account of the above matters, the proposal does not raise any significant measurable direct conflict with Policy DMG1 of the Ribble Valley Core Strategy

which seeks to protect existing and future residential amenities from undue negative impacts.

5.3 Visual Amenity/External Appearance

- 5.3.1 The submitted details propose the erection of a two-storey 'residential care home', the building benefits from a varied footprint that reflects the semi-triangular site area, benefitting from a 'central' building element with an east and west 'wing' that splay outwards at a gentle angle to form an internal central courtyard area.
- 5.3.2 Amendments/improvements to the building design and layout have been secured during the course of the application. The main form of the building will be articulated through multiple pitched roof-planes with the primary facing material being that of 'reconstituted stone' facing. The elevational language of the proposal embodies 'residential' archetypes employing feature gables, projecting terrace areas, and a fenestrational arrangement that benefits from stone jamb, cill and head detailing.
- 5.3.3 Intermediate cladding panels assist in articulating primary elevations, with the building possessing positively animated outward facing elevations. Intermediate chimney detailing ensures that the extents of the roof-plane of the building are not read as being overly austere or 'barren', with the introduction of such visual devices also allowing the proposal to respond to the inherent character of the roofscape of proposed nearby residential development which will also benefit from animation/articulation through the inclusion of such devices.
- 5.3.4 The buildings, through the use of common archetypes, whilst employing traditional forms and a semi-contemporary language, ensures that the proposal will respond positively to the inherent character of nearby consented and constructed development whilst contributing, through extensive landscaping, to the overall character of the Standen Strategic Site.
- 5.3.5 As such, taking all of the above matters into account, the proposal is considered to align with the aims and objectives of Policy DMG1 of the Ribble Valley Core Strategy and Paragraphs 130 and 134 of the National Planning Policy Framework which seek to ensure and achieve high-quality design that 'add to the overall quality of the area', be 'sympathetic to local character. including the surrounding built environment', be 'visually attractive as a result of good architecture'.

5.4 Landscape and Ecology:

- 5.4.1 The application has been accompanied by an Arboricultural Impact Assessment and Preliminary Ecological Appraisal. The Arboricultural Impact Assessment identifies that no trees will be affected or directly impacted as a result of the proposed development.
- 5.4.2 The Preliminary Ecological Appraisal identifies that the site comprises ruderal vegetation, poor semi-improved grassland and strip of disturbed land with short regrowth of vegetation. A stretch of defunct wire fence runs through the site. There is Heras fencing surrounding the site by virtue of it being enclosed on all sides by

active construction sites for new residential development and an educational establishment.

- 5.4.3 The appraisal concludes that the site does not play host to any protected species or species of conservation consent. With the site unlikely to play host to important habitat(s) due to being in close proximity to and bounded on all sides by active construction sites. The appraisal further recommends that *'the landscaping scheme should utilise plants which are native and wildlife friendly. In particular night flowering species would be beneficial to bats. Wildflower seed could be used to plant verges to enhance the ecological value of the site and continuity between the site and the wider area. Linear and patch planting of native shrubs and trees should be implemented where possible, new tree planting will also enhance the ecological value of the site and improve connectivity with habitats in the surrounding area'*.
- 5.4.4 The proposed development has also been accompanied by a detailed landscaping plan which proposes linear tree planting to the southern extents which forms part of the site frontage. Intermediate tree-planting is also proposed between parking-bay areas, with tree-planting within the main body of the site around the proposed building also being proposed. At the northern extents of the site clusters of tree-planting are also proposed within areas that will accommodate heritage Grass, wildflower and spring bulb planting.
- 5.4.5 The site arrangement incorporates differing outdoor amenity areas for residents with private garden areas and a central 'main avenue' garden area that leads to the primary resident/visitor entry lobby for the building. It is proposed that the eastern, western and southern extents of the site will be delineated by ornamental hedging accompanied by internal perimeter fencing on the inward facing extents of the hedgerow, with the hedgerow serving to lessen the visual prominence of the fencing when viewed externally from the site.
- 5.4.6 As such, taking all of the above matters into account. The proposal is considered to align with the aims and objectives of Policy DMG1 and Key Statement EN4 of the Ribble Valley Core Strategy which seek to ensure that proposals are suitably landscaped, positively contribute to the inherent character of the area and that result in an overall sitewide enhancement in biodiversity.

5.5 Highway Safety and Accessibility:

- 5.5.1 The Local Highways Authority have commented that the care home will utilise an already approved access and have reviewed the submitted drawings which show that the technical details of the access comply with relevant guidance. They are aware that the proposed hedge will be located within the access's visibility splays but will be lower than 1m in height, which again complies with relevant guidance.
- 5.5.2 The expected trips generated to the proposed care home were included in the Transport Assessment for outline application 3/2012/0942. Therefore, given that the expected trip rates for the care home were included in the full assessment for the mixed-use site, the highways authority have no further comments to add and will not require a TRICs assessment to be submitted.

- 5.5.3 The highways authority have reviewed the hard landscape drawings which shows the internal layout of the site and have no concerns regarding the internal layout of the site. The internal carriageway width and provided turning area is suitable for large vehicle movements, such as by a refuse vehicle. The extension to the footway located adjacent to the accessibility car parking space is welcomed to ensure that pedestrians had a segregated facility from the site access into the site. This footway can now be used as an uncontrolled pedestrian crossing point with it linking to the already proposed footway across the carriageway which links to the care home. Both footways should provide tactile paving and dropped kerbs to ensure that the site is accessible for all users.
- 5.5.4 The highways authority are aware that the site will provide 32 car parking spaces to serve the site. This complies with relevant parking guidance as defined in the Joint Lancashire Structure Plan, given the number of residents at the proposed 68 bed care home. 5 of these spaces will provide an electric vehicle charging point which is acceptable, but they require an additional accessibility space to be provided. Cycle storage facilities are being provided which is welcomed and these should be secure and undercover to be controlled by condition.
- 5.5.5 The highways authority welcome the introduction of a Framework Travel Plan and so will condition that a full Travel Plan is submitted prior to 6 months of occupation. The site will be located within walking distance of 2 bus stops, on either side of the spine road which will serve the Standen Farm development. The bus route and operator are yet to be determined, with the site currently under construction, but the route will serve Clitheroe as a minimum requirement.
- 5.5.6 The site is well served by cycleways which should encourage visitors and employees to cycle to the site rather than use the private car.
- 5.5.7 For the above reasons the Local Highways Authority raise no objections but have requested that conditions be imposed in relation to the following matters:
- Requirement to submit a Construction Management Plan prior to commencement of the development
 - Need for the maintenance of vehicular visibility splays
 - Parking and turning facilities to be provided prior to occupation
 - Accessible parking provision to be provided
 - Cycle storage to be provided
 - Within 6 months of occupation the submitted Interim Travel Plan should be developed into a Full Travel Plan
- 5.5.8 In this respect the proposal will result in no direct measurable conflict(s) with Policy DMG3 of the Ribble Valley Core Strategy which seeks to ensure that development does not result in measurable detriment to the safe operation of the highway.

5.6 Other Matters:

- 5.6.1 The application has been supported by the submission of a Noise Assessment to identify the presence of any nearby sources of noise generating activities that may have a detrimental impact upon the amenities of occupiers of the development.

The report concludes that external noise levels are suitably low to 'prevent the onset of moderate annoyance' as per BS 8233:2014 for all proposed outdoor amenity spaces and further concludes that potential noise from the operation of the existing sports pitch to the north-west has been assessed and it has been determined that internal noise level and external noise levels in outdoor amenity spaces will be met without the need for further noise mitigation measures. As such there is no requirement for site specific noise mitigation to be implemented as part of the development.

6. Observations/Consideration of Matters Raised/Conclusion

- 6.1 For the reasons outlined above, the proposed development is considered to be in accordance with and align with the aims of objective of the Ribble Valley Core Strategy and the National Planning Policy Framework and there are no other material over-riding concerns that would warrant the refusal to grant planning permission.

RECOMMENDATION: That the application be APPROVED 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.

MATTERS OF DETAILED DESIGN:

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:

21817R01bSWMW-B-Noise Assessment
220018-DWA-XX-GF-DR-A-101-E-Proposed Ground Floor GA Plan
220018-DWA-XX-GF-DR-A-SK1012-B-Proposed First Floor GA Plan
220018-DWA-XX-GF-DR-A-103-E-Proposed Roof Plan
220018-DWA-XX-GF-DR-A-141-I-Proposed Elevations-Colour
220018-DWA-XX-GF-DR-A-151-F-Site Section A-A and GA Section
220018-DWA-XX-GF-DR-A-152-B-Street Scheme Elevation A-A, B-B & C-C
220018-DWA-XX-GF-DR-A-192-H-Proposed Site Plan
220018-DWA-XX-GF-DR-A-194-G-Proposed Boundary Treatment Plan
220018-DWA-XX-GF-DR-A-195-A-Proposed Site Location Plan
220018-DWA-XX-GF-DR-A-196-A-Proposed Site Block Plan
220018-DWA-XX-GF-DR-A-SK191-A-Existing Site Plan
220018-JPS-ZZ-ZZ-DR-C-00101-P01-Additional Parking Sketch
220018-JPS-ZZ-ZZ-DR-C-00502-P06-Proposed Drainage Layout
220018-JPS-ZZ-ZZ-DR-C-00701-P04-External Works General Arrangement
220018-JPS-ZZ-ZZ-DR-C-00702-P04-External Works Pavement Composition
220018-TEL-ZZ-XX-DR-L-102-I-Hard Landscape Specification
220018-TEL-ZZ-XX-DR-L-103-C-Landscape Details A-A & B-B
220018-TEL-ZZ-XX-DR-L-104-C-Landscape Details C-C

220018-TEL-ZZ-XX-DR-L-105-Landscape Details D-D & E-E

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. Prior to their installation details of a scheme for any external building mounted or ground mounted lighting/illumination, shall have been submitted to and approved in writing by the local planning authority. For the avoidance of doubt the submitted details shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution and shall include details to demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated.

The lighting schemes(s) be implemented in accordance with the approved details and retained as approved unless agreed in writing by the Local Planning Authority

REASON: To enable the Local Planning Authority to exercise control over development which could prove materially harmful the character and visual amenities of the immediate area and to minimise/mitigate the potential impacts upon protected species resultant from the development and to limit unnecessary light spill/pollution

Prior to their installation details of a scheme for any external building mounted or ground

5. Notwithstanding the submitted details, prior to their installation, details of the proposed roof mounted Photovoltaic Panels, including section details, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design and external appearance of the proposal is appropriate to the locality and responds positively to the inherent character of the area.

6. Notwithstanding the submitted details, prior to their installation, details of the provision of proposed Electric vehicle Charging Points, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details. For the avoidance of doubt, the agreed provision(s) shall be installed and made available for use prior to first use or occupation of the development hereby approved.

REASON: In order that the Local Planning Authority may ensure that proposed development includes provisions to encourage sustainable methods of travel.

HIGHWAYS MATTERS:

7. 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.

8. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 25 metres have been provided at the site access. 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.

9. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the approved details. Thereafter the onsite parking provision shall be retained as such 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.

10. No building or use hereby permitted shall be occupied or the use commenced until a cycle storage plan for the care home has been submitted to the Local Planning Authority, in consultation with the Local Highway Authority. These cycle facilities shall thereafter be kept free of obstruction and be made available for the parking of bicycles only at all times.

REASON: To allow for the effective use of the parking areas and to promote sustainable transport as a travel option, encourage healthy communities and reduce carbon emissions.

11. Within 6 months of occupation the submitted Interim Travel Plan should be developed into a Full Travel Plan containing the details listed below and be submitted to, and approved in writing by, the Local Planning Authority. The provisions of the Full Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

For the avoidance of doubt the Full Travel plan when developed needs to include the following as a minimum:

- Contact details of Travel Plan coordinator

- Travel survey results
- Details of cycling, pedestrian and public transport links to and within the site
- Details of the provision of cycle parking
- SMART Targets
- Action plan of measures to be introduced and appropriate funding
- Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years

REASON: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling

LANDSCAPE AND ECOLOGY:

12. The landscaping proposals hereby approved shall be implemented in the first planting season following occupation or first use of the development, and shall be maintained thereafter for a period of not less than 15 years to the satisfaction of the Local Planning Authority.

This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted. All trees/hedgerow shown as being retained within the approved details shall be retained as such in perpetuity.

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

DRAINAGE AND FLOODING:

13. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (February 2023 / KRS.0635.006.R.001.A / KRS Enviro).

The measures shall be fully implemented prior to occupation of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority

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.

14. No development shall commence in any phase 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 (14th June 2023 / 220018-JPS-XX-XX-RP-C-001 – Revision 4 / JPS) 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 5l/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 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.

15. No development shall commence 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 greenfield runoff rate from the site.
- 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.

16. 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.

FURTHER CONTROL OVER DEVELOPMENT:

17. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016

(as amended or re-enacted) the use of the development/building hereby approved shall only be used for the purposes of Use Class C2 (Residential institution).

REASON: To define the scope of the permission hereby approved and to ensure that the development remains compatible with the character of the area

18. No ground disturbance, including development, site clearance/preparation, or landscaping shall commence until the applicant or their agent or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted to, and approved in writing by, the local planning authority. The programme of works shall include an initial phase investigation including trial trenching, as well as the compilation of a report on the work undertaken and the results obtained. These works should aim to establish the presence or absence of buried archaeological remains and their nature, date, extent and significance.

If remains are encountered then a subsequent phase of impact mitigation (which may include preservation in situ by the appropriate design or siting of new roads, structures and buildings, formal excavation of remains or other actions) and a phase of appropriate analysis, reporting and publication shall be developed and a further written scheme of investigation submitted to and agreed with the local planning authority before development commences.

Copies of all reports should be deposited directly with the Lancashire Historic Environment Record.

All archaeological works shall be undertaken by an appropriately qualified and experienced professional archaeological contractor and comply with the standards and guidance set out by the Chartered Institute for Archaeologists (CIfA).

The development shall be carried out in accordance with the agreed details.

REASON: To ensure and safeguard the investigation and recording of matters of archaeological/historical importance associated with the development.

BACKGROUND PAPERS

[Planning Application - Ribble Valley Borough Council](#)

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

APPROVAL

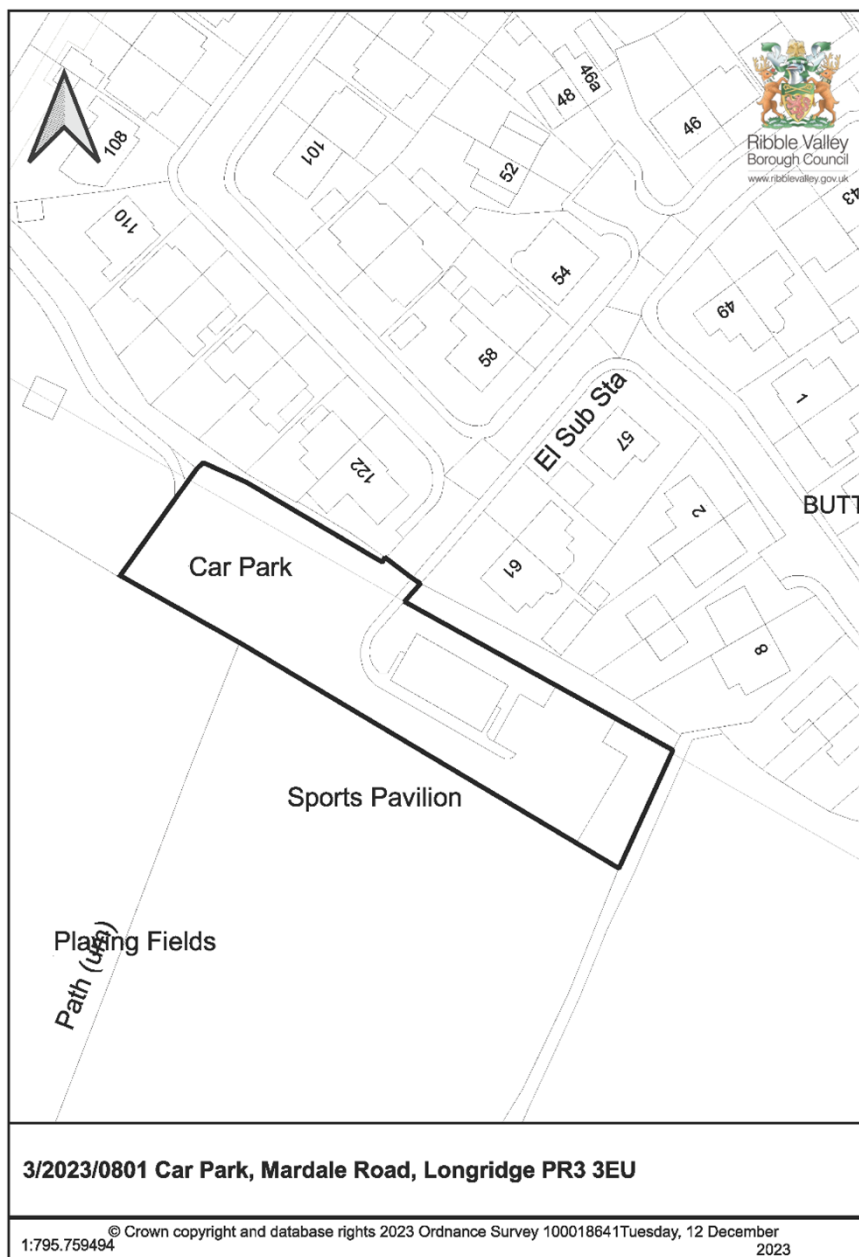
DATE: 11 January 2024
REF: LW
CHECKED BY: LH

APPLICATION REF: 3/2023/0801

GRID REF: SD 359714 436150

DEVELOPMENT DESCRIPTION:

PROPOSED STORAGE CONTAINER ADJACENT TO MARDALE PAVILION. CAR PARK
MARDALE ROAD, LONGRIDGE, PR3 3EU



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Longridge Town Council were consulted on 8th November 2023; however, no comments have been received in respect of the proposal.

ADDITIONAL REPRESENTATIONS:

No representations received.

1. Site Description and Surrounding Area

- 1.1 The application relates the Mardale Road Car Park situated adjacent the Mardale Sports Pavilion at the southern end of Mardale Road. The site is located on land designated as open countryside, just beyond the defined settlement limits of Longridge which terminates immediately to the north of the site. The surrounding area to the north and east of the application site comprises largely of residential properties, whilst to the south is an area of public open space consisting of a playing field and grass football pitches.

2. Proposed Development for which Consent is Sought

- 2.1 The application seeks planning consent for the erection of a metal storage container adjacent to the Pavilion to be used by Longridge Juniors Football Club to store kit and equipment.

3. Relevant Planning History

3/2022/1164: Proposed two single storey extensions situated on the side elevations of the existing changing pavilion (Approved).

3/1998/0350: Construction of Changing Rooms (Approved)

3/1995/0240: Extension to existing car park (Approved)

4. Relevant Policies

Ribble Valley Core Strategy (Adopted Version)

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMB3 – Recreation and Tourism Development

Policy DMB4 – Open Space Provision

Longridge Neighbourhood Development Plan

Policy LNDP12 – Protecting and Enhancing Local Green Spaces

Policy LNDP13 – Protecting and Enhancing Local Open Spaces

National Planning Policy Framework (NPPF)

National Planning Practice Guide (NPPG)

5. Assessment of Proposed Development

5.1 Principle:

5.1.1 Policy DMG2 of the Core Strategy states that *within 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 and 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 criterion no.4 of the above policy in as much that the proposed storage container would be modest in terms of size and scale and would be for recreational purposes associated with the Pavilion and playing field.

5.1.3 The proposed storage container would not result in the loss of any playing field land nor impact on its use, being sited on an area of grass situated between the existing hardstanding of the car park and the tree/hedge line, therefore protecting important recreational and sporting land. Moreover, the proposal is to provide enhanced storage to support the continued use of the sports pitches by Longridge Juniors Football Club. The development therefore satisfies Policy DMB4 of the Core Strategy, the Longridge Neighbourhood Plan and the NPPF and NPPG in respect of protecting open space and playing field provision.

5.2 Residential amenity:

5.2.1 A number of residential properties adjoin the northern boundary of the site with their rear elevations and gardens facing the existing Pavilion building and associated car park.

5.2.2 The proposed storage container would have a maximum height of 2.62m and would be sited approximately 10m from the common boundary with the neighbouring properties to the north. As such, there is not considered to be any potential for loss of light or overbearing impact upon any nearby residential receptors.

5.2.3 Furthermore, there is no proposal for the use of the site – including comings and goings – to intensify as the development relates solely to the provision of a storage building. It is therefore not anticipated that the proposed works would directly result in any additional noise or disturbance to neighbouring residents.

5.3 Visual amenity:

5.3.1 The proposed storage container would measure approximately 6.1m by 2.4m with a maximum height of 2.6m and would therefore appear modest in respect

to their overall height and footprint when viewed in context with the site as a whole.

- 5.3.2 The precise colour of the proposed container is currently unknown and as such, it is recommended that a condition be attached to any subsequent approval requiring precise details/ specifications to be submitted to and approved in writing by the Local Planning Authority.
- 5.3.3 Furthermore, the development would not take a visually prominent position within the landscape, given its siting towards the south-eastern extent of the car park, between the existing hardstanding and tree/hedge line which marks the eastern boundary of the site. The proposal would also be visually screened by the existing Pavilion building upon entry into the site from Mardale Road.
- 5.3.4 There would also be no impact upon the nearby public footpath which runs across a portion of the car park, away from the existing Pavilion.
- 5.3.5 In addition, the site is not situated on land designated as an Area of Outstanding Natural Beauty (AONB) or Conservation Area and so is not subject to any special landscape or heritage protection.
- 5.3.6 Accordingly, the visual impact of the works proposed is considered to be acceptable to allow Longridge Juniors Football Club to improve its facilities in accordance with Policies DMG1, DMG2, and DMB3 of the Core Strategy.

5.4 Ecology:

- 5.4.1 The proposed structure would be sited within close proximity to the existing tree/hedge line which marks the eastern boundary of the site. However, the proposal comprises a storage container and would not involve any digging or excavation works that would impact the current surface of the site. It is therefore not anticipated that the proposal would result in any undue impact upon the ecological importance of the site.

5.5 Highways:

- 5.5.1 Lancashire County Council Highways have not been consulted in relation to the proposal, however the development would not involve a change of use or intensification of the use of the site, nor would it result in the loss of any parking spaces. As such, it is not anticipated that the proposal would result in any unacceptable impact upon highway safety or parking.

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

- 6.1 The proposal would not result any undue impact upon the amenity of any neighbouring residents, nor is it considered that the proposal would be harmful to the visual amenities of the surrounding area, ecology, or highway safety.
- 6.2 As such, for the above reasons and having regard to all material considerations and matters raised, the application is recommended for approval.

RECOMMENDATION:

That planning permission be APPROVED subject to the following conditions:

Time Scale for Implementation of Consent

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.

Approved Plans and Documents

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 (1:1250)
Proposed Development (1:500)
Proposed Development (1:200)
Proposed Elevations (1:50)

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

Materials

3. Notwithstanding the submitted details, details 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.

BACKGROUND PAPERS

<https://webportal.ribblevalley.gov.uk/planningApplication/35816>

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RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

REFUSAL

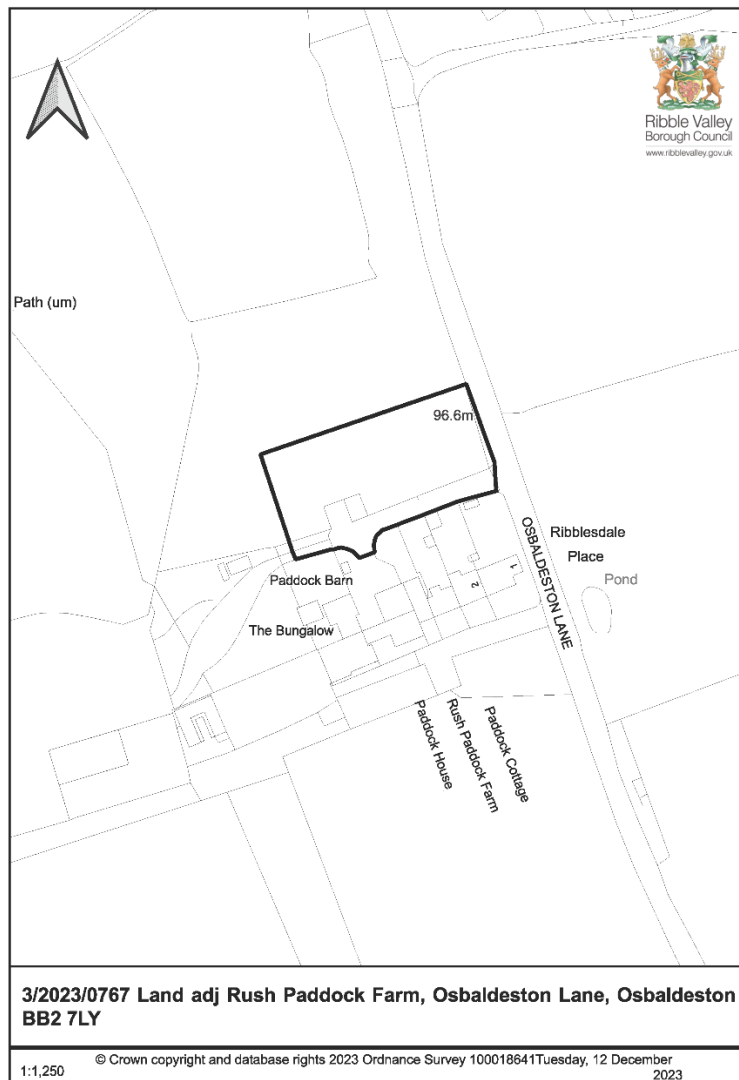
DATE: 11 JANUARY 2024
REF: KH
CHECKED BY: LH

APPLICATION REF: 3/2023/0767

GRID REF: SD 364818 432444

DEVELOPMENT DESCRIPTION:

PROPOSED ERECTION OF SIX HOLIDAY LODGES ON LAND CURRENTLY USED FOR AGRICULTURE TOGETHER WITH LANDSCAPING WORKS AT LAND ADJ. RUSH PADDOCK FARM, OSBALDESTON LANE, OSBALDESTON BB2 7LY



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

OSBALDESTON PARISH COUNCIL:

Raises a strong objection to the planning application for the following reasons:-

The proposal contradicts the relevant policies of the Ribble Valley Core Strategy specifically Policy DMB3 Recreation and Tourism in terms of:

10.25.2 – the proposal must be physically well related to an existing main settlement, or village or to an existing group of buildings.

- The application site is 0.5km outside of the settlement boundary.
- The proposal is flat roofed, timber clad chalets in an area dominated by stone buildings. The form of the chalets is reminiscent of static caravans and therefore not in keeping with the existing group of buildings.

10.25.3 – the development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design.

- The character of the development area will be harmed significantly by the addition of 6 transient households. The chalets open directly onto the back of a row of houses and there will be additional activity, noise and light pollution.
- The visual amenity of the plan area will be negatively impacted by removing open farmland and replacing with a holiday park.

10.25.4 – the proposal should be well related to the existing highway network. It should not generate additional traffic movements of a scale and type likely to cause undue problems or disturbance. Where possible the proposals should be well related to the public transport network.

- Osbaldeston Lane is a narrow country lane used by residents and local people for walking and horse riding. The lane already represents a danger to these users and the significant additional vehicular movements generated by the users of the six holiday chalets without knowledge of the roads will further increase the danger.
- The site is not well connected to the public transport network and it is unlikely that visitors who drive to a holiday location will then choose to take a bus or train to local destinations. The nearest bus stop is more than 1km from the proposed site.

10.25.5 – the site should be large enough to accommodate the necessary car parking, service area and appropriate landscapes areas.

- We note that the landscaping is only between chalet 1 and road and no attempt is made to conserve the privacy of existing residents.
- Furthermore, a gap between chalets 4 and 5 allow for access further into the site for future expansion.

10.25.6 – the proposal must take into account any nature conservation impacts.

- The site is currently open farmland. We do not see how the proposed (relatively intense) development will add to the nature amenity in the area.

- There are owls and other wildlife in the local area that will be impacted by the noise and light pollution.

In addition we note the following:

- The greenfield site is described as redundant farmland – in fact it is simply farmland and there are local tenant farmers who would happily utilise it;
- The development will cause a change in the local ambience and cause stress to the residents;
- Concerns over road safety given the increase in traffic and the limited sight line on Osbaldeston Lane from the access road;
- The proposal states that the nearest properties are 30m from the site but the properties border the access road and therefore are a few metres from the site;
- Approval of this application will set a precedent for further inappropriate development on the site and elsewhere along Osbaldeston Lane.

BALDERSTONE PARISH COUNCIL:

Support the concerns and objections raised by Osbaldeston Parish Council. The proposal is discordant with the character of the area and will impoverish amenity value.

The parishes of Osbaldeston and Balderstone share several common settlement and topographical features, giving them a similar sense of place and character. There is concern that approval may set a precedent for a pattern of tourist development that is lacking in sustainability, which would adversely affect the character of mainly rural, lightly populated parishes.

LANCASHIRE COUNTY COUNCIL HIGHWAYS (LOCAL HIGHWAYS AUTHORITY):

Sustainability - The nearest bus stops are located on the A59 Longsight Road approximately 1km walking distance. The bus stops are served by services 280 Preston _ Skipton hourly, and 25A Mellor Brook Blackburn (4 per day) and 616 (Ribblesdale High School). The route is along Osbaldeston Lane which has no separate footways or street lighting.

Access – Osbaldeston Lane is an unclassified road and subject to a 30mph speed limit. It is unlit and has no separate footways. There are no collisions recorded on Osbaldeston Lane in the previous 5 years. The objections uploaded to the website suggest a speed compliance issue on Osbaldeston Lane, we have no speed data recorded to confirm this however speed compliance would not be uncommon on an unlit rural road subject to a 30mph speed limit.

There is an existing privately maintained paved access road which joins Osbaldeston Lane and serves the site. The access road width is 7.8m wide and reduces to 6.5m within the site. There is an existing turning head and field access identified on the layout which are to be maintained. The visibility to the south side of the junction is restricted by a hedge which is on neighbouring land. This is a concern for highway safety reasons and we would not support the intensification of use of this access due to this. The splay to the north side is adequate and in excess of 90m which we consider necessary at the site access.

Conclusion - Raise an objection to the proposed development and are of the opinion that the proposed development will have a significant impact on highway safety due to the substandard visibility splay to the south side of the site access along Osbaldeston Lane. The lack of footways

linking to the nearest bus stops and facilities is a concern for highway safety reasons due to conflict with other highway users.

UNITED UTILITIES:

No objection subject to a sustainable drainage system which accords with the National Planning Policy Framework and National Planning Practice Guidance in the following order of priority:

1. Into the ground;
2. To a surface water body;
3. To a surface water sewer, highway drain, or another drainage system;
4. To a combined sewer.

ADDITIONAL REPRESENTATIONS:

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

- Osbaldeston is a rural area with limited access along a narrow road, the greenbelt field for six holiday lodges is not appropriate;
- Development will have a detrimental impact on the locality and set a precedent for further development;
- The holiday lodges will attract behaviours which will disrupt the peace and tranquillity of the area, this location is not fair to residents;
- Applications of this nature should be further away from residential areas and within close proximity of the owners residence;
- The additional traffic will have a significant safety impact;
- The design is basic and out of keeping with existing building in the area which suggests they are cheap and could be intended for other use than accommodating holiday makers;
- There will be a pressing need for agricultural land for the production of foodstuffs, taking the land out for use such as this appears in bad taste to make money without delivering overall value;
- The road has no street lights or footpaths. It is not a safe road for transient holiday makers unfamiliar to the area;
- The road is heavily utilised by residents, walkers and horseboxes who require access to the livery.
- There are badgers in the local area and I can see no reference to the proper checks in the application;
- We have no idea who will rent these holiday cabins and there are concerns that anti-social behaviour and crime will increase in the area;
- There are already issues with drains flooding in the local area;
- The neighbour consultation notifies 14 properties the applicant owns five of these but resides in none of them;
- The development is not for the purpose of agriculture nor is it in response to an identified local need. There are numerous local holiday providers in the area in locations providing better access to the attractions of the Ribble Valley and surrounding countryside;
- A surplus of under utilised holiday accommodation could lead to misuse of the accommodation i.e. short term lets;
- The development would impact on social wellbeing with increased noise and light pollution, potential invasion of privacy and resultant increase in crime;

- I am concerned about the waste management of the site, the increased industrial traffic both servicing the site and during the development of the site and increased burden on the local authority services;
- Increased use of the local Public Footpaths could have a detrimental impact on the environment and wildlife. We have herds of deer, a pair of Barn Owls and numerous other species. Does the proposal require a full ecology survey?
- Add more than 12% to residential stock in an area where there is a presumption against new development;
- Yet another sewage plant draining into the watercourse;
- More hardstanding leading to an increase in flooding;
- Club house/swimming pool next?
- Reference is made in the Planning Statement to DS1 and that Osbaldeston is a tier 2 settlement where development will need to meet a proven local need or deliver regeneration benefits;
- Key Statement 2 is highlighted with development in keeping with the character of the landscape, reflect local distinctiveness, vernacular style, scale, style features and building materials. It is self-evident that this would be an alien feature in a high quality landscape;
- No reference is made to EC3 which encourages conversion of existing building or associated with existing attractions;
- The NPPF is referenced but omits Para 85 which relates to development being sensitive to its surroundings, not having an unacceptable impact on local roads and opportunities to make a location for sustainable;
- The Planning Statement makes no reference to promoting healthy and safe communities;
- Points from DMG1 are of particular importance;

1. **Site Description and Surrounding Area**

- 1.1 The application relates to an area of land outside of the settlement of Osbaldeston which lies some 400m to the southwest. The site is within open countryside and is bounded to by dwellings and associated buildings to the south and to the north, east and west by open agricultural land.
- 1.2 The site would be accessed from the existing track from Osbaldeston Lane to the rear of the existing dwellings.
- 1.3 Public Footpath 3-30-FP-27 runs along the southern side of the existing houses and past the western side of the application site outside of the red edge.

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

- 2.1 The application seeks consent for the erection of six holiday lodges with associated landscaping and parking areas. The submitted details indicate that the lodges will be articulated as a singular block-form with a single transition in the north-west to south-easterly primary roof-plane.
- 2.2 The six lodges would have a timber clad finish with dark staining and comprise of 2 x 1 bed units, 2 x 2 bed units and 2 x 3 bed units. Each unit would have 2 parking spaces to the eastern side of each lodge.

- 2.3 An existing access track, turning head and septic tank within the site is shown to be retained. A new septic tank is proposed alongside the existing, as well as new tree planting buffer to the eastern edge of the site between the lodges and the highway.

3. **Relevant Planning History**

None.

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement DMI2 – Transport Considerations
Key Statement EC3 – Visitor Economy
Key Statement EN3 – Sustainable Development
Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport & Mobility
Policy DMB3 – Recreation of Tourism Development

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

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

- 5.1.1 The application site is agricultural land which lies within open countryside as such, the principle for the development of the site for holiday purposes has not been established.
- 5.1.2 Taking account of the above, the development of the site for six lodges on the site results in Key Statement EC3 and Policies DMG2 and DMB3 being engaged for the purposes of assessing the application.
- 5.1.3 Key Statement EC3 lends general support for the creation of additional holiday accommodation stating that *‘Proposals that contribute to and strengthen the visitor economy of Ribble Valley will be encouraged, including the creation of new accommodation and tourism facilities through the conversion of existing buildings or associated with existing attractions’*.
- 5.1.4 Policy DMG2 aims to resist inappropriate development within the tier 2 villages and outside the defined settlement areas, requiring new development to meet at least one of the criteria listed. One such criteria is that *‘The development is for small-scale tourism or recreational developments appropriate to a rural area’*. Being for six holiday accommodation units, the proposal is considered to be small-scale tourism development as such this part of policy DMG2 is satisfied with regards to the principle of development.

- 5.1.5 Policy DMB3 is generally supportive of proposals that seek to enhance the range of tourism and visitor facilities within the borough stating that:

Planning permission will be granted for development proposals that extend the range of tourism and visitor facilities in the borough. This is subject to the following criteria being met:

1. *The proposal must not conflict with other policies of this plan;*
2. *The proposal must be physically well related to an existing main settlement or village or to an existing group of buildings, except where the proposed facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available;*
3. *The development should not undermine the character, quality or visual amenities of the plan area by virtue of its scale, siting, materials or design;*
4. *The proposals should be well related to the existing highway network. It should not generate additional traffic movements of a scale and type likely to cause undue problems or disturbance. where possible the proposals should be well related to the public transport network;*
5. *The site should be large enough to accommodate the necessary car parking, service areas and appropriate landscaped areas; and*
6. *The proposal must take into account any nature conservation impacts using suitable survey information and where possible seek to incorporate any important existing associations within the development. failing this then adequate mitigation will be sought.*

- 5.1.6 In respect of the above, both policy DMB3 and Key Statement EC3 are generally supportive of the creation of new holiday accommodation. However, the first criterion of Policy DMB3 requires that not only should proposals not result in conflict with the inherent criterion of the policy itself, but additionally should not result in any conflict with other policies within the development plan.

- 5.1.7 As such, where such conflict exists or is identified, either through direct conflict with DMB3 or by virtue of conflict with other policies within the development plan, the general support afforded by Policy DMB3 is considered to be fully disengaged.

- 5.1.8 In a similar vein, Policy DMG2 is generally supportive of small-scale tourism development outside of settlement boundaries, however the policy goes on to outline requirements for protecting the character of the countryside landscape. As such where such conflict exists, the general support afforded by Policy DMG2 is also considered to be fully disengaged.

- 5.1.9 In this respect, the development as a whole would need to be acceptable in terms of impact on the character and visual amenity of the area by virtue of its scale, siting, materials and design as well as additional traffic movements in order to accord with the aims, objectives, and criterion of Policies DMG2 and DMB3.

5.2 Impact upon Residential Amenity:

- 5.2.1 The proposal has a direct interface and relationship with a number of nearby residential dwellings, as such consideration must be given in respect of the

potential for the proposal to result in undue impacts upon existing or future residential amenities.

- 5.2.2 Regard must be given to 1 & 2 Ribblesdale Place, Paddock Cottage, Rush Paddock Farm, Paddock House, Paddock Barn and The Bungalow which are all located to the south of the proposed development on the opposite side of the access track. The proposed lodges are orientated in such a manner whereby the rear elevations of the existing dwellings face onto the proposed development.
- 5.2.3 The submitted details indicate that the proposed lodges would be located approximately 6.5m from the rear boundaries of the existing dwellings at their closest point and approximately 25m from the rear elevations. The exceptions to this are The Bungalow and Paddock Barn which are sited to the rear of Paddock Cottage and were converted under planning permission 3/1993/0132 and are sited approximately 21.6m and 23m respectively from the site.
- 5.2.4 Taking into account the above distances and that the proposed lodges would not have elevations that would benefit from windows to the southern elevation that would result in any direct overlooking, it is not considered that the proposed lodges themselves would compromise or undermine the sense of privacy afforded to these properties and their private garden areas.
- 5.2.5 However, the lodges would each have parking provision and access from the lodges onto these parking areas would be along the eastern elevations with between three and five sets of opening doors of various sizes providing access along this elevation. This together with the access track which runs to the south of the lodges will result in additional activity and comings and goings which is considered to compromise the sense of privacy for existing residents.
- 5.2.6 Taking account of the above matters, the proposal is considered to be in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy insofar that the proposed development would result in harm to the residential amenities of the occupiers 1 & 2 Ribblesdale Place, Rush Paddock Farm, Paddock Barn and The Bungalow which all have elevations which overlook the site and would experience adverse loss of privacy and increased noise and disturbance impacts caused by parking and access arrangements associated with the development.
- 5.2.7 This would also represent a direct conflict with the aims, objectives, and criterion of Policy DMB3 as well as the National Planning Policy Framework, 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 quality of life.

5.3 Visual Amenity/External Appearance

- 5.3.1 Given that the proposal lies within a largely rural area set within the open countryside consideration must be given in respect of the potential for the proposal to result in undue impact upon the character or visual amenities of the immediate area and landscape.

- 5.3.2 In this respect, the criterion of DMG1 requires the proposal to be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials. The number and type of units in this prominent open countryside location adjacent to and visible from the public highway and public footpath would result in a visual disparity between the holiday lodges and the existing stone built residential properties in terms of scale, style and materials.
- 5.3.3 As such, consideration must also be given to Policies DMG2 and DMB3 and as to whether the proposal would undermine the character, quality or visual amenities of the area by virtue of its scale, siting, materials or design.
- 5.3.4 The proposed lodges are of a single storey rectangular footprint, benefitting from a flat-roofed appearance with a significant amount of glazing and external timber cladding as well as decked areas to accommodate outdoor amenity space.
- 5.3.5 Taking account of the quantum and uniformity of development, their appearance and cramped form it is considered that the proposal would result in the introduction of an incongruous, anomalous and discordant form of development that would result in visual harm and undermine the open aspect of the area that defines the inherent character of the immediate and wider landscape which would be visible from the public highway as well as the adjacent public footpath and neighbouring properties.
- 5.3.6 In this respect, the structures fail to accord with Policies DMB3, DMG2 and DMG1 in that the proposal fails to be in keeping with the character of the landscape and fails to be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials.
- 5.3.7 As such, taking all of the above matters into account. The proposal is considered to be in direct conflict with Policies DMG1, DMG2 and DMB3 insofar that the proposed development would result in a detrimental impact on the character and visual amenity of the area by virtue of its scale, massing and materials with the layout as proposed resulting in an overall cramped form of development.

5.4 Landscape and Ecology:

- 5.4.1 The proposed lodges will be sited in an area that largely consists of open-aspect agricultural land that is considered to be of low biodiversity value with no direct impacts upon trees or hedgerow being evident. As such it is not considered that the proposal will have any direct measurable detrimental impacts upon protected species, ecology or biodiversity.
- 5.4.2 No details have been provided in respect of proposed detailed landscaping, with the landscaping shown on the proposed site plan being considered as indicative with no details of species mix or density being provided. In this respect the authority cannot ascertain at this stage whether the proposal would align with the requirements of Key Statement EN4 which requires a 'net enhancement in biodiversity'. However, this could be controlled by an appropriate condition if the scheme was acceptable in other regards.

5.5 Highway Safety and Accessibility:

- 5.5.1 The proposed development would be accessed from Osbaldeston Lane which is an unclassified adopted road. The nearest bus stops would be a custom stop at Park Gate and marked stops at Bay Horse and St. Mary's RCPS on A59 Longsight Road.
- 5.5.2 In this respect the proposal would accord with Policy DMG3 of the Ribble Valley Core Strategy which requires that all development proposals 'provide adequate car parking and servicing'.
- 5.5.3 However, the proposed development would result in a significant adverse impact on highway safety due to the substandard visibility splay to the south side of the site access along Osbaldeston Lane. There is also a lack of footways in the area which would link the site to the nearest bus stops and facilities and could result in conflict with other highway users to the detriment of highway safety. This would also fail to encourage sustainable means of travel to/from the site instead putting reliance on the private motor vehicle, particularly as occupants of the lodges would have no on-site provisions, which is in conflict with the National Planning Policy Framework.

6. Observations/Consideration of Matters Raised/Conclusion

- 6.1 Taking account of the above, it is considered that the proposed lodges, by virtue of the quantum of development, scale, design and materials, would represent a cramped form of development that fails to be in keeping with the character of the landscape by virtue of layout, design and materials that would result in harm to the character and visual amenity of the area and be highly visible from public viewpoints on Osbaldeston Lane and Public Footpath 3-30-FP-27 to the detriment of the character and visual amenities of the area.
- 6.2 It is further considered that the proposal would result in the introduction of an incongruous, anomalous and discordant form of development due to the cramped layout, design and materials and associated vehicular parking that would result in harm to the open aspect of the area that defines the inherent character of the immediate and wider landscape.
- 6.3 The proposal is considered to be in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy insofar that the proposed development would result in harm to the residential amenities of the occupiers 1 & 2 Ribblesdale Place, Rush Paddock Farm, Paddock Barn and The Bungalow which all have elevations that overlook the site and which would experience adverse loss of privacy and increased noise and disturbance impacts caused by parking and access arrangements associated with the development. This would also represent a direct conflict with the aims, objectives, and criterion of Policy DMB3 and the NPPF.
- 6.4 As set out above the proposal would also result in a significant adverse impact on highway safety and fail to promote sustainable means of travel to/from the site, contrary to Policy DMG3 of the Ribble Valley Core Strategy and the NPPF.
- 6.5 It is for the above reasons and having regard to all material considerations and matters raised that I recommend accordingly.

RECOMMENDATION: That the application be REFUSED for the following reasons:

1. The proposal is considered to be in direct conflict with Policy DMG1 and DMB3 of the Ribble Valley Core Strategy insofar that the proposed development would result in significant harm to the residential amenities of the occupiers of 1 & 2 Ribblesdale Place, Rush Paddock Farm, Paddock Barn and The Bungalow which all have elevations that overlook the site and which would experience adverse loss of privacy and increased noise and disturbance impacts caused by parking and access arrangements associated with the development. This is also in conflict with the National Planning Policy Framework which requires planning decisions to avoid noise giving rise to significant adverse impacts on health and quality of life.
2. The proposal is considered to be in direct conflict with Key Statement EN2 and Policies DMG1 and DMB3 of the Ribble Valley Core Strategy in that the proposed lodges, by virtue of their overall scale, design and cramped form of development would fail to be in keeping with the character of the landscape, being of significant harm to the character and visual amenity of the area.
3. The proposal would result in the introduction of an incongruous, anomalous and discordant form of development by virtue of the cramped layout, design and materials proposed that would significantly visually compromise and undermine the open aspect of the area that defines the inherent character of the immediate and wider area. As such the proposal would result in an unacceptable visual impact to the character and visual amenities of the open countryside contrary to Policies DMG1, DMG2 and DMB3 of the Ribble Valley Core Strategy 2008-2028.
4. The proposed development is considered to be indirect conflict with Policy DMG3 of the Ribble Valley Core Strategy insofar that the proposed development will have a significant adverse impact on highway safety due to the substandard visibility splay to the south side of the site access along Osbaldeston Lane together with the lack of footways linking the site with bus stops and facilities which could result in potential conflict with other highway users. The lack of footways and poor connectivity to nearby services and facilities would also place increased reliance on the private motor vehicle by occupants of the development, as opposed to encouraging sustainable means of travel, which is in conflict with the National Planning Policy Framework.

BACKGROUND PAPERS

https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2023%2F0767

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RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

REFUSAL

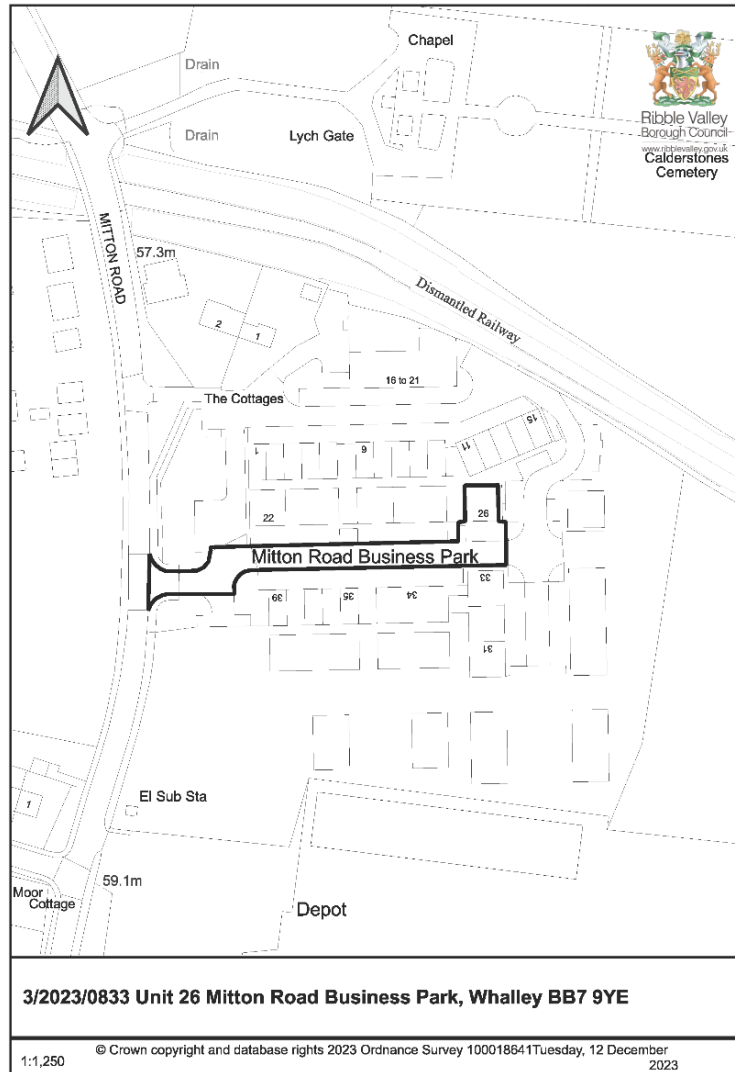
DATE: 11 JANUARY 2024
REF: WH
CHECKED BY: LH

APPLICATION REF: 3/2023/0833

GRID REF: SD 372802 437458

DEVELOPMENT DESCRIPTION:

APPLICATION FOR CHANGE OF USE OF PART OF CLASS B2/B8 UNIT (GENERAL INDUSTRY/STORAGE) TO SUI GENERIS MIXED USE (RETAIL, WAREHOUSE, PHOTO STUDIO, SORTING/OFFICE). RESUBMISSION OF APPLICATION 3/2023/0541. UNIT 26 MITTON ROAD BUSINESS PARK WHALLEY BB7 9YE



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

WHALLEY PARISH COUNCIL:

The Parish Council object and remain concerned over businesses on the Mitton Road Business Park changing status from industrial to retail and the potential for traffic generation which was never intended when the business park commenced. Whilst the proposals appear to be reduced from the previous application this remains a 7 day per week business and thus would inevitably see a significant increase in traffic. Mitton Road is already heavily trafficked. The applicant refers to similarities with a number of other businesses but the Parish Council challenges this assertion since the business named are generally in established retail outlets in centre locations.

LOCAL HIGHWAYS AUTHORITY (LANCASHIRE COUNTY COUNCIL HIGHWAYS):

No objection, subject to the imposition of conditions relating to:

- The implementation of parking and turning facilities according to plan.
- The development shall only operate by appointments only and shall be restricted to one appointment on site at any one time.
- The retail use approved shall only be used ancillary to the existing commercial unit at the site and shall not be used by way of sale or sub-letting to form separate commercial enterprises.

ADDITIONAL REPRESENTATIONS:

No letters of representation have been received.

The application was subject to a call-in request from Cllr Wilkins-Odudu.

1. Site Description and Surrounding Area

- 1.1 The site is comprised of Unit 26 at Mitton Road Business Park, used until recently as a B2/B8 (general industry / storage) unit and now occupied by Old Coach House Antiques for the storage, display and retail sale of furniture, household goods and antiques (the use applied for in this application). The unit is located directly off the main spine road within the business park and incorporates 2no. entrances to the front elevation – 1 being a vehicular/loading access and the other being a pedestrian access. In front of the unit lies an area of hardstanding suitable for car parking.
- 1.2 Mitton Road Business Park sits adjacent to an area of predominately housing referred to as Nethertown and approximately 1.1km north/north-west of Whalley.

2. Proposed Development for which consent is sought

- 2.1 Whilst no external changes are proposed, the application seeks to change the use of the unit so that it can accommodate a retail area (26sqm) and a 'photo' area (approximately 35sqm) on half of the ground floor, with the other half of the ground floor being retained as industrial/warehouse space (99sqm). The mezzanine floor would comprise of industrial/warehouse space (60sqm) to include the sorting of goods and an office.

2.2 The proposed hours are Monday-Friday 8am to 6pm, Saturdays 9am to 4:30pm and Sundays and Bank Holidays 10am to 4pm. The application is a resubmission of previously refused application reference 3/2023/0541.

2.3 It should be noted that officers are aware that, at present, the use of the areas labelled 'retail area', 'photo area' as well as approximately half of the space of the 'industrial/warehouse space' on the ground floor are being used for the retail sale of goods. Whilst the plans submitted with this application does not reflect the above use, given the open plan layout of the unit it would be difficult to ensure that retail sale activities did not stray into other areas.

3. **Relevant Planning History**

3/2023/0541:

Application for change of use of class B2/B8 unit (general industry/storage) to Sui Generis Mixed Use (retail, warehouse, photo studio, sorting/office). Proposed opening hours Monday - Friday 8.00am - 6.00pm, Saturdays 9.00am to 4.30pm, Sundays and Bank Holidays 10.00am to 4.00pm (Refused)

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1: Development Strategy

Key Statement DS2: Sustainable Development

Key Statement EC1: Business and Employment Development

Key Statement EC2: Development of Retail, Shops and Community Facilities

Policy DMG1: General Considerations

Policy DMG2: Strategic Considerations

Policy DMG3: Transport & Mobility

Policy DMB1: Supporting Business Growth and the Local Economy

Policy DMR1: Retail Development in Clitheroe

Policy DMR2: Shopping in Longridge & Whalley

National Planning Policy Framework (NPPF)

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 The wider site at Mitton Road Business Park is allocated within the Local Plan as a committed employment site, with the existing units being granted planning permission for B1 (now Class E(g)), B2 and B8 employment generating uses.

5.1.2 The submitted details propose a Sui Generis use which would deviate from that of the originally consented use because it would allow for retail functions to occur at the premises online and from visiting members of the public.

5.1.3 As per CS Policy DMB1, proposals for the development, redevelopment or conversion of sites with employment generating potential in the plan area for alternative uses will be assessed with regard to the following criteria:

1. *The provisions of policy DMG1, and*
 2. *The compatibility of the proposal with other plan policies of the LDF, and*
 3. *The environmental benefits to be gained by the community, and*
 4. *The economic and social impact caused by loss of employment opportunities to the Borough, and*
 5. *Any attempts that have been made to secure an alternative employment generating use for the site (must be supported by evidence (such as property agents details including periods of marketing and response) that the property/ business has been marketed for business use for a minimum period of six months or information that demonstrates to the council's satisfaction that the current use is not viable for employment purposes.)*
- 5.1.4 It is acknowledged that the plans, compared to the previously refused application, reduce the area of floorspace titled "retail" to approximately a quarter of the ground floor unit only. However, the area titled "photo area" also effectively serves as a retail function and as previously indicated the open plan layout means it is difficult to distinguish between the different areas at ground floor meaning that effectively a larger portion of the building, particularly at ground floor, would essentially be for retail use.
- 5.1.5 It is understood that the unit would be open for members of the public to visit anytime during opening hours either to pick up goods they have seen and bought online or to come into the shop to browse or buy. The supporting information and photographs supplied including the business flyers that were distributed to local residents recently suggest that retail is the primary activity, and this is not a compatible use within the business park. It also prevents the unit being let for employment generating uses that require a business park location e.g. due to noise, odour, away from passing trade.
- 5.1.6 Policy DMB1 considers material considerations which might exist to justify the loss of employment generating uses. However, there are no identified environmental benefits gained by the community, and the economic impact of losing this unit for its intended employment purpose is considered more harmful than the benefits of allowing this business to operate here. It is understood that the unit was not vacant for a significant period of time before the new use began to operate and so there is no evidence that no demand exists for a Class B1(g), B2 or B8 use or that the unit is not viable for such uses.
- 5.1.7 There is some sympathy with the applicant who feels this location is better suited to their business needs due to size, space to unload furniture and parking availability, and it was these things that their previous premises did not have which prompted them to move. However, whilst that particular location was unsuitable that does not mean all town centre locations are unsuitable, or that premises with unrestrictive uses outside of town centres could not be utilised by the applicant. Many retail operators particularly in town centres experience similar challenges. Nor does it justify the loss of an employment unit for alternative purposes.
- 5.1.8 There are no specific merits of this particular case that justify allowing this activity on the site, and indeed allowing this retail activity outside of a town centre, or even edge of centre, which Policies DMR1 and DMR2 aim to achieve. The overall

function of the unit is considered to be in conflict with the ambitions of the business park.

5.1.9 Therefore it is considered that the principle of the use of the building for this purpose would result in a significant direct conflict with the adopted development plan for the borough and is not acceptable in principle.

5.2 Impact on Residential Amenity

5.2.1 Due to the location of the unit within the business park away from neighbouring residential properties there are no concerns in this regard.

5.3 Highways and Parking

5.3.1 Following consultation with LCC Highways, no objection was raised subject to the imposition of a number of conditions as below:

- The implementation of parking and turning facilities according to plan.
- The development shall only operate by appointments only and shall be restricted to one appointment on site at any one time.
- The retail use approved shall only be used ancillary to the existing commercial unit at the site and shall not be used by way of sale or sub-letting to form separate commercial enterprises.

5.3.2 An updated Proposed Site Plan has been provided which shows that the unit forecourt can provide 5 car parking spaces (the forecourt is currently not marked out). However, based on the actual area of forecourt available and considering that it is likely for these spaces to be taken up by larger vehicles or by vehicles needing manoeuvring space for furniture, the amount of space available is considered to realistically accommodate four vehicles. This is a shortfall in spaces when applying the LHAs parking guidance as defined within the Joint Lancashire Structure Plan, and on this basis LCC Highways are requesting a condition limiting customers by appointment only.

5.3.3 LCC Highways are also requesting a condition limiting the retail use to ancillary only. However as previously stated in this report, it is considered that retail is the primary activity. Whilst theoretically both aspects (appointment only and ancillary retail use) could be conditioned, having regard to the nature of the business it is considered that neither condition would be appropriate or suitable to impose.

5.3.4 However, even without limiting these activities, having regard to the parking available to the front of the unit and the presence of other spaces nearby within the business park, it is not considered that the proposed use would result in overriding highway safety concerns sufficient to justify a refusal of the application on this basis, and the development is not considered to be in conflict with Policy DMG3 of the Ribble Valley Core Strategy.

6. Observations/Consideration of Matters Raised/Conclusion

- 6.1 For the reasons outlined above the proposed development is considered to be in direct conflict with Policies DMB1, DMR1 and DMR2 of the Ribble Valley Core Strategy insofar that approval would result in the loss of an employment generating uses within a defined employment site through the introduction of a use which is considered to be primarily retail. There are no material considerations in this case to justify the harm resulting from a loss of employment use or allowing a retail use in an out-of-centre location.

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

1. The proposal would result in the loss of an employment generating uses within a defined employment site through the introduction of a use which is primarily retail. There are no material considerations in this case to justify the harm resulting from a loss of employment use or allowing a retail use in an out-of-centre location. As such the application fails to satisfy Ribble Valley Core Strategy Policies DMB1, DMR1 and DMR2.

BACKGROUND PAPERS

https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2023%2F0833

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: 11 JANUARY 2024
title: PLANNING ENFORCEMENT UPDATE
submitted by: CHIEF EXECUTIVE
principal author: HEAD OF LEGAL AND DEMOCRATIC SERVICES

1 PURPOSE

1.1 To provide committee with an update on planning enforcement.

1.2 Relevance to the Council's ambitions and priorities

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

2 BACKGROUND

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

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

3 ISSUES

3.1 The Council currently has 90 live planning enforcement matters, of which 32 have submitted planning applications awaiting decisions. Between 12 September 2023 and 02 January 2024, the Council received 37 new complaints. The Planning Enforcement Policy sets out how complaints will be categorised and how resources will be prioritised. The categories are:

“Priority 1 (High)

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

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

Priority 2 (Medium)

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

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

Priority 3 (Routine)

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

- *unauthorised operational development which would be likely to receive planning permission;*

- *unauthorised fences/walls/gates (unless public safety is compromised/ attached to or adversely affecting the setting of a listed building);*
- *unauthorised telecommunications equipment/satellite dishes/equipment on residential dwellings;*
- *display of advertisements not causing significant harm to amenity or public safety.”*

3.2 The 37 new complaints fell into the following categories:

- Priority 1 – 0
- Priority 2 - 11
- Priority 3 - 26

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

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

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

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

- Planning Contravention Notices – 2
- Enforcement Notices – 0
- Breach of Condition Notice – 0
- Temporary Stop Notices – 0
- Removal of signage – 0

3.7 At the last meeting of this Committee, members expressed a view that when formal enforcement action is taken ward members be informed of this. Whilst this was already taking place in practice, the Planning Enforcement Policy has been amended to formalise this. The policy has also been revised to reflect the revised National Planning Policy Framework which was issued on 19 December 2024. A copy of the amended policy is enclosed as Appendix 1, with the amendments shown in track changes.

4. RISK ASSESSMENT

4.1 The approval of this report may have the following implications

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

5. **RECOMMENDED THAT COMMITTEE:**

5.1 Approve the amendments to the Planning Enforcement Policy as shown in Appendix 1.

MAIR HILL

MARSHAL SCOTT

HEAD OF LEGAL AND DEMOCRATIC SERVICES

CHIEF EXECUTIVE

BACKGROUND PAPERS

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

For further information please ask for Mair Hill, extension 4418
REF: MJH/Planning Committee/11 January 2024



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

PLANNING ENFORCEMENT POLICY 2022 - 2025

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PLAN ADMINISTRATION

PLAN OWNERSHIP

For any queries about this policy, please contact the plan owner.

Department	Chief Executive's Department		
Owner	Mair Hill Head of Legal and Democratic Services	Mair.hill@ribblevalley.gov.uk	01200 425111
Committee	Planning and Development		

This policy is maintained and published on behalf of Ribble Valley Borough Council. A copy of this policy will be published on the Council Intranet and will be reviewed and updated as stated below.

VERSION CONTROL AND REVIEW DATE

Version	Date	Reason for Publication	Approved by Committee / Date	Review Date
V1.0	21/10/2022	Review of the policy	Planning and Development / 20/10/22	October 2025
V1.1	11/01/24	Review of policy	Planning and Development 11/01/24	October 2025
V1.2				

This policy will be reviewed, as a minimum, on an annual basis. However, consideration should be given to reviewing the policy should there be any changes in legislation or guidance. The policy/procedure owner will ensure the document is reviewed as stated.

SUPPORTING DOCUMENTS OR LEGISLATION RELATING TO THIS POLICY

Please include any supporting documents / legislation
1. Town and Country Planning Act 1990
2. Planning Practice Guidance
3. Revised National Planning Policy Framework 19 December 2023 20 July 2024

1. PURPOSE OF POLICY

- 1.1 This policy statement relates to Ribble Valley Borough Council's (the Council's) Planning Enforcement service and will describe the purpose of the enforcement service and how the Council will deliver the service to the community.
- 1.2 The policy aims to provide an efficient planning enforcement service in support of the Council's statutory planning service in a clear, consistent, proportionate and open manner. It is recognised that establishing effective controls over unauthorised development assists in conserving the natural and built environment whilst helping to protect the quality of people's lives and maintaining the Council's integrity.

Government Advice and Legislation

- 1.3 The main sources which the Council will refer to when dealing with planning enforcement are:
- Town and Country Planning Act 1990, which provides the main legislative background regarding breaches of planning control;
 - Planning Practice Guidance document entitled "Ensuring effective enforcement" which was published last revised in 2019; and
 - the revised National Planning Policy Framework (NPPF) ([19 December 2023](#))~~last review in July 2024~~ states at Paragraph 59 that:

"Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate."

The Purpose of Planning Enforcement

- 1.4 The integrity of the planning service depends on the Council's readiness to take enforcement action when appropriate. The Council is committed to providing an effective planning enforcement service.
- 1.5 The planning system is designed to achieve a balance between the rights of landowners to enjoy their property and protecting the amenity of neighbours and the general public. The enforcement of planning control focuses on proportionate resolution rather than punishing those who have acted in breach, sometimes unknowingly. It is expected that landowners and developers will observe the spirit of planning legislation and refrain from carrying out development until the necessary planning permissions have been obtained.
- 1.6 **The Council will not condone wilful breaches of planning control and will exercise its discretion to take enforcement action if it is considered expedient to do so. The Council will investigate alleged breaches of planning control, to determine whether a breach has, as a matter of fact occurred, and if it has, determine the most appropriate course of action.**

The key objectives of the enforcement policy:

- To provide an accessible service that maintains public confidence in the planning system;
- To provide a service that is both reactive and proactive in its commitment to remedy undesirable effects of unauthorised development;
- To provide a service response that is prioritised according to the harm or the potential harm caused by the breach;
- To provide a development monitoring service that is prioritised according to the scale and complexity of the development permitted; and
- To seek resolution of planning breaches through informal and formal action including, where appropriate, prosecution of offenders to uphold the integrity of the planning system.

2. WHAT IS A BREACH OF PLANNING CONTROL?

2.1 A breach of planning control is defined in section 171A of the Town and Country Planning Act 1990 (the 1990 Act) as either:

- (a) the carrying out of development without the required planning permission; or
- (b) failing to comply with any condition or limitation subject to which planning permission has been granted.

(development undertaken which is not in accordance with approved plans would fall under (b) above)

2.2 Important factors to consider include the extent of the powers of the planning service which is only concerned with 'development'. Section 55 of the 1990 Act provides the meaning of development as:

"...the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land."

"...."building operations" includes –

- (a) demolition of buildings
- (b) rebuilding
- (c) structural alterations of or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder."

"The following operations or uses of land shall not bedevelopment of the land

- (a) the carrying out of maintenance, improvement or other alterations of any building or works which –
 - (i) affect only the interior of the building, or
 - (ii) do not materially affect the external appearance of the building

.....

2.3 A breach of planning control could involve such matters as the unauthorised erection of a building or extension to a building, a material change of use of land or breaches of conditions attached to planning permissions. Other matters that the Planning Enforcement Service might investigate include:

- the display of unauthorised advertisements;
- works to Listed Buildings without the relevant consent;

- unauthorised works to trees which are the subject of a tree preservation order (TPO) or are in a conservation area;
- untidy land adversely affecting the amenity of the area;
- failure to comply with a Section 106 agreement.

Matters that are Not Breaches of Planning Control

2.4 The following matters do not constitute a breach of planning control:

- internal works to a non-listed building.
- Nuisances caused by odour, noise, light or vermin.
- Obstruction of a highway or public right of way (PROW).
- Parking of vehicles on the highway or on grass verges.
- Parking caravans on residential driveways or within the curtilage of domestic properties providing their use remains incidental to the enjoyment of the property.
- Running a business from home where the residential use remains the primary use and there is no adverse impact on residential amenity.
- Land ownership disputes or trespass issues.
- Covenants imposed on property Deeds.
- Rights of access or access for maintenance to a property.
- Any works that are deemed to be 'permitted development' under the Town and Country Planning (General Permitted Development) Order 2015 as amended and or substituted.
- The display of advertisements that benefit from deemed consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (consent is granted by the regulations).
- Dangerous structures or other health and safety issues.
- High hedge disputes (dealt with by the Council's Countryside Officer).

2.5 It is not the function of the planning authority to become involved in private neighbour disputes where no planning issue is evident. Additionally, it is not the Council's role to mediate in private legal disputes such as boundary disputes or damage to private property. Such cases will not be investigated as they are civil matters, and the customers will be advised accordingly.

Who to Contact for Non-Planning Issues

2.6 Many property and land issues may arise which are not the responsibility of, or within the jurisdiction of, the Council. The following examples are provided as a guide and are not intended to be exhaustive or to cover every situation.

- 2.7 Internal works to a non-listed building are not development and not the responsibility of the Council as Local Planning Authority. If the alterations are structural, these may fall under the remit of the relevant body which discharges the Building Regulations function, in the case of Ribble Valley this would be the Council's Building Control service. Building Control would also be the responsible body for investigating dangerous structures.
- 2.8 Matters relating to nuisances caused by odour, noise, light or vermin would be dealt with by the Environmental Health department within the Council.
- 2.9 Any matters relating to the highway, including obstruction of a highway or public right of way (PROW) or indiscriminate parking would be dealt with by the Lancashire County Council as Highway Authority, or in some cases the police.
- 2.10 Other issues, such as restrictions imposed by legal covenants which may restrict the parking of caravans on domestic properties, the operation of a business from home, land ownership disputes and issues over rights of way or access to property for maintenance purposes, would be civil matters and advice may need to be sought from a solicitor.
- 2.11 The Council will endeavour to, where possible, pass on details of complaints which relate to other regulatory regimes, particularly those which constitute a criminal offence.

3. ENFORCEMENT ACTION IS DISCRETIONARY

- 3.1 As outlined above, paragraph 59 of the NPPF advises that whilst effective enforcement is important to maintain public confidence in the planning system, enforcement action is a discretionary function.
- 3.2 It is important to note that, just because there may be a breach of planning control, this in itself may not be sufficient reason to take enforcement action. The Council must first decide, having given regard to the policies contained in its Local Development Plan, the National Planning Policy Framework (NPPF) and any other material planning considerations, whether or not it is 'expedient' to take formal action.
- 3.3 The test of expediency requires a careful assessment of the nature and extent of the breach or breaches of planning control and the degree of harm they might be causing to the environment and/or amenity of the area. Therefore, enforcement action is discretionary, and each case must be assessed on its own merits.
- 3.4 The NPPF also advises that councils should act proportionately with regard to suspected breaches of planning control. Generally, the use of formal enforcement powers should be a last resort, unless the extent and nature of the breach is such that it is causing unacceptable and irreversible harm. Typically, the Council will give those responsible for a breach of planning control the opportunity to cease the breach of planning control or seek to regularise the breach before resorting to using its formal enforcement powers. Ultimately the use of such powers must be proportionate and commensurate to the breach of planning control.

This means that the Council may not take formal enforcement action in all cases where there has been a breach of planning control identified.

- 3.5 All complaints will be:
 - given a priority based on the Council's published priority table (see below);

- investigated, including visiting the site where necessary in line with the published timescales contained in the policy document; and
- pursued until such a time that the matter is satisfactorily resolved by one of the following:
 - The breach is ceased/removed following informal negotiations with enforcement officers.
 - The breach is regularised (either by the grant of retrospective planning permission or the taking of formal action).
 - It is found to be lawful; and/or
 - A decision is taken that it is not expedient to pursue the breach formally.

3.6 In the event that a formal notice is served and there is a failure to comply with the requirements of the notice, it is an option for cases to be pursued through the Magistrates' Courts or higher court where necessary.

4. HOW TO REPORT AN ALLEGED BREACH OF PLANNING CONTROL

4.1 The Council considers a large number of complaints each year concerning alleged breaches of planning control. In order that a complaint can, be dealt with as soon as possible it is important to provide the Council with as much information as possible. Below is a list of the type of information that would assist the Council in dealing with a complaint:

- An accurate description of the exact location or address where the alleged breach is taking place.
- A detailed description of the activities taking place that are cause for concern.
- Where known, the names, addresses and phone numbers of those persons believed to be responsible for the alleged breach or the landowner's details.
- The date and times of when the alleged breach first took place and whether it is ongoing.
- If the complaint relates to a material change of use of the land, a description of the previous use and condition of the land.
- Any other information or evidence that may be able to assist (eg: photographs, vehicle registration numbers).
- The complainant's name, telephone number and address or e-mail address.

4.2 Complaints about alleged breaches of planning control can be submitted through:

- Council's [website](#)
- E-mail: planning.enforcement@ribblevalley.gov.uk
- Letter addressed to – Planning Enforcement Officer, Ribble Valley Borough Council, Council Offices, Church Walk, Clitheroe, Lancashire BB7 2RA.
- Telephone 01200 425111.

- In person at the Council Offices, Church Walk, Clitheroe, Lancashire BB7 2RA.

4.3 It is important for the Council to hold the details of the complainant so that the outcome of the investigation can be communicated to them, or if additional information is required during the course of the investigation. The details of the complainant are normally treated as confidential; however, in some circumstances this may not be possible particularly when matters progress to court and the complainant may be required to give evidence and/or details of the complaint must be disclosed.

4.4 The substance of enforcement complaints are not in themselves confidential. In some cases, it may be necessary to rely on evidence from complainants in order to take action and the complainant would need to consider whether they are willing to assist the Council by collecting evidence and potentially acting as a witness at an appeal or in Court. Information relating to planning issues may also fall within the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 and it is possible that documents may have to be disclosed. A planning enforcement officer will explain what may be required in these cases.

4.5 Once a breach of control has been established, the complainant may be asked to make a note of your observations and keep a log of any relevant activities. It is particularly useful to note times, dates, names, addresses, telephone numbers and registration details of any vehicles involved.

Anonymous Complaints

4.6 Anonymous complaints will not normally be investigated. Complainants who do not wish to give their personal details will be advised to contact either their Ward Councillor or their parish council who may then raise their concerns on their behalf.

Vexatious, Malicious or Repeated Complaints

4.7 Vexatious, malicious or repeated complaints that do not have any substantive planning basis will not normally be investigated.

Abusive or Unreasonable Complainants

4.8 The Council will not tolerate any insulting, threatening words or behaviour towards its staff at any time, either in person or via any other means. Any abusive telephone calls will be terminated. This will be dealt with in accordance with the Council's Unreasonable Customer Behaviour Policy.

How will we Prioritise Complaints?

4.9 In order to make the best use of resources available it is important to prioritise the complaints received in accordance with the seriousness of the alleged breach. This will initially be decided by the Council following receipt of the complaint. However, this may be subject to change following a site inspection or when further information comes to light.

Priority Categories

The Council will designate complaints with the following categories.

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Priority 1 (High)

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

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

Priority 2 (Medium)

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

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

Priority 3 (Routine)

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

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

- display of advertisements not causing significant harm to amenity or public safety.

Timescales for Investigations

4.13 Enforcement officers will endeavour to carry out an initial site visit for:

- Priority 1 cases within 1 working day.
- Priority 2 cases within 5 working days
- Priority 3 cases within 20 working days.

4.14 Each complaint will be allocated a Priority upon receipt based on the information available at that time. Complaints will be re-categorised should further information become available which suggests a quicker response time is more appropriate.

5. WHAT ARE THE POSSIBLE OUTCOMES OF AN INVESTIGATION?

No Breach Established

5.1 Following an initial site visit it may be found that there is no breach of planning control because, for example, the activity or operations do not amount to development, the unauthorised use has ceased, or the development already has planning permission or is permitted development.

There is a Breach of Planning Control but Not Considered Expedient to Pursue?

5.2 Just because a breach may exist does not automatically mean that formal action will be taken. Enforcement powers are discretionary and minor technical breaches or circumstances where the development is considered acceptable (planning permission might be granted) may not be considered expedient to pursue as it may be considered to be 'de minimis' or not in the public interest to warrant pursuing.

The development is Lawful and Immune from Enforcement Action

5.3 This is when the unauthorised development or unauthorised change of use has occurred over a long period of time without being brought to the attention of the Council. There are certain time limits involved in relation to operational development and changes of use. Enforcement action cannot be taken against developments which are immune under planning legislation due to specific time limits which are:

- 4 years for unauthorised operational development or change of use of a building to use as a single dwelling house;
- 10 years for a material change of use of land and buildings or a breach of a condition imposed on a planning permission.

5.4 **Note:** Where it appears that a person has deliberately attempted to conceal a breach of planning control in order to achieve immunity from enforcement action, the Council can apply to the Magistrates' Court for a "Planning Enforcement Order" in respect of the breach. If granted, the Order allows the Council up to a year to take formal enforcement action against the apparent breach. Such circumstances are rare, and the Council must be satisfied that there has been a deliberate attempt to conceal the breach of planning control.

Negotiations Take Place to Find a Solution

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- 5.5 In accordance with Government guidance the first priority is to try and resolve any breaches of planning control through negotiation. Only when such negotiations fail to secure a solution should formal action be considered. The Council will not, however, allow negotiations to become protracted where there is a need to make the development acceptable or where there is a requirement for a particular use to cease.

Lack of Evidence

- 5.6 In some cases it may not be possible for the Council to confirm that the alleged breach is taking place. In such cases, complainants will be asked to assist in providing evidence that could be used at both the appeal stage and at any subsequent legal proceedings. A lack of sufficient evidence may result in no action being taken.

Invite a Retrospective Application

- 5.7 In accordance with Government advice the Council will firstly seek to negotiate an amicable solution to any confirmed breach of planning control. By entering into negotiations with the parties involved, a solution may be found which could involve: the cessation of any unauthorised change of use or building operations; the removal of any unauthorised building works or items constituting a material change of use of land; or the remedy of any breach by the submission of a retrospective planning application.
- 5.8 A retrospective application will be invited where it is considered that there is a reasonable likelihood that planning permission may be granted in line with local and national planning policies or where unacceptable impacts of development could be mitigated or a development may be made acceptable by way of the imposition of conditions.
- 5.9 Minor or technical breaches of planning control may not be pursued in the event that a retrospective application has been requested and not submitted or where it is not considered expedient or in the public interest to do so.

Formal Action

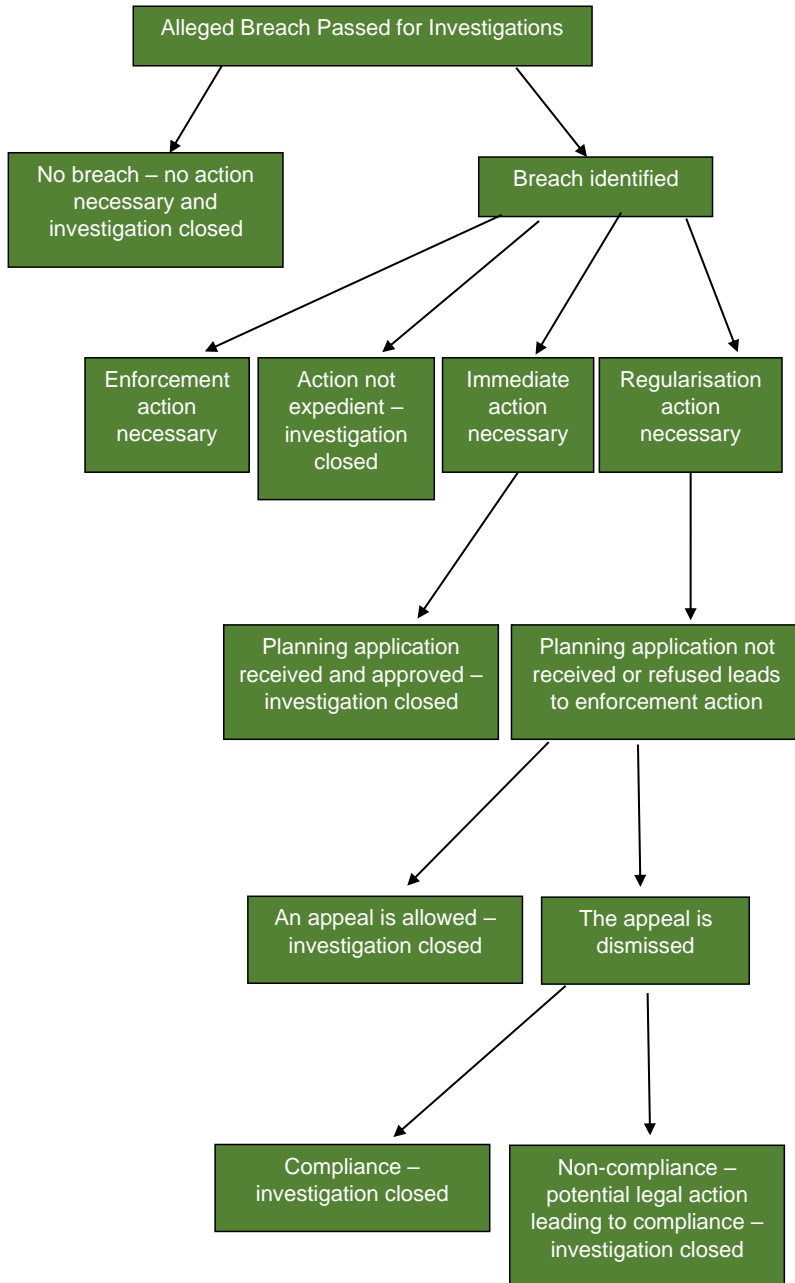
- 5.10 The Council has a range of formal powers under the Town and Country Planning Act that it can use to remedy breaches of planning control. More information on these powers can be found at Appendix 1.
- 5.11 In addition to the powers detailed in Appendix 1, the Local Planning Authority also has powers under the Planning (Listed Buildings and Conservation Areas) Act 1990 to serve a repair notice or require urgent works to be undertaken in the interests of preserving a listed building/structure.
- 5.12 Further information is available in [the National Planning Policy Guidance](#).~~The National Planning Policy Guidance (NPPG)~~.
- 5.13 In addition to the above, further action is available including taking direct action to remedy a breach or to instigate prosecution proceedings in The Magistrates' Court for non-compliance with a formal notice where it is deemed necessary to do so.
- 5.14 The Council will comply with the provisions of the Police and Criminal Evidence Act 1984 when interviewing persons suspected of a criminal offence. In exceptional circumstances surveillance may be considered to investigate an alleged breach, in

these circumstances the Regulation of Investigatory Powers Act 2000 (RIPA) and the Council's RIPA policy will apply.

5.15 Where the Council takes formal enforcement action (to include the issue of a Planning Contravention Notice) it will notify the ward councillor(s) for the relevant area and the Chair of Planning and Development Committee within 2 working days of having done so.

6. WHAT HAPPENS IF AN ALLEGATION IS MADE AGAINST YOU?

- 6.1 If a complaint is received that affects you, the first thing that will happen is either you will be contacted (where your details are known to the Council) or the site in question will be visited by an enforcement officer. The purpose of this initial visit is to establish the facts of the case and whether there is any basis to the allegations made. The officer will, where necessary, take measurements and photographs of the development or activity taking place. This site inspection may be undertaken without any prior notification.
- 6.2 If it is established that a breach of planning control has occurred, you will be advised of the details of the breach and of what steps need to be taken to either rectify the breach or regularise the situation.
- 6.3 You will be given a reasonable period of time (subject to the nature of the breach) to resolve any breach of planning control. If compliance is not secured through amicable negotiations or the submission of a retrospective planning application, formal action may be instigated.
- 6.4 The Council will seek to avoid long drawn-out negotiations intended to hold the council back from taking formal action. In many cases, particularly where the works are likely to be acceptable, you may be invited, without prejudice, to submit a retrospective planning application. In cases where pre-commencement conditions have not been discharged, you may still be able to apply to discharge the condition providing the permission has not lapsed. Alternatively, you may need to submit a new planning application.
- 6.5 If you are served with a formal notice, the enforcement officer can help to explain the general meaning of the notice and assist you to understand its implications. However, the Council's enforcement officers cannot act as your advisors and cannot make decisions on your behalf. In such circumstances you are strongly advised to also seek your own independent legal/ planning advice.
- 6.6 The process for dealing with allegations of unauthorised development is set out in the flow chart below:



7. POWER OF ENTRY ONTO LAND

- 7.1 Section 196 of the Town and Country Planning Act (as amended) and the Planning (Listed Buildings and Conservation Area) Act 1990 gives officers of the Council the power to enter land and/or premises at all reasonable hours in order to undertake his/her official duties. Wilful obstruction of a person exercising a right of entry is an offence.
- 7.2 The above does not allow the admission to any building used as a dwelling house to be demanded as a right by virtue of the aforementioned legislation, unless twenty-four hours prior notice of the intended entry has been given to the occupier of the building.

8. REPORTING ON SUCCESSFUL RESOLUTIONS

- 8.1 The Council understands that the enforcement process can often appear opaque from the public's perspective as the Council does not hold regular consultations on specific investigations. This is to ensure that the evidence collected during investigations is legitimate and admissible in court should this be necessary. However, in order to ensure that the public see real enforcement work being carried out either through positive negotiation, regularisation or through stronger enforcement powers, Officers will report to the Planning and Development Committee quarterly on Enforcement generally and to provide details on any specific cases where formal action has been successful.

9. PLANNING ENFORCEMENT REGISTER

- 9.1 The Council holds a Planning Enforcement Register which provides details of the Enforcement Notices issued by the Local Planning Authority. The Register can be found at [Planning Enforcement](#)

10. PROACTIVE DEVELOPMENT MONITORING

- 10.1 Paragraph 59 of the NPPF requires councils to, whilst setting out their Enforcement Plan, set out how they will monitor the implementation of planning permissions being developed out within their area.
- 10.2 The Council is currently delivering a large amount of development as part of its adopted Core Strategy and these developments, usually of a large scale, are mostly located close to existing settlements and therefore have potential to impact on the amenities of existing residents during the construction phase. Furthermore, developers are often required to implement various environmental safeguards and enhancements as part of their development package which must be delivered in a timely fashion, as controlled by the planning permission. For many larger scale developments, financial obligations or infrastructure are also secured and the payment of these funds or the delivery of the infrastructure is often provided for by complying with the requirements of the Section 106 Agreement.
- 10.3 For these reasons the Council operate a proactive development monitoring service to ensure that developments are carried out strictly in accordance with the restrictions, limitations and requirements of the planning permissions, including any conditions imposed on the consent as well as any obligations secured through a Section 106 Agreement. The Council will achieve this by:

- actively monitoring the progress of developments, including commencement and occupation levels;
- ensuring that, where appropriate, developers provide details and information secured by condition and through Section 106 Agreements in accordance with the required timescales of the planning permission;
- ensuring that the development is carried out in accordance with the approved plans/details and that this is achieved within the agreed timescales; and
- ensuring that all financial obligations are secured and collected as required by the planning permission.

10.4 Certain elements of the development such as the adoption of roads and sewers as well as occupier contributions to fund management companies are not controlled through the planning permission and therefore sit outside of the remit of the Council.

10.5 Through the proactive monitoring of development sites, the Council will, when a breach is identified, investigate the breach in accordance with monitoring and timescales explained earlier in this policy. As with reactive planning enforcement and in line with national planning policy guidance, not all breaches of planning control will result in formal enforcement action. Each breach will be investigated and considered on its own merits appropriately considering the level of harm arising from the breach. Carrying out proactive compliance in this way should result in a reduction in the number of retrospective enforcement complaints received.

11. HUMAN RIGHTS ACT/EQUALITY ACT

11.1 When making decisions relating to enforcement activity officers will have regard to the Human Rights Act 1998 and the Equality Act 2010.

12. HOW YOU CAN HELP US

12.1 If you are unsure as to whether planning permission is required, please contact the Council's Planning service for advice before starting work.

12.2 If you already have planning permission, check to see if any conditions must be satisfied before starting work and ensure you build in accordance with the approved plans. If you want to make any changes, please contact the Planning service before carrying out work which deviates from or is not shown on your approved plans.

13. COMPLAINTS ABOUT THE SERVICE

13.1 If you are unhappy about the level of service you have received from the planning enforcement service, or how the process has been managed, then you may firstly discuss your concerns with the Head of Legal and Democratic Services or take it further through the Council's Corporate Complaints Procedure. Details of how to make a complaint may be found at [Complaints](#).

13.2 If, after the matter has been through the Council's complaints procedure you remain unhappy, you may then write to the Local Government Ombudsman who may investigate your concerns. However, please note that the Local Government

Ombudsman will only become involved if the matter has been considered under the Council's complaints procedure.

14. HOW TO CONTACT US

14.1 You can contact us:

Telephone: 01200 425111

Email: planning.enforcement@ribblevalley.gov.uk

Post: Planning Enforcement, Ribble Valley Borough Council, Council Offices, Clitheroe, Lancashire BB7 2RA.

APPENDIX

Summary of Enforcement Powers

This Appendix contains a summary of the main formal enforcement powers available to the Council when investigating enforcement enquiries and dealing with breaches of planning control. In each individual case the Council must assess which action or combination of actions is best suited to dealing with the particular breach of planning control in order to achieve a satisfactory and cost-effective remedy. Most of these powers are contained within the Town and Country Planning Act 1990 ("The 1990 Act"). The Council has other powers at its disposal which may be the responsibility of other areas of the Council, for example, Environmental Health, and the most appropriate powers or combination of powers may be used to address a situation.

Requests for Information Notices

Planning Contravention Notice (PCN) (Section 171C of the 1990 Act)

This can often be the first formal step in resolving a breach of planning control. It is the main method for gathering further information regarding suspected breaches of planning control. The intention of a PCN is also to send a clear warning that further formal action is being considered once the facts of the case have been established.

Section 330 Notice (Section 330 of the 1990 Act)

This power is also used to obtain information, although usually in cases where the Council has sufficient details about the activities being carried out but requires further information concerning ownership. It involves serving a formal notice on occupiers and/or persons with other interests in the premises or land.

Note: For both of these notices it is an offence to fail to comply with the requirements of the notice within the period set for its return OR to make false or misleading statements in reply.

Formal Enforcement Notices

Enforcement Notice (EN) (Section 172 of the 1990 Act)

This is the most common form of notice used to deal with a breach of planning control. It is served when the Council is satisfied that there has been a breach of planning control and that it is expedient to take action. An EN will allege the breach or breaches of planning control that has or have taken place, the steps that must be taken to remedy that breach or breaches and specify the time period for compliance with the requirements of the notice.

An EN does not take effect until at least 28 days after being served to allow the recipient(s) time to lodge an appeal with the Secretary of State. An appeal stops the notice taking effect until the appeal is determined. If an appeal is lodged all complainants and immediate neighbours will be advised of the appeal and how to make representations to the Planning Inspectorate.

Failure to comply with the requirements of an EN once it has taken effect is a criminal offence which, on conviction in the Magistrates' Court, can lead to a fine of up to £20,000 or an unlimited fine on conviction in the Crown Court.

Breach of Condition Notice (BCN) (Section 187A of the 1990 Act)

Can be used as an alternative to an EN but only in circumstances where there has been a failure to comply with certain conditions placed on a planning permission. (It does not apply to breaches of control relating to listed buildings, advertisements, or protected trees). A BCN will specify details of the breach and the steps required to secure compliance. Unlike an EN, there is no right of appeal against a BCN and it takes effect immediately. However, a minimum period of 28 days has to be given for compliance.

Failure to comply with the requirements of a BCN is a criminal offence which, on conviction in the Magistrates' Court, can lead to a fine up to £2,500.

Stop Notice (SN) (Sections 183 & 184 of the 1990 Act)

Used alongside the serving of an EN, when the effects of continued unauthorised activity are seriously detrimental to amenity, public safety or causing irreversible harm to the environment an immediate action to stop the activity is justified. This notice can be used to ensure that the activity does not continue during the time before the EN takes effect or when an appeal is lodged against the EN.

SN's are normally only used in very exceptional circumstances as there can be significant compensation liabilities against the Council if the EN is subsequently quashed.

Failure to comply with the requirements of an SN is a criminal offence which, on conviction in the Magistrates' Court, can lead to a fine up to £20,000 or an unlimited fine on conviction in the Crown Court.

Temporary Stop Notice (TSN) (Section 171E-H of the 1990 Act)

As with SN's, TSN's are normally only used in exceptional circumstances. Unlike an SN, however, a TSN can be served without first having to serve an EN. However, TSN's can only seek cessation of activity for a period of 28 days and so will only be applied where the serious breach needs to be stopped immediately whilst the Council considers whether an EN needs to be issued.

Failure to comply with the requirements of a TSN is also a criminal offence which, on conviction in the Magistrates' Court, can lead to a fine up to £20,000 or an unlimited fine on conviction in the Crown Court.

Planning Enforcement Order (Sections 171BA to 171 BC of the 1990 Act)

Used where the normal time periods for immunity, a period after which enforcement action cannot be taken, has passed. Where a person deliberately conceals unauthorised development, the deception may not come to light until after the time limits for taking enforcement action have expired. A Planning Enforcement Order enables an authority to take action in relation to an apparent breach of planning control, notwithstanding that the time limits may have expired.

Untidy Land Notice (ULN) (Section 215 of the 1990 Act)

The Council has the power to issue a ULN on the owner or occupier of land if it appears that the amenity of the area is adversely affected by the condition it is being kept in. A ULN may

deal with buildings as well as land and would specify the steps required to remedy the existing condition and within what time scale. The recipient of ULN can appeal against it to the Magistrates' Court.

Failure to comply with a ULN is an offence which, on conviction in the Magistrates' Court, can lead to a fine up to £1,000 on conviction. The Council may also use its direct-action powers (see below) to enter the land and carry out the requirements of a ULN that has not been complied with.

Tree Replacement Notice (TRN) (Section 207 of the 1990 Act)

If a tree that is protected by a Tree Preservation Order is removed, uprooted or destroyed in contravention of the Order there is a duty on the landowner to plant a replacement tree of appropriate size and species in the same place. Where the landowner does not comply with this duty, the council has the power to serve a TRN requiring them to plant a replacement tree or trees. The TRN will specify the species and size of tree or trees to be planted and also the time period for compliance. A TRN does not take effect until at least 28 days after being served to allow the recipient(s) time to lodge an appeal to the Secretary of State. An appeal stops the notice taking effect until the appeal is determined.

Works in Default Powers (ie: Direct Action)

The Council may enter land and carry out the required works to secure compliance when an EN, ULN, LBEN (see below) or TRN has taken effect but has not been complied with. There is no requirement to give notice to either the owner or occupier of the land and anyone who wilfully obstructs the exercise of these powers is guilty of a criminal offence. The costs of the works in default can be recovered from the landowner or a legal charge placed on the land.

Other Enforcement Powers

Prosecution

Unauthorised works to a Listed Building.

Under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is a criminal offence to demolish a listed building or to carry out works/alterations which affect its character without the Council's prior written consent. Where such works have taken place without permission the Council may prosecute anyone who is found to have executed the work or to have caused the work to be executed.

It is also an offence to demolish unlisted buildings/structures in a Conservation Area (subject to some exceptions) without planning permission.

The penalty on conviction in the Magistrates Court for this offence could be imprisonment for up to six months or a fine of up to £20,000 or both. The penalty on conviction in the Crown Court for this offence could be imprisonment for up to two years or an unlimited fine or both.

Unauthorised works to protected trees.

Under section 210 of the 1990 Act, it is a criminal offence to cut down, uproot, wilfully destroy or wilfully damage a tree protected by a Tree Preservation Order or in a Conservation Area. Consent from the Council also has to be obtained for any remedial works to a protected tree such as lopping or pruning. Where such works have taken place without consent the Council

may prosecute anyone who is found to have carried out the work or anyone who has caused or permitted the work to be carried out.

The penalty on conviction in the Magistrates Court for this offence could be a fine of up to £20,000. The penalty on conviction in the Crown Court for this offence could be an unlimited fine.

Display of Unauthorised Advertisements.

Under section 224 of the 1990 Act it is a criminal offence for any person to display an advertisement in contravention of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

The penalty on conviction in the Magistrates Court for this offence could be a fine of up to £1000.

Injunctions (section 187B of the 1990 Act)

In exceptional cases where there is a necessary and serious need to restrain an actual or apprehended breach of planning control, the Council can apply to the County Court or High Court for injunctive relief. An injunction can be sought whether or not any other enforcement action(s) has been taken.

Injunctive action can be very costly and is normally only considered as a last resort where other enforcement action is unlikely to resolve a breach. If successful, the Council will obtain an Order from the Court restraining the breach of planning control against the landowner and even against persons unknown.

If a person fails to comply with an injunction they can be committed to prison for contempt of court.

Listed Building Enforcement Notice (LBEN)

Under the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council has the power to issue a Listed Building Enforcement Notice where unauthorised works have been or are being carried out to the listed building without Listed Building Consent. As with a standard Enforcement Notice, a Listed Building Enforcement Notice will specify the nature of the unauthorised works, the steps that must be taken to restore the building to its former state or, where this is not possible, any further remedial works that are considered necessary. The notice will also specify the time period for compliance with the requirements of the notice and may specify a different time period for each different step that is required to be undertaken. A Listed Building Enforcement Notice does not take effect until at least 28 days after being served to allow the recipient(s) time to lodge an appeal to the Secretary of State. An appeal stops the notice taking effect until the appeal is determined. If an appeal is lodged all complainants and immediate neighbours will be advised of the appeal and how to make representations to the Planning Inspectorate

Failure to comply with a Listed Building Enforcement Notice that has taken effect is a criminal offence which, on conviction in the Magistrates' Court, can lead to a fine of up to £20,000 or an unlimited fine on conviction in the Crown Court.

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RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: 11 JANUARY 2024
title: REVISED REVENUE BUDGET 2023/24
submitted by: DIRECTOR OF RESOURCES & DEPUTY CHIEF EXECUTIVE
principal author: VALERIE TAYLOR

1 PURPOSE

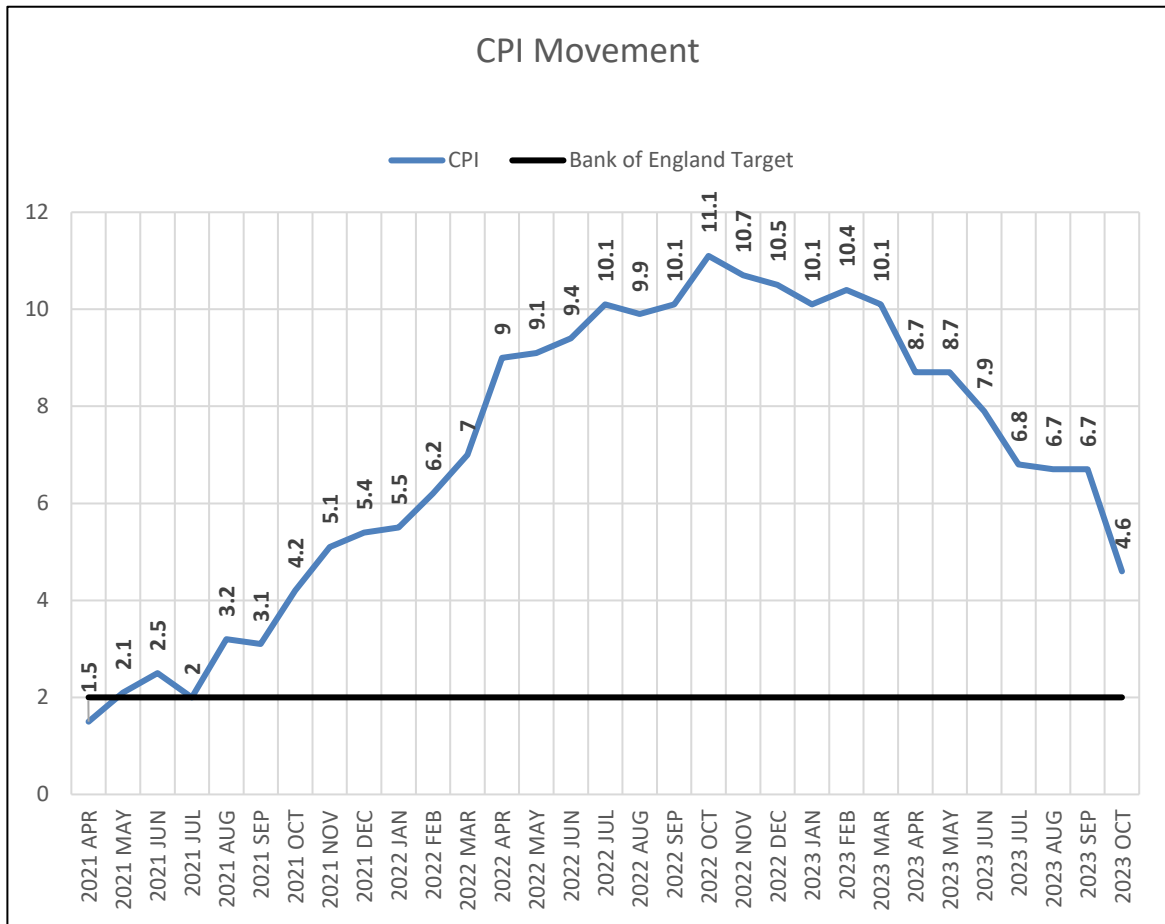
- 1.1 To agree a revised revenue budget for 2023/24 for this committee.

2 BACKGROUND

- 2.1 The original estimate for this current financial year was set in March 2023.
- 2.2 As members will be aware, there can be numerous variations to the budget that come to our attention as the year progresses, particularly through the budget monitoring process.
- 2.3 At this time of year we revise the estimates for the current financial year in order to predict the likely outturn. In essence the Revised Estimate is the council's latest forecast for the outturn on the current financial year's budget. This also assists us in preparing the original estimate for the coming financial year.

3 REVISING THE ORIGINAL ESTIMATE

- 3.1 Since the budget was originally set we now have the benefit of information from the outturn position for 2022/23 and the variances that were experienced in that financial year. Furthermore, as we have been monitoring our budgets during the year we can also use this information to inform the revised budget process.
- 3.2 When setting our budgets for the current year we were facing record levels of inflation at 10.1% in the 12 months to September 2022 when we started the process. We were also facing significantly higher utility costs for gas, electricity and fuel.
- 3.3 We decided to allow 5% for pay increases and price increase of 7.5% as we anticipated inflation would fall during the year.
- 3.4 The pay award for 2023/24 has now been settled at £1,925 per full time employee up to spinal column point 43, 3.88% for Heads of Service and 3.5% for Chief Officers. Overall the cost of the pay award for Ribble Valley was 6.5% which is around £170k above the 5% we had allowed for.
- 3.5 As mentioned we have experienced levels of inflation we have not seen for many years. The Consumer Price Index (CPI) fell to 6.7% in the 12 months to September 2023 and further to 4.6% in the twelve months to October 2023. Our revised estimates take into account the changes in the level in inflation that we have experienced so far and assumptions upto the end of March 2024. The graph below shows the movement in CPI since September 2022.



- 3.6 There have been detailed discussions with budget holders and heads of service on past service provision and future plans both playing an important part in the budget setting process.
- 3.7 Committee decisions during the year have also been incorporated into the budget setting process where appropriate.
- 3.8 The revised estimates for this committee are set out in the following section, with details of the movements that affect this revision being detailed at Annex 1. There are also details of the current actual position as at the end of November against the profiled Original Estimate and alongside the proposed Revised Estimate at Annex 2.

4 PROPOSED REVISED REVENUE BUDGET 2023/24

- 4.1 A comparison between the Original and Revised budgets for each cost centre is shown below, together with the associated movements in earmarked reserves.

Cost Centre and Description	Original Estimate 2023/24	Movement in Expenditure	Movement in Income	Movement in Support Services	Movement in Capital Charges	Revised Estimate 2023/24
AONBS: Area of Outstanding Natural Beauty	18,710	-610		530		18,630
BCFEE: Building Control Fee Earning	5,360	-5,960	29,580	-3,800		25,180

Cost Centre and Description	Original Estimate 2023/24	Movement in Expenditure	Movement in Income	Movement in Support Services	Movement in Capital Charges	Revised Estimate 2023/24
BCNON: Building Control Non Fee Earning	88,480	1,130	370	-19,960		70,020
CONSV: Conservation Areas	7,930			-6,580		1,350
COUNT: Countryside Management	61,750	3,180	-1,850	5,270		68,350
ECPLA: Economic Development and Planning Dept	0	-8,550	-5,750	14,300		0
LPLAN: Local Plan	273,040	-63,170		-27,190		182,680
PLANG: Planning Control & Enforcement	280,200	-50	44,040	7,380		331,570
PLANP: Planning Policy	95,690			-670		95,020
PLSUB: Grants & Subscriptions - Planning	11,650	-11,650				0
Grand Total	842,810	-85,680	66,390	-30,720		792,800
Associated Movements in Earmarked Reserves						
PLBAL/H234 Building Regulation Reserve	-5,360	5,960	-29,580	3,800		-25,180
PLBAL/H387: Local Plan Reserve	-101,780	48,570				-53,210
PLBAL/H336: Planning Reserve	0	-3,600				-3,600
PLBAL/H313: Biodiversity Net Gain Reserve	0	-8,450				-8,450
FNBAL/H326: Performance Reward Grant Reserve	0	-1,040				-1,040
Net After Movement in Earmarked Reserve	735,670	-44,240	36,810	-26,920	0	701,320

4.2 The difference between the revised and original estimate is a decrease in net expenditure of £50,010 or a decrease in net expenditure of £34,350 after allowing for movements in earmarked reserves.

5 KEY MOVEMENTS FROM ORIGINAL ESTIMATE TO REVISED ESTIMATE

5.1 Within the proposed Revised Estimate there are a number of substantial movements, and these are summarised in the table below. A more detailed analysis of the movements is provided at Annex 1.

Description	Movement from Original Estimate 2023/24 to DRAFT Revised Estimate 2023/24
<p><u>BCFEE: Building Control Fee Earning Account</u> Demand for building control services this year has been lower than originally forecast, and as a result the income estimates for the year have been decreased at the draft revised estimate.</p>	29,580
<p>The annual net surplus or deficit from the building control fee earning service is set aside in a separate earmarked reserve under charging regulations. At revised estimate 2023/24 it is forecast that the service will be in a deficit position, with a further £19k being released from the earmarked reserve to support the service than originally estimated.</p>	-19,820
<p><u>ECPLA: Economic Development and Planning Department</u> A full review of salary, national insurance and superannuation estimates has been undertaken at revised estimate. After adjusting for the 2023/24 pay award and departmental vacancy underspends the estimates have been reduced by £28k.</p>	-28,390
<p>Underspends above are partially offset by the cost of consultancy services that were engaged to help progress the new local plan following a prolonged vacancy in a key post during the previous financial year. This expenditure of £21k has been partially offset by release of funds previously set aside in earmarked reserves, leaving a net increase at revised estimate of £6k.</p>	6,400
<p><u>LPLAN: Local Plan</u> Funds estimated to be expended on supplies and services to progress the new local plan are now expected to be £63k lower than originally estimated for the 2023/24 financial year, with these costs now falling into a future financial year.</p>	-63,170
<p>The budget available to support expenditures on the new local plan is set aside in earmarked reserves. As costs this year are now expected to be lower than originally estimated this has in turn reduced the release from earmarked reserves.</p>	63,170
<p><u>PLANG: Planning Control & Enforcement</u> Reduction to estimated planning application fee income for the year. This is after accounting for the minimum 25% increase in planning application fees that is to be implemented from 6th December 2023 (see December 2023 report to this committee for further information).</p>	31,000

Description	Movement from Original Estimate 2023/24 to DRAFT Revised Estimate 2023/24
Demand for Pre-application advice is lower than that originally estimated.	12,650
Estimated consultancy costs for specialist Heritage Advice (approved by this Committee April 2023) and ecology advice for delivery of mandatory Biodiversity Net Gain (approved by this Committee December 2023).	10,040
Estimated release of Biodiversity Net Gain (BNG) new burdens grant funding that was received and set aside in earmarked reserves last financial year. This is to fund the cost of ecology advisors (above) and internal staffing costs for time spent preparing for the introduction of BNG.	-8,450
The planning section has generated savings on the cost of statutory planning notices by reducing both the size and frequency of newspaper notices.	-16,120
<u>Net support charges</u> Net reduction to estimated support charges at the draft revised estimate.	-30,720

6 CONCLUSION

6.1 The difference between the Revised and Original Estimate is a decrease in net expenditure of £34,350 after allowing for transfers to and from earmarked reserves.

7 RISK ASSESSMENT

7.1 The approval of this report may have the following implications

- Resources: The total movement from the Original Estimate to the Revised Estimate is a decrease of £50,010, or £34,350 after movements in earmarked reserves.
- Technical, Environmental and Legal: none identified
- Political: none identified
- Reputation: sound financial planning safeguards the reputation of the Council
- Equality and Diversity – Equality and diversity issues are considered in the provision of all Council services.

8 RECOMMENDED THAT COMMITTEE

8.1 Agree the revenue revised estimate for 2023/24.

SENIOR ACCOUNTANT

DIRECTOR OF RESOURCES
AND DEPUTY CHIEF EXECUTIVE

PD1-24/VT/AC

For further background information please ask for Valerie Taylor
BACKGROUND PAPERS - None

**PLANNING AND DEVELOPMENT COMMITTEE
VARIANCES FROM ORIGINAL ESTIMATE TO REVISED ESTIMATE 2023/24**

ANNEX 1

	MOVEMENT IN EXPENDITURE £	MOVEMENT IN INCOME £	MOVEMENT IN SUPPORT SERVICES £	MOVEMENT IN CAPITAL £	TOTAL MOVEMENT £
AONBS: Area of Outstanding Natural Beauty					
Reduction to the estimated cost of the annual contribution towards the Forest of Bowland AONB Partnership.	-610				
Increase in support service recharge from the Economic Development and Planning department.			590		
Total Area of Outstanding Natural Beauty	-610	0	590	0	-20
BCFEE: Building Control Fee Earning Account					
Net movement of a share of the building control fee earning budget that is now to be charged to non-fee earning activities under cost centre BCNON. This is to ensure that those costs charged to the fee earning account under this cost centre are allocated per the estimated time spent under each area in order to comply with building control charging regulations.	-2,790				
Reduction to the estimated cost of tuition fees expected to be expended during the 2023/24 financial year due to a vacancy within the section.	-1,880				
The cost of mileage claims during the year is lower than the budget available	-1,460				
Expenditure on the authorised refund of building control fees at the date of the review.	1,350				
The budget for promotional activities is not expected to be required this financial year.	-700				
Net decrease in support service costs due to changes in cost allocations from the ICT, Chief Executives, Resources and Economic Development & Planning Departments.			-3,800		
Demand for building control services during the year is lower than originally estimated, this is likely due to impact of the cost of living crisis and inflation within the building control industry. The level of estimated income to be received has been reduced by 15% in line with the variance for the period to November.		30,750			

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PLANNING AND DEVELOPMENT COMMITTEE
VARIANCES FROM ORIGINAL ESTIMATE TO REVISED ESTIMATE 2023/24

ANNEX 1

	MOVEMENT IN EXPENDITURE £	MOVEMENT IN INCOME £	MOVEMENT IN SUPPORT SERVICES £	MOVEMENT IN CAPITAL £	TOTAL MOVEMENT £
Higher demand for non-vatable building control services (where there is no private sector competition) increasing the estimate for the year.		-1,170			
Total Building Control Fee Earning A/c	-5,480	29,580	-3,800	0	20,300
BCNON: Building Control Non Fee Earning Account					
Share of building control fee earning budget now to be accounted for under this cost centre following review (see BCFEE),	2,790				
Reduction in various estimated expenditure budgets, particularly tuition fees (-£700) and mileage allowances (-£540) for the reasons set out at BCFEE.	-1,660				
Net decrease in support service costs due to changes in cost allocations from the ICT, Chief Executives, Resources and Economic Development and Planning Departments.			-19,960		
Total Building Control Non Fee Earning A/c	1,130	0	-19,960	0	-18,830
CSERV: Conservation Areas					
Decrease in support service costs due to changes in cost allocations from the Economic Development and Planning Department.			-6,420		
Total Countryside Management	0	0	-6,420	0	-6,420
COUNT: Countryside Management					
Release of S106 funds showing as income and associated expenditure to pay for the cost of footpath flood mitigation measures at Whalley community woodland, Calderstones.	1,850	-1,850			
Expenditure to replace vandalised Queen's Platinum Jubilee trees. To be funded from remaining funds available for the project in the Performance Reward Grant reserve.	1,040				
Net increase in support service costs due to changes in cost allocations from the Community Services, Chief Executives, Resources and Economic Development and Planning Departments.			5,270		
Total Countryside Management	2,890	-1,850	5,270	0	6,310
ECPLA: Economic Development and Planning Dept					

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**PLANNING AND DEVELOPMENT COMMITTEE
VARIANCES FROM ORIGINAL ESTIMATE TO REVISED ESTIMATE 2023/24**

ANNEX 1

	MOVEMENT IN EXPENDITURE	MOVEMENT IN INCOME	MOVEMENT IN SUPPORT SERVICES	MOVEMENT IN CAPITAL	TOTAL MOVEMENT
	£	£	£	£	£
A full review of salary estimates has been undertaken to account for the 2023/24 pay award and departmental vacancy underspends. This has reduced estimated expenditure for the year at revised estimate by £18k.	-18,100				
Net decrease to employer national insurance and superannuation estimates following review of spend to date and vacant posts.	-10,290				
Expenditure on consultancy services towards the beginning of the financial year to help progress the local plan following a prolonged vacancy during the previous year. £14k of the expenditure has been met from associated vacancy underspends that were set aside in the local plan earmarked reserve last year, with the remainder being funded from current year underspends on the associated vacant post.	21,000				
Expenditure on recruitment advertising for vacant posts this financial year above that at original estimate.	3,150				
Mileage claims are lower than that allowed for at original estimate.	-3,360				
The annual cost of the Geographical Information Service (Mapzone) which is used by all departments is now to be shared across those departments rather than being charged in full to the planning section.	2,670				
The estimated cost of lease cars within the department is lower than the budget following termination of a lease contract.	-3,000				
Photocopying costs within the section are lower than estimated, likely due to office/homeworking hybrid work arrangements.	-1,000				
Recovery of the cost of qualification training following termination of an employment contract.		-5,750			

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PLANNING AND DEVELOPMENT COMMITTEE
VARIANCES FROM ORIGINAL ESTIMATE TO REVISED ESTIMATE 2023/24

ANNEX 1

	MOVEMENT IN EXPENDITURE £	MOVEMENT IN INCOME £	MOVEMENT IN SUPPORT SERVICES £	MOVEMENT IN CAPITAL £	TOTAL MOVEMENT £
Net decrease in support service costs due to changes in cost allocations from council premises and the ICT, Community Services, Chief Executives and Resources Departments.			-12,440		
A decrease to the net cost of the department overall as a result of the reasons listed above has in turn decreased the recharges out to other service areas.			26,740		
Total: Economic Development and Planning Department	-8,930	-5,750	14,300	0	-380
LPLAN: Local Plan					
Reduction to estimated expenditures on the local plan from original to draft revised estimate 2023/24. This is caused by the timing of local plan expenditures that will now fall into a future financial year, mainly within the budget that is available for consultancy support. Funds for the local plan budget are to be expended over the lifetime of the project and have therefore previously been set aside in earmarked reserves to be released in the financial year (s) that expenditures occur. After accounting for associated movements in earmarked reserves there is a net variance of nil.	-63,170				
Decrease in support service cost allocation from the Economic Development and Planning Department.			-26,860		
Total: Local Plan	-63,170	0	-26,860	0	-90,030
PLANG: Planning Control & Enforcement					
Reduction to the annual estimated cost of scanning services following review of likely requirements to the end of the year.	-1,000				
The annual cost of the Geographical Information Service (Mapzone) which is used by all departments is now to be shared across those departments rather than being charged in full to the planning section.	-8,840				

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**PLANNING AND DEVELOPMENT COMMITTEE
VARIANCES FROM ORIGINAL ESTIMATE TO REVISED ESTIMATE 2023/24**

ANNEX 1

	MOVEMENT IN EXPENDITURE £	MOVEMENT IN INCOME £	MOVEMENT IN SUPPORT SERVICES £	MOVEMENT IN CAPITAL £	TOTAL MOVEMENT £
New subscription to Building Cost Information Services online to enable access to price indices that are needed to index S106 agreement funds (to be recovered from S106 agreement fees)	1,640				
Increase to the annual estimated cost of consultancy services for the planning section: - £3.6k increase to appeal/enforcement costs for which the base budget is available (to be funded from the planning earmarked reserve) - £7.8k for the estimated cost of Heritage Advice services for the 2023/24 financial year following replacement of two vacant Principal Planning Officer posts with Senior Planning Officers (approved by this Committee April 2023). - £10.7k for the cost of Archaeological advice services (previously charged to PLSUB cost centre) - £2.2k for the estimated cost of specialist ecology advisors to support the council in delivering the mandatory Biodiversity Net Gain requirement that is expected to commence in January 2024 (as reported to this committee in December 2023). The cost of these services for the current financial year is to be met from new burdens grant funding.	24,350				
The section has generated savings on the cost of statutory planning notices by reducing both the size and frequency of newspaper notices.	-16,120				
Net decrease in support service costs from the Chief Executives Department of -£19k that has been more than offset by an increase in costs from the Economic Development and Planning Department of £25k.			6,670		

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PLANNING AND DEVELOPMENT COMMITTEE
VARIANCES FROM ORIGINAL ESTIMATE TO REVISED ESTIMATE 2023/24

ANNEX 1

	MOVEMENT IN EXPENDITURE £	MOVEMENT IN INCOME £	MOVEMENT IN SUPPORT SERVICES £	MOVEMENT IN CAPITAL £	TOTAL MOVEMENT £
The estimated income to be generated from planning fees has been reduced at the draft revised estimate. Income generated to the time of the review was £57k lower than that originally estimated. The budget then assumes that income for the period November to March will be in line with the last financial year and builds in an inflation rate of 25% to account for the minimum increase in fees that is to be implemented nationally from December 2023 (see December 2023 report to this committee for further information concerning the fee increases).		31,000			
There has been lower demand for the pre-application advice service than the original estimate.		12,650			
Total Planning Control & Enforcement	30	43,650	6,670	0	50,350
PLANP: Planning Policy					
Net decrease in support service costs due to changes in cost allocations from the Community Services, Economic Development and Planning, Chief Executives and Resources Departments.			-670		
Total Planning Policy			-670		-670
PLSUB: Grants and subscriptions planning					
This budget was for the cost of Archaeological Advice Services for the planning section that has now been brought under the Planning Control & Enforcement cost centre (PLANG)	-11,650				
Total Grants and Subscriptions planning	-11,650				-11,650
Other	110	760	160		1,030
Sub-total	-85,680	66,390	-30,720		-50,010
MOVEMENT IN EARMARKED RESERVES					
PLBAL/H336					
Planning Reserve					
Spend on consultants/ legal advice for planning appeals and enforcement matters is higher than originally estimated. The increase in the draft budget at revised estimated is to be funded from the planning reserve.	-3,600				-3,600
PLBAL/H313					
Biodiversity Net Gain Reserve					

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PLANNING AND DEVELOPMENT COMMITTEE
VARIANCES FROM ORIGINAL ESTIMATE TO REVISED ESTIMATE 2023/24

ANNEX 1

	MOVEMENT IN EXPENDITURE £	MOVEMENT IN INCOME £	MOVEMENT IN SUPPORT SERVICES £	MOVEMENT IN CAPITAL £	TOTAL MOVEMENT £
Release of new burdens grant funding received during the 2022/23 financial year to be expended on the estimated cost of preparing for and implementing mandatory Biodiversity Net Gain during 2023/24.	-8,450				-8,450
PLBAL/H234 Building Regulation Reserve					
Under charging regulations any surplus/ deficit from building control fee charging activities is held in a separate earmarked reserve. Revisions to draft estimates for 2023/24 have therefore impacted on the anticipated movements in reserve (see BCFEE).	5,960	-29,580	3,800		-19,820
PLBAL/H326 Performance Reward Grant					
Release from reserves to pay for the replacement of vandalised Queen's Platinum Jubilee trees (COUNT).	-1,040				-1,040
PLBAL/H387 Local Plan Reserve					
The reduction to estimated expenditures on the new local plan for the reasons set out at LPLAN has in turn decreased the estimated release from earmarked reserves to support current year expenditures.	63,170				63,170
Release of funds set aside in earmarked reserves to contribute towards the cost of a consultant that was engaged during the year to help progress the local plan (see ECPLA).	-14,600				-14,600
Total Movement in Earmarked Reserves	41,440	-29,580	3,800		15,660
Total Movement	-44,240	36,810	-26,920		-34,350

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ACTUAL TO DATE WITH ORIGINAL ESTIMATE AND PROPOSED REVISED ESTIMATE

Cost Centre	Description	Original Estimate to End November	Actual and Commitments to End November	Full Year Original Estimate	Proposed Revised Estimate
AONBS	Area of Outstanding Natural Beauty	0	0	18,710	18,630
BCFEE	Building Control Fee Earning A/c	-138,020	-120,149	5,360	25,180
BCNON	Building Control Non Fee Earning A/c	4,668	1,457	88,480	70,020
CONSV	Conservation Areas	0	0	7,930	1,350
COUNT	Countryside Management	20,283	18,179	61,750	68,350
ECPLA	Economic Development & Planning Dept	916,172	877,784	0	0
LPLAN	Local Plan	67,872	66,083	273,040	182,680
PLANG	Planning Control & Enforcement	-332,749	-253,775	280,200	331,570
PLANP	Planning Policy	1,954	250	95,690	95,020
PLSUB	Grants & Subscriptions-Planning	11,650	10,698	11,650	0
Committee Subtotal		551,830	600,527	842,810	792,800
Earmarked Reserves					
PLBAL/H234	Building Regulation Reserve	138,020	120,149	-5,360	-25,180
PLBAL/H387	Local Plan Reserve	-67,872	-80,680	-101,780	-53,210
PLBAL/H336	Planning Reserve	0	-1,410	0	-3,600
PLBAL/H313	Biodiversity Net Gain Reserve	0	-3,080	0	-8,450
FNBAL/H326	Performance Reward Grant Reserve	0	-1,040	0	-1,040
Subtotal Earmarked Reserves		70,148	33,939	-107,140	-91,480
Total		621,978	634,466	735,670	701,320

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RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: 11 JANUARY 2024
title: ORIGINAL REVENUE BUDGET 2024/25
submitted by: DIRECTOR OF RESOURCES & DEPUTY CHIEF EXECUTIVE
principal author: VALERIE TAYLOR

1 PURPOSE

- 1.1 To agree the draft revenue budget for 2024/25, for consideration at Special Policy and Finance Committee.

2 BACKGROUND - COUNCIL'S OVERALL FINANCIAL POSITION

3 Year Budget Forecast

- 2.1 The Council's three-year budget forecast was presented to Policy and Finance Committee in September. At that time you will recall we were still awaiting the outcome of the long anticipated reforms to local government finances. Therefore predicting our budget forecast with any certainty continued to be extremely difficult.
- 2.2 Our forecast in September predicted the following budget gaps; £877k in 2024/25, £2.261m in 2025/26, £2.740m in 2026/27, after allowing for the use of general fund balances. The biggest factors affecting our forecast then were:
- Threat of losing New Homes Bonus.
 - Assumption that the 'One-off Funding Guarantee' was indeed a one-off for 2023/24.
 - What level interest rates and inflation would be over the life of the forecast.

Changes since the September forecast

- 2.3 The Government's Policy Statement on Local Government Finance was published on 5 December 2023. They announced that all councils would receive an increase in Core Spending Power next year of at least 3%. This will be achieved by continuing the One-Off Funding Guarantee where required. This increase in Core Spending Power will be before any decisions we make on the level of our council tax. Crucially, they also stated now was not the time for reforms to Local Government Finance as councils required stability and continuity.
- 2.4 They also announced:
- New Homes Bonus Allocations will continue for 2024/25
 - Rural Services Delivery Grant will continue for 2024/25
 - Revenue support grant (RSG) will increase in line with CPI with no negative RSG
 - Business Rates will not be reset and Business Rate Pooling will continue
 - A council tax referendum principle of up to 3% or £5 for district councils
- 2.5 The government asks authorities to continue to consider how they can use their reserves to maintain services over this and the next financial year, recognising that not all reserves can be reallocated, and that the ability to meet spending pressures from reserves will vary between authorities.

Provisional Local Government Finance Settlement

- 2.6 The Provisional Local Government Finance Settlement was published on Tuesday 19 December 2023. This sets out the detailed figures for all councils in terms of the government funding they will receive (subject to consultation) in 2024/25. Ribble Valley's provisional settlement is as follows:

Core Spending Power	Actual	Provisional Movement	
	2023-24	2024-25	
	£m	£m	£m
Settlement Funding Assessment	1.453665	1.508544	0.054879
<i>consists of:</i>			
Baseline Funding Level	1.405077	1.456737	0.051660
Revenue Support Grant	0.048588	0.051807	0.003219
Compensation for under-indexing the business rates multiplier	0.239342	0.294109	0.054767
Council Tax Requirement excluding parish precepts	4.139603	4.342947	0.203344
New Homes Bonus	0.506197	0.647509	0.141312
Rural Services Delivery Grant	0.126574	0.126574	0.000000
Services Grant	0.054777	0.008619	-0.046158
Funding Guarantee	0.773369	0.710563	-0.062806
Core Spending Power	7.293527	7.638865	0.345338

- 2.7 Ribble Valley's Core Spending Power is set to increase by 4.7% after assuming we increase our band d council tax charge by the maximum possible of £5. The overall average nationally is a 6.5% increase in Core Spending Power however districts average a 4.9% increase. This is mainly due to additional funding being put into children's and adult social care.
- 2.8 When comparing the Provisional Grant Settlement to our latest budget forecast we are £826k better off. This is due to the continuation of the New Homes Bonus for another year and also the Funding Guarantee being extended.
- 2.9 The announcements from the Government are clearly much better than we expected. This not only improves our financial position compared with our forecast for next year but also for potentially subsequent years. Given the fact there will be a General Election next year, it now appears unlikely that reforms will take place before the next Spending Review. Even then, whichever Government is elected, it would take some time to propose, consult and implement these substantial reforms.
- 2.10 The guidance from Policy and Finance Committee to service committees is to manage their services from within their existing budgets, finding savings to fund any growth items where possible. It is also recommended that fees and charges are increased on average by 4%.
- 2.11 At the special Policy and Finance Committee meeting on 13 February 2024 we will be in a position to determine the overall financial position after all service committees have met to consider their budgets and after updating the budget forecast to reflect our updated assumptions on government funding, inflation, interest rates etc.

3 BUDGET PROCESS

- 3.1 Following a great deal of in-depth service analysis and meetings with regard to this committee's budgets by the council's accountants, budget holders, heads of service and management team, a proposed draft budget is now presented to members. This budget is agreed as that which best reflects the services of this committee for the next financial year.
- 3.2 You have previously approved the level of this committee's fees and charges for 2024/25. The consequential impact of these fees and charges have been incorporated in to the service budgets shown within this report.
- 3.3 When all committees have approved their detailed estimates the overall position will be considered by Budget Working Group.
- 3.4 The Budget Working Group will then make recommendations in order to produce a balanced budget for consideration at the Special meeting of Policy and Finance Committee. The final budget report will then be presented to Full Council, at which point the Council Tax for 2024/25 will also be approved.

4 2024/25 DRAFT REVENUE BUDGET

- 4.1 As far as your budget is concerned, the estimates have been prepared on the current levels of service and they allow for pay increases at 4%, price increases at 4% and income at 4%. The level of these increases will be kept under review during the budget preparation period and will be reviewed again at a final time in February in light of the very latest information. If necessary and agreed, a contingency for further increases (eg in pay awards) would be added to the budget at that stage.
- 4.2 Within this report the budget is shown in the same manner in which they are reviewed. Each costs centre within the report is shown individually. Behind each cost centre is a great deal more subjective level detailed budgets, but for the purposes of this report they are summarised in to the standard local government CIPFA Service Reporting Code of Practice basis.

- **Employee Related:** this group includes the cost of employees, both direct and indirect to the council.
- **Premises Related:** this group includes expenses directly related to the running of premises and land.
- **Transport Related:** this group includes all costs associated with the provision, hire or use of transport, including travelling allowances.
- **Supplies and Services:** this group includes all direct supplies and service expenses to the council.
- **Third Party Payments:** a third party payment is a payment to an external provider which is operating independently, in return for the provision of a service.
- **Transfer Payments:** this includes the cost of payments to individuals for which no goods or services are received in return by the local authority. A key item here would be the payment of housing benefits.
- **Support Services:** charges for services that support the provision of services to the public. At this council the main support service cost is the support from staff based at the council offices building and the building's associated cost.

- **Depreciation and Impairment:** this is the revenue impact of capital items shown in the service revenue accounts of the council.
- **Income:** this includes income from fees and charges, grants, donations and contributions. Also shown here is the associated 'income' to a support service from the redistribution of its costs to those providing services to the public.

4.3 As you will see, the draft proposed budget for 2024/25 for each service area is also built up looking at a number of stages. The starting point is the base budget, being the Original Estimate for the current financial year. A summary of the various elements is given below.

- **Original Estimate 2023/24:** This represents the base budget for the council and assumes no change in service level from that set for the previous year's original estimate.
- **Inflation at 4%:** The budget forecast allows for inflation on pay at 4%, prices at 4% (with some exceptions such as grants) and income at 4% in line with the September budget forecast. This is where that general allowance for inflation is brought in to the individual budget areas.
- **Savings:** Here any savings or additional income that is identified from past service experience or trends would be brought in to the budget to adjust the base budget.
- **Variation to Standard Budgeted Inflation %:** Inevitably, as we undertake detailed work on the budget it becomes evident that there are some items of income or spend that experience a greater or lower level of inflation. This is where we adjusted for those differing levels of inflation.
- **Unavoidable Changes to Service Costs:** This relates to changes to a service, for example where costs are demand driven.
- **Support Services:** Any changes that relate to the recharging of support service costs are included in this column.
- **Capital:** Any changes relating to depreciation and impairment are included in this column.
- **DRAFT Original Estimate 2024/25:** The final column is the total of all preceding columns and is constructed from the base budget and any necessary changes to the base that are needed. If approved this will then form the base budget in next year's budget process.

4.4 Detailed in the following section of the report are the individual budget areas under this committee. Shown are the movements from the 2023/24 Original Estimate, to the DRAFT Original Estimate for 2024/25. Comments are also provided on the main variances.

5 COMMITTEE SERVICE ESTIMATES

5.1 **Cost Centre and Description** AONBS: Area of Outstanding Natural Beauty

This relates to the cost of membership of National AONB Organisation and the annual contribution to the Joint Advisory Committee Partnership. This funding contributes to management work and specific projects.

	Original Estimate 2023/24	Inflation at 4% for Pay, Prices and Income	Savings	Variation to Standard Budgeted Inflation %	Unavoidable Changes to Service Costs	Support Services	Capital	DRAFT Original Estimate 2024/25
Third Party Payments	8,000	320		-630				7,690
Support Services	10,710	0				770		11,480
Total Expenditure	18,710	320	0	-630	0	770	0	19,170
Net Expenditure	18,710	320	0	-630	0	770	0	19,170
AONBS: Area of Outstanding Natural Beauty								
Commentary on Substantial Budget Changes								
<u>Variation to Standard Inflation</u>								
Reduction to the estimated cost of the annual contribution towards the Forest of Bowland AONB Partnership.								
<u>Support Services:</u>								
Mainly due to an increase in support service cost allocations from the Economic Development and Planning Department.								

5.2 **Cost Centre and Description** BCFEE: Building Control Fee Earning

The expenditure shown under this cost centre results from administering those functions for which charges are to be made in accordance with the Charges Regulations. The charges relate only to the building regulations plan examination and site inspection function, including consideration of any enforcement action but not the service of notices under the provisions of the Building Act 1984.

	Original Estimate 2023/24	Inflation at 4% for Pay, Prices and Income	Savings	Variation to Standard Budgeted Inflation %	Unavoidable Changes to Service Costs	Support Services	Capital	DRAFT Original Estimate 2024/25
Employee Related Expenditure	6,860	270			-1,930			5,200
Transport Related Expenditure	7,930	320			-1,490			6,760
Supplies & Services	13,110	530		-350	200			13,490
Support Services	190,340	0				14,180		204,520
Total Expenditure	218,240	1,120	0	-350	-3,220	14,180	0	229,970
Customer & Client Receipts	-212,880	-8,510			11,020			-210,370
Total Income	-212,880	-8,510	0	0	11,020	0	0	-210,370
Net Expenditure	5,360	-7,390	0	-350	7,800	14,180	0	19,600
Associated Movement in Earmarked Reserves	-5,360	7,390	0	350	-7,800	-14,180	0	-19,600
Net After Earmarked Reserves	0	0	0	0	0	0	0	0

BCFEE: Building Control Fee Earning

Commentary on Substantial Budget Changes

Support Services:

Net increase in support service costs due to changes in cost allocations from the ICT, Chief Executives, Resources and Economic Development and Planning Departments.

Expenditure unavoidable changes

The unavoidable movement figure includes budget of -£2.9k that has been moved to non-fee earning activities under cost centre BCNON. This is to ensure that costs charged to each area are apportioned per estimated time to be spent under each activity (and in accordance with charging regulations).

Customer & Client Receipts

Demand for building control services has been lower than estimated during the 2023/24 financial year, likely due to the cost of living crisis and inflation within the building industry . Next year's estimate has been based on a three-year average to build in fluctuations to demand, reducing expected income levels compared to the inflated original base estimate by £11k.

Movement in Earmarked Reserve

The annual net surplus or deficit from the building control fee earning service is set aside in a separate earmarked reserve under local authority charging regulations. Due mainly to the reasons set out above the amount to be released from the reserve to support the service has increased from £5k to £19k when compared to the 2023/24 original estimate.

5.3 **Cost Centre and Description** BCNON: Building Control Non Fee Earning

Shown here is the balance of building control work not falling under the chargeable function at cost centre BCFEE. These other activities can be roughly split into Statutory and critical Building Control functions, and include such items as Dealing with Dangerous Structures, administration of the Approved Inspectors Regulations and Building Control Enforcement work.

	Original Estimate 2023/24	Inflation at 4% for Pay, Prices and Income	Savings	Variation to Standard Budgeted Inflation %	Unavoidable Changes to Service Costs	Support Services	Capital	DRAFT Original Estimate 2024/25
Employee Related Expenditure	0	0			1,930			1,930
Transport Related Expenditure	2,330	90			90			2,510
Supplies & Services	4,150	170			690			5,010
Support Services	83,630	0				-12,750		70,880
Total Expenditure	90,110	260	0	0	2,710	-12,750	0	80,330
Customer & Client Receipts	-1,630	-60			380			-1,310
Total Income	-1,630	-60	0	0	380	0	0	-1,310
Net Expenditure	88,480	200	0	0	3,090	-12,750	0	79,020

BCNON: Building Control Non Fee Earning

Commentary on Substantial Budget Changes

Expenditure unavoidable changes

Mainly due to net movement of budget in from Building control fee earning services of £2.9k for the reasons set out at BCFEE.

Support Services:

Net decrease in support service costs due to changes in cost allocations from the ICT, Chief Executives, Resources and Economic Development and Planning Departments.

5.4 Cost Centre and Description CONSV: Conservation Areas

Support funding for biodiversity, conservation and environmental community projects.

	Original Estimate 2023/24	Inflation at 4% for Pay, Prices and Income	Savings	Variation to Standard Budgeted Inflation %	Unavoidable Changes to Service Costs	Support Services	Capital	DRAFT Original Estimate 2024/25
Support Services	7,930	0				-6,290		1,640
Total Expenditure	7,930	0	0	0	0	-6,290	0	1,640
Net Expenditure	7,930	0	0	0	0	-6,290	0	1,640

CONSV: Conservation Areas

Commentary on Substantial Budget Changes

Support Services:

Net decrease in support service costs due to changes in cost allocations mainly from the Economic Development and Planning Department. The reduction follows this committee's decision in December 2022 to replace two vacant Principal Planning Officer Posts within the Directorate with two Senior Planning Officer posts, and as part of this resolution to also secure specialist external heritage advice services to account for the differing levels of heritage experience between the positions. The arrangement is currently under review and a report is to be brought before this committee in February 2024 for consideration as to whether these consultancy services are to be made into a permanent arrangement.

5.5 **Cost Centre and Description** COUNT: Countryside Management

The Council supports the work of conservation, access and recreation in the natural greenspace and countryside sector. Funding is also given from this cost centre to support third party organisations in the furtherance of our own aims and objectives.

	Original Estimate 2023/24	Inflation at 4% for Pay, Prices and Income	Savings	Variation to Standard Budgeted Inflation %	Unavoidable Changes to Service Costs	Support Services	Capital	DRAFT Original Estimate 2024/25
Premises Related Expenditure	10,130	410						10,540
Supplies & Services	1,210	50						1,260
Transfer Payments	13,840	0						13,840
Support Services	36,570	0				6,310		42,880
Total Expenditure	61,750	460	0	0	0	6,310	0	68,520
Net Expenditure	61,750	460	0	0	0	6,310	0	68,520

COUNT: Countryside Management

Commentary on Substantial Budget Changes

Support Services:

Net increase in support service costs due to changes in cost allocations mainly from the Chief Executives and Economic Development and Planning Departments.

5.6 **Cost Centre and Description** ECPLA: Economic Development and Planning Dept

This departmental cost centre holds the cost of the Regeneration & Housing Section and the Planning Section.

	Original Estimate 2023/24	Inflation at 4% for Pay, Prices and Income	Savings	Variation to Standard Budgeted Inflation %	Unavoidable Changes to Service Costs	Support Services	Capital	DRAFT Original Estimate 2024/25
Employee Related Expenditure	1,341,320	53,660		17,380	-7,370			1,404,990
Premises Related Expenditure	820	30		210				1,060
Transport Related Expenditure	25,690	1,020	-80	-870				25,760
Supplies & Services	23,920	950	-1,040	400	3,500			27,730
Support Services	261,670	0				14,020		275,690
Depreciation and Impairment	0	0					2,580	2,580
Total Expenditure	1,653,420	55,660	-1,120	17,120	-3,870	14,020	2,580	1,737,810
Departmental Recharges	-1,653,420	0				-84,390		-1,737,810
Total Income	-1,653,420	0	0	0	0	-84,390	0	-1,737,810
Net Expenditure	0	55,660	-1,120	17,120	-3,870	-70,370	2,580	0

ECPLA: Economic Development and Planning Dept

Commentary on Substantial Budget Changes

Employee Related Expenditure:

Changes to budget estimates reported as unavoidable movements are the estimated net reduction to costs that are the result of re-gradings between Senior and Principal Planning Officer posts in advance of recruitment into vacant positions.

Other movements are reported as changes to standard budgeted inflation following a detailed review of estimated costs. This movement includes salary scale point changes within grades and inflation variances where the pay award was higher or lower than individual estimates for positions in the authorised establishment for this committee.

Supplies and Services:

A saving of £1k has been proposed following review of photocopying costs which are likely to be lower than the budget available. The unavoidable changes figure is mainly due to a budget increase of £2.8k for the estimated cost of the Geographical Information Service (Mapzone). As this is available for all officers to access the cost is now being shared across departments rather than being charged just to the planning service.

Support Services:

Net increase in support service costs due to changes in cost allocations from council premises and the Community services, ICT, Chief Executives and Resources Departments.

Departmental Recharges:

An increase to the estimated net cost of the department for the 2024/25 financial year has in turn increased the recharges out to other service areas.

Depreciation

Estimated depreciation charges for the updating mobile connectivity capital scheme.

5.7 **Cost Centre and Description** LPLAN: Local Plan

Local Planning Authorities are required to produce a Local Development Scheme that explains the approach and timetable for policy preparation. The scheme will be used to monitor the Councils progress, and is intended to help manage workloads, resource requirements and to give the public and other interested parties greater opportunity for involvement in the policy process. The costs here are in relation to the production of the Local Plan.

	Original Estimate 2023/24	Inflation at 4% for Pay, Prices and Income	Savings	Variation to Standard Budgeted Inflation %	Unavoidable Changes to Service Costs	Support Services	Capital	DRAFT Original Estimate 2024/25
Supplies & Services	101,780	4,070		-4,070	37,960			139,740
Support Services	171,260	0				1,500		172,760
Total Expenditure	273,040	4,070	0	-4,070	37,960	1,500	0	312,500
Net Expenditure	273,040	4,070	0	-4,070	37,960	1,500	0	312,500
Associated Movement in Earmarked Reserves	-101,780	-4,070	0	4,070	-37,960			-139,740
Net After Earmarked Reserves	171,260	0	0	0	0	1,500	0	172,760

LPLAN: Local Plan

Commentary on Substantial Budget Changes

Supplies and Services:

Funds available to produce the new local plan (excluding recharges) are set aside in earmarked reserves to be released within the years that associated planned expenditures take place over the lifetime of the project.

Estimated expenditures on supplies and services next year are higher than those planned at original estimate 2023/24. This is mainly due to the timing of expenditures on specialised consultancy support following review.

Movement in Earmarked Reserves

After associated movements in earmarked reserves the net variance is nil.

Support Services

Net increase in support service costs due to changes in cost allocations from the Community services, Resources and Economic Development and Planning Departments.

5.8 **Cost Centre and Description** PLANG: Planning Control & Enforcement

The budget shown here relates to the costs associated with the determination of planning applications, pre-application advice and investigation of authorised development. Also shown here is the associated income from charges made under this service. Due to the nature of the service it is difficult to predict accurate income levels from year to year, and therefore past experience in income levels largely forms the basis in establishing the income budgets.

	Original Estimate 2023/24	Inflation at 4% for Pay, Prices and Income	Savings	Variation to Standard Budgeted Inflation %	Unavoidable Changes to Service Costs	Support Services	Capital	DRAFT Original Estimate 2024/25
Supplies & Services	73,170	2,920	-17,810	-80	10,020			68,220
Support Services	784,740	0				44,300		829,040
Depreciation and Impairment	5,150	0					8,060	13,210
Total Expenditure	863,060	2,920	-17,810	-80	10,020	44,300	8,060	910,470
Other Grants and Contributions	-1,500	0						-1,500
Customer & Client Receipts	-581,360	-23,250		-113,400	136,460			-581,550
Total Income	-582,860	-23,250	0	-113,400	136,460	0	0	-583,050
Net Expenditure	280,200	-20,330	-17,810	-113,480	146,480	44,300	8,060	327,420

PLANG: Planning Control & Enforcement

Commentary on Substantial Budget Changes

Supplies and Services

Savings

There are proposed savings of £1k from the scanning budget and £17k from the statutory notices budget. Scanning requirements are likely to be lower than the budget available and the section has generated savings on the statutory notices budget by reducing both the size and frequency of planning application newspaper notices.

Unavoidable changes

These include proposed increases to the consultancy draft budgets of £11k for archaeological advice services (budget moved in from cost centre PLSUB) and £6.5k for the estimated cost of Biodiversity Net Gain ecology consultancy services during the Apr-Dec period of the financial year (twelve month contract approved by this Committee Dec 2023).

The above costs are partially offset by a reduction of -£9k for the annual cost of the Geographical Information Service (Mapzone). As the service is available to be used by all departments the cost of the service is now to be shared across those departments rather than being charged in full to the planning section under this cost centre.

Additional recurring cost of £1.7k for subscription to Building cost Information Service online. This is to enable access to price indices that are needed to index S106 agreement funds (to be recovered from S106 agreement fees charged to developers).

Support Services

Net increase in support service costs due to changes in cost allocations mainly from the Economic Development and Planning Department.

Depreciation

Increase to the annual depreciation charge due to estimated capital expenditures on the planning portal link/planning system upgrades (offset by reduced annual charge for other schemes that are now fully depreciated).

Customer & Client Receipts

The increase under variation to standard budgeted inflation relates to planning application fees which are set nationally and for which an increase in fees of at least 25% has been announced from December 2023 (as reported to this committee in December 2023.)

The estimated income level for next year has then been reduced by £135k to bring the estimate back to the original base budget, with this movement being included within 'unavoidable changes to service costs'. This reduction is proposed because income levels received during the 2023/24 financial year at the time of the budget review were lower than the original budget estimate by a similar amount to the minimum planning application fee increase (being 23% under budget for the period to November). These lower income levels are thought to be because the council is receiving fewer major planning applications than in previous years because the current local plan has been largely delivered on.

5.9 **Cost Centre and Description** PLANP: Planning Policy

The costs shown here are in relation to staff time spent on developing the overall policy framework for improving's housing delivery, employment and the protection and enhancement of the environment of the area.

	Original Estimate 2023/24	Inflation at 4% for Pay, Prices and Income	Savings	Variation to Standard Budgeted Inflation %	Unavoidable Changes to Service Costs	Support Services	Capital	DRAFT Original Estimate 2024/25
Supplies & Services	2,930	120						3,050
Support Services	92,760	0				13,010		105,770
Total Expenditure	95,690	120	0	0	0	13,010	0	108,820
Net Expenditure	95,690	120	0	0	0	13,010	0	108,820
PLANP: Planning Policy								
Commentary on Substantial Budget Changes								
<u>Support Services</u>								
Net increase in support service costs mainly due to changes in cost allocations mainly from the Economic Development and Planning Department.								

5.10 **Cost Centre and Description** PLSUB: Grants & Subscriptions - Planning

This budget represents the charges that are paid by this committee in relation to planning archaeological advisory service subscriptions.

	Original Estimate 2023/24	Inflation at 4% for Pay, Prices and Income	Savings	Variation to Standard Budgeted Inflation %	Unavoidable Changes to Service Costs	Support Services	Capital	DRAFT Original Estimate 2024/25
Supplies & Services	11,650	470		-1,120	-11,000			0
Total Expenditure	11,650	470	0	-1,120	-11,000	0	0	0
Net Expenditure	11,650	470	0	-1,120	-11,000	0	0	0
PLSUB: Grants & Subscriptions - Planning								
Commentary on Substantial Budget Changes								
This budget represents the charges that are paid by this committee in relation to planning archaeological advisory service subscriptions. The budget has now been moved across to the main planning budget (PLANG).								

6 SUMMARIES

6.1 The draft budget is summarised in two ways. One over the cost of the service provided by the committee (objective). The other is over the type of expenditure and income (subjective)

a) Cost of the service provided by the committee (Objective)

Cost Centre and Description	Original Estimate 2023/24	Inflation at 4% for Pay, Prices and Income	Savings	Variation to Standard Budgeted Inflation %	Unavoidable Changes to Service Costs	Support Services	Capital	DRAFT Original Estimate 2024/25
AONBS: Area of Outstanding Natural Beauty	18,710	320		-630		770		19,170
BCFEE: Building Control Fee Earning	5,360	-7,390		-350	7,800	14,180		19,600
BCNON: Building Control Non Fee Earning	88,480	200			3,090	-12,750		79,020
CONSV: Conservation Areas	7,930	0				-6,290		1,640
COUNT: Countryside Management	61,750	460				6,310		68,520
ECPLA: Economic Development and Planning Dept	0	55,660	-1,120	17,120	-3,870	-70,370	2,580	0
LPLAN: Local Plan	273,040	4,070		-4,070	37,960	1,500		312,500
PLANG: Planning Control & Enforcement	280,200	-20,330	-17,810	-113,480	146,480	44,300	8,060	327,420
PLANP: Planning Policy	95,690	120				13,010		108,820

a) Cost of the service provided by the committee (Objective)

Cost Centre and Description	Original Estimate 2023/24	Inflation at 4% for Pay, Prices and Income	Savings	Variation to Standard Budgeted Inflation %	Unavoidable Changes to Service Costs	Support Services	Capital	DRAFT Original Estimate 2024/25
PLSUB: Grants & Subscriptions - Planning	11,650	470		-1,120	-11,000			0
Grand Total	842,810	33,580	-18,930	-102,530	180,460	-9,340	10,640	936,690
Associated Movement in Earmarked Reserves	-107,140	3,320		4,420	-45,760	-14,180		-159,340
Net After Earmarked Reserves	735,670	36,900	-18,930	-98,110	134,700	-23,520	10,640	777,350

b) Type of Expenditure/Income (Subjective)

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	Original Estimate 2023/24	Inflation at 4% for Pay, Prices and Income	Savings	Variation to Standard Budgeted Inflation %	Unavoidable Changes to Service Costs	Support Services	Capital	DRAFT Original Estimate 2024/25
Employee Related Expenditure	1,348,180	53,930		17,380	-7,370			1,412,120
Premises Related Expenditure	10,950	440		210				11,600
Transport Related Expenditure	35,950	1,430	-80	-870	-1,400			35,030
Supplies & Services	231,920	9,280	-18,850	-5,220	41,370			258,500
Third Party Payments	8,000	320		-630				7,690
Transfer Payments	13,840	0						13,840
Support Services	1,639,610	0				75,050		1,714,660
Depreciation and Impairment	5,150	0					10,640	15,790
Total Expenditure	3,293,600	65,400	-18,930	10,870	32,600	75,050	10,640	3,469,230
Other Grants and Contributions	-1,500	0						-1,500
Customer & Client Receipts	-795,870	-31,820		-113,400	147,860			-793,230
Departmental Recharges	-1,653,420	0				-84,390		-1,737,810
Total Income	-2,450,790	-31,820	0	-113,400	147,860	-84,390	0	-2,532,540
Net Expenditure	842,810	33,580	-18,930	-102,530	180,460	-9,340	10,640	936,690
Associated Movement in Earmarked Reserves	-107,140	3,320	0	4,420	-45,760	-14,180	0	-159,340
Net After Earmarked Reserves	735,670	36,900	-18,930	-98,110	134,700	-23,520	10,640	777,350

7 EARMARKED RESERVES

7.1 In the Original Estimate for 2023/24 this committee planned to use a net amount of £107,140 from earmarked reserves to support its net expenditure. Looking forward to 2024/25, the proposal included in the estimates is that this committee will use £159,340 from earmarked reserves.

7.2 The table below provides a summary of the DRAFT Original Estimate for 2024/25 together with the budgeted impact on the relevant earmarked reserves. Also detailed is a summary of the reasons for the movements on the earmarked reserves

	DRAFT Original Estimate 2024/25	Reason for Movement on Earmarked Reserve
Committee Net Cost of Services	936,690	
PLBAL/H234: Building Regulation Reserve	-19,600	The annual net surplus or deficit from the building control fee earning service is set aside in a separate earmarked reserve under charging regulations. Next year it is forecast that the service will be in a deficit position, with £19,600 being released from the earmarked reserve to support the service.
PLBAL/H387: Local Plan Reserve	-139,740	Funds available for development of the new local plan are set aside in earmarked reserves to support expenditures in the years that they occur. This draft estimated movement in reserve represents the release of funds to support expenditures on supplies and services that are estimated to fall during the 2024/25 financial year.
Committee Net Cost of Services after Movements on Earmarked Reserves	777,350	

8 KEY VARIATIONS

- 8.1 The net expenditure for this committee has increased from £735,670 by £41,680 to £777,350 after allowing for associated movements on earmarked reserves. The main reasons for this net increase are summarised in the table below.

Description	Movement from Original Estimate 2023/24 to DRAFT Original Estimate 2024/25
<p><u>VARIOUS: Standard inflation</u> Net standard inflationary increases of 4% applied to the Planning and Development Committee budgets.</p>	33,580
<p><u>BCFEE: Building Control</u> Reduction to estimated building regulation fee income for next year due to a fall in demand levels.</p>	11,020
<p>Mainly because of the above the amount to be released from the building control earmarked reserve to support the service has increased when compared to the 2023/24 financial year.</p>	-14,240
<p><u>ECPLA: Economic Development and Planning Department</u> Net increase to departmental salary, national insurance and superannuation budgets above standard budgeted inflation.</p>	10,070
<p><u>LPLAN: Local Plan</u> Expenditure on supplies and services to progress the new local plan is estimated to be higher next year than at original estimate 2023/24. This is due to an update of when planned expenditures over the lifetime of the project are now likely to be incurred following review.</p>	37,960
<p>In January 2020 this committee approved a budget of £300k to support production of the new local plan. Remaining funds of £271k (at March 2023) are set aside in an earmarked reserve to fund expenditures in the years that they occur. The above estimated increase in expenditure next year therefore also increases the associated release from this earmarked reserve.</p>	-37,960
<p><u>PLANG: Planning Control and Enforcement</u> <i>Planning application fee income</i> Additional inflation added to planning fee income following announcement that fees are to increase by a minimum of 25% from December 2023.</p>	-113,400
<p>Planning fee income is expected to be lower than the inflated base, mainly due to a reduction in the number of major planning applications being received. This movement of £135k reduces estimated planning fee income back to 2023/24 levels (i.e. reversal of standard and additional inflation).</p>	135,000

Description	Movement from Original Estimate 2023/24 to DRAFT Original Estimate 2024/25
<p>Savings</p> <p>The planning section has generated savings on the cost of statutory planning notices by reducing both the size and frequency of newspaper notices.</p>	-16,770
<p><u>VARIOUS: Support Service Costs</u></p> <p>There is a net decrease in support service costs charged to this committee following changes to various departmental cost allocations.</p>	-9,340
<p><u>Capital</u></p> <p>Net increase to the annual depreciation charge for this committee for various capital schemes.</p>	10,640

9 CONCLUSION

9.1 The difference between the Proposed Original Estimate 2024/25 and Original Estimate 2023/24 is an increase in net expenditure of £41,680 after allowing for transfers to and from earmarked reserves.

10 RISK ASSESSMENT

10.1 The approval of this report may have the following implications

- Resources: The total movement from the Original Estimate 2023/24 to the Original Estimate 2024/25 is £93,880, or £41,680 after movements in earmarked reserves.
- Technical, Environmental and Legal: none identified
- Political: none identified
- Reputation: sound financial planning safeguards the reputation of the Council
- Equality and Diversity – Equality and diversity issues are considered in the provision of all Council services.

11 RECOMMENDED THAT COMMITTEE

11.1 Approve the revenue original estimate for 2024/25 and submit this to the Special Policy and Finance Committee.

SENIOR ACCOUNTANT

DIRECTOR OF RESOURCES
AND DEPUTY CHIEF EXECUTIVE

PD2-24/VT/AC
19 December 2023

For further background information please ask for Valerie Taylor

BACKGROUND PAPERS - None

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: 11 JANUARY 2024
 title: REVISED CAPITAL PROGRAMME 2023/24 AND FUTURE CAPITAL PROGRAMME REVIEW AND NEW BIDS
 submitted by: DIRECTOR OF RESOURCES AND DEPUTY CHIEF EXECUTIVE
 principal author: LAWSON ODDIE

1 PURPOSE

- 1.1 To approve the 2023/24 revised estimate for this Committee's capital programme.
- 1.2 In addition, the outcome of the review of this Committee's future capital programme for 2024/25 to 2028/29 is reported to members.
- 1.3 Relevance to the Council's ambitions and priorities:
 - Community Objectives – none identified.
 - Corporate Priorities – to continue to be a well-managed council, providing efficient services based on identified customer needs.
 - Other Considerations – none identified.

2 2023/24 CAPITAL PROGRAMME BACKGROUND

- 2.1 There was 1 capital scheme that was originally approved for this committee totalling £26,420. The approved scheme had been moved from the 2022/23 capital programme to the 2023/24 capital programme.

3 REVISING THE 2023/24 CAPITAL PROGRAMME

- 3.1 We have now discussed the capital programme scheme with the budget holder and revised the capital programme to reflect scheme progress and estimated full year expenditure.
- 3.2 There has been some spend on the Residual Planning System Upgrades scheme to date and some potential for further spend before the end of the financial year, due to the nature of the scheme.
- 3.3 It is proposed that the Residual Planning System Upgrades scheme budget of £26,420 is left within the 2023/24 revised capital programme. This scheme is a residual budget from the original scheme and is only in place should any upgrades be needed before the new 'Software Upgrade for Regulatory Services' scheme is undertaken in 2025/26 (Policy and Finance Committee).
- 3.4 The table below shows the budget and expenditure to date on this Committee's one capital programme scheme.

Cost Centre	Scheme	Original Estimate 2023/24 £	Budget Moved from 2022/23 £	Total Approved Budget 2023/24 £	Revised Estimate 2023/24 £	Budget Moved to 2024/25 £	Actual Expenditure including commitments as at end of December 2023 £
PLANN	Residual Planning System Upgrades	0	26,420	26,420	26,420	0	6,050
Total Planning and Development Committee		0	26,420	26,420	26,420	0	6,050

3.5 At the end of December 2023 there was £6,050 spend on this Committee's capital programme.

4 FUTURE CAPITAL PROGRAMME REVIEW AND NEW BIDS

4.1 In the current cycle of meetings service committees are receiving reports on the review of the future capital programme for 2024/25 to 2028/29. This included a review of any scheme already approved for the 2024/25 to 2027/28 period and the submission of new bids for the 2028/29 financial year.

4.2 For this Committee there are no previously approved capital schemes for 2024/25 and 2028/29 and no new bids have been submitted for 2028/29. However, it should be noted that the wider Software Upgrade for Regulatory Services capital scheme referred to above does include a combined software system for several Council services, including Planning and Building Control services. This scheme is included in the Policy and Finance Committee's future capital programme review report.

4.3 Members are also asked to put forward any capital bid suggestions and amendments that they may wish to make at this stage.

5 RISK ASSESSMENT

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

- Resources – Approval of the revised capital programme will see no change to the level of financing resources needed within the 2023/24 financial year.
- Technical, Environmental and Legal – None.
- Political – None.
- Reputation – Sound financial planning for known capital commitments safeguards the reputation of the Council.
- Equality and Diversity – Equality and Diversity issues are examined as part of the capital bid appraisal process.

6 CONCLUSION

6.1 The revised estimate for this Committee's 2023/24 capital programme is £26,420.

6.2 For this Committee's future capital programme, there were no previously approved capital schemes for 2024/25 to 2027/28 to review and no new capital scheme bids were submitted for 2028/29.

7 RECOMMENDED THAT COMMITTEE

7.1 Approve the 2023/24 revised estimate of £26,420 for this Committee's capital programme.

HEAD OF FINANCIAL SERVICES

DIRECTOR OF RESOURCES
AND DEPUTY CHIEF EXECUTIVE

PD3-24/LO/AC
2 January 2024

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: THURSDAY, 11 JANUARY 2024
title: 2021/2022 AND 2022/2023 YEAR-END PERFORMANCE INFORMATION
submitted by: MARSHAL SCOTT, CHIEF EXECUTIVE
principal author: JAQUI HOULKER – PRINCIPAL POLICY AND PERFORMANCE OFFICER

1 PURPOSE

- 1.1 To inform committee about year-end reports for 2021/2022 and 2022/2023 that detail performance against our local performance indicators.
- 1.2 Performance monitoring is essential to ensure that the Council is delivering effectively against its agreed priorities, both in terms of the national agenda and local needs.
- 1.3 Relevance to the Council's ambitions and priorities:
 - Community Objectives –
 - Corporate Priorities –
 - Other Considerations -

Monitoring our performance ensures that we are both providing excellent services for our community as well as meeting corporate priorities.

2 BACKGROUND

- 2.1 Performance Indicators are an important driver of improvement and allow authorities, their auditors, inspectors, elected members and service users to judge how well services are performing.
- 2.2 A rationale has been sought for maintaining each indicator – with it either being used to monitor service performance or to monitor the delivery of a local priority.
- 2.3 The attachment to this report provides an overview of the Council's performance up to 31 March 2023. Committee members will be aware that the Council responded to the emergencies of the Coronavirus pandemic since early March 2020. Covid rules in England ended at the end of February 2022 as part of Government's "Living with Covid" strategy. This now gives an opportunity to learn from both pre-Covid and during Covid service delivery, and to focus on the recovery from the pandemic.
- 2.4 The report attached at Appendix 1 comprises the following information:
 - The outturn figures for all local performance indicators relevant to this committee for 2021/2022 and 2022/2023. Notes are provided where necessary to explain significant variances either between the outturn and the target or between 2021/2022 data and 2022/2023 data. A significant variance is greater than 15% (or 10% for cost PIs).
 - Performance information is also provided for previous year 2020/2021 for comparison purposes (where available) and the trend in performance is shown between 2021/2022 data and 2022/2023 data.
 - Targets for service performance for the year 2022/2023 are provided and a 'traffic light' system is used to show variances of actual performance against the target as follows: Red: service performance significantly below target (i.e. less than 75% of target performance), Amber: performance slightly below target (i.e. between 75% and 99% of target), Green: target met/exceeded.
 - Where available targets have also been provided for all three years.
- 2.5 These tables are provided to allow members to ascertain how well services are being

delivered against our local priorities and objectives, as listed in the Corporate Strategy.

- 2.6 Where possible audited and checked data has been included in the report. However, some data may be corrected following the work of Internal Audit and before the final publication of the indicators on the Council's website.
- 2.7 Indicators can be categorised as 'data only' if they are not suitable for monitoring against targets – these are marked as so in the report.
- 2.8 A new Corporate Plan 2023-2027 is presently in development; a revised suite of Corporate KPIs will be established following feedback from the Corporate Plan Working Group and Council officers considering statutory requirements and corporate priorities.
- 2.9 For the past few years the Council has utilised and reported data for 130 KPIs, however this will be reduced to a smaller, and more focussed number. It is important that the Corporate KPI Scorecard is concise and provides assurance against Corporate Plan progress, some KPIs will have cross cutting themes across the diverse range of services and priorities the Council provides. Quarterly reporting for the new suite of KPIs will commence from April 2024 for 2024/2025 with an annual report at year-end. The Corporate Plan and suite of KPIs will also be reviewed on an annual basis
- 2.10 We measure our performance by examining these KPIs. Where available KPI data will be reported in a Quarterly Performance Report and scrutinised by a network of people including Corporate Management Team (CMT) and relevant Committees. Council services also have their own specific plans which look at performance in more detail and include a number of KPIs pertinent to that service.

3 GENERAL COMMENTS ON PERFORMANCE AND TARGETS

3.1 Planning Services

Analysis shows that of the 21 Planning Services key performance indicators (KPIs) that can be compared to target:

- 9.5% (2) of the KPIs met target (green) and or are on track.
- 9.5% (2) of the KPIs close to target (amber) where delivery is on track and is currently being managed.
- 0% (0) of the KPIs missed target (red) where performance is or is likely to be off track.
- 81% (17) of the KPIs provide data only.

3.2 Of the 21 Planning Services KPIs where performance trend can be compared over the years:

- 43% (9) of the KPIs have improved
- 9.5% (2) of KPIs stayed the same
- 47.5% (10) of PIs worsened

3.3 In respect of KPIs for Planning Services, the following information has been provided regarding performance and targets:

For the majority of the planning KPIs, targets have not been set due to the following reasons:

- It is not appropriate to set targets because this is outside of the Council's control.
- Committee overturns reflect democratic decision making, ideally this number would be as low as possible, but it is more relevant to consider the nature of the overturns i.e. qualitative monitoring.

- This is a reflection of the democratic process we work to and more relevant to look at the nature of applications we are taking to committee and whether these are appropriate and an efficient use of Members' time.

3.4 Building Control

Analysis shows that of the 4 Building Control KPIs that can be compared to target:

- 50% (2) met target (green) and or are on track.
- 50% (2) of the KPIs close to target (amber) where delivery is on track and is currently being managed.

3.5 Of the 4 Building Control KPIs where performance trend can be compared over the years:

- 25% (1) of the KPIs has improved
- 75% (3) of KPIs stayed the same

3.6 In respect of the KPIs for Building Control, the following information has been provided regarding performance and targets:

3.7 Some of the Building Control KPIs do not necessarily provide useful or relevant data that can be obtained in an easy format. As of the first of April 2024, all building Control Officers are required to be registered under the Building Safety Regulator (BSR) and the Health & Safety Executive (HSE). The BSR has set out a number of KPIs that they would like and expect a building control section to monitor and provide data for.

3.8 Regeneration and Housing

2022/23 data is presently unavailable for all 3 Regeneration and KPIs and targets have not been set.

3.9 As there is no data available for analysis the KPIs performance trend cannot be compared year on year.

3.10 In respect of the KPIs for Regeneration and Housing, the following information has been provided regarding performance and targets:

- **PI RH10 % New homes built on previously developed land** – data is presently unavailable for this KPI. A review of how future data will be collected is in progress.
- **PI RH11 Number of new homes granted planning permission** – data is presently unavailable for this KPI. A review of how future data will be collected is in progress.
- **PI RH12 Number of new homes constructed** – data is presently unavailable for this KPI. A review of how future data will be collected is in progress.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources - There are no resource implications as a result of this report. Resource implications of any actions referred to within this report, will be reported to the appropriate Committee.
- Technical, Environmental and Legal – None identified
- Political – None identified
- Reputation – It is important that correct information is available to facilitate decision-making.
- Equality & Diversity - For all Ribble Valley Borough Council Policies and Strategies and in line with the Council's approach to equalities, an Equality Impact Assessment (EIA) would identify the potential impact of the organisation's policies, services and functions on its residents and staff, and will actively look for negative or adverse

impacts of policies, services, and functions on any of the nine protected characteristics. After consideration an EIA is not required for this report.

•

5 CONCLUSION

- 4.2 For committee to note the 2021/2022 and 2022/2023 performance information provided relating to this committee.









Jaqui Houlker
PRINCIPAL POLICY AND
PERFORMANCE OFFICER

Marshal Scott
CHIEF EXECUTIVE

BACKGROUND PAPERS:







REF: JH/ 24-01-11 Planning & Development Committee YE Performance Information v1
For further information please ask for Jaqui Houlker, extension 4421










Ribble Valley Borough Council
Year-end monitoring report for 2020/21, 2021/22 & 2022/23
Monitoring Report to Community Services Committee






PI Status		Long Term Trends	
	Alert		Improving
	Warning		No Change
	OK		Getting Worse
	Unknown		
	Data Only		













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Planning and Development Committee (Planning Services 21 KPIs)

PI Code	Short Name	2020/21		2021/22		2022/23		Current Performance	Long Term Trend year on year	Comments	Objective
		Value	Target	Value	Target	Value	Target				
PI PL2 (BV204)	Planning appeals allowed	40.0%	30.0%	34.7%	30.0%	21.6%	30.0%			In-house target met although Government target is 10%	To meet the housing needs of all sections of the Community
PI PL2a	Planning appeals received - householder appeal	10	Data only	18	Data only	11	Data only			*Not appropriate to set targets because this is outside of the Council's control.	To meet the housing needs of all sections of the Community
PI PL2b	Planning appeals received - written representation	12	Data only	15	Data only	31	Data only			*Not appropriate to set targets because this is outside of the Council's control.	To meet the housing needs of all sections of the Community

PI Code	Short Name	2020/21		2021/22		2022/23		Current Performance	Long Term Trend year on year	Comments	Objective
		Value	Target	Value	Target	Value	Target				
PI PL2c	Planning appeals received - Inquiry	0	Data only	0	Data only	0	Data only			*Not appropriate to set targets because this is outside of the Council's control.	To meet the housing needs of all sections of the Community
PI PL2d	Planning appeals received - Hearings	3	Data only	0	Data only	2	Data only			*Not appropriate to set targets because this is outside of the Council's control.	To meet the housing needs of all sections of the Community
PI PL2e	Planning appeals determined - Householder appeal	13	Data only	12	Data only	11	Data only			*Not appropriate to set targets because this is outside of the Council's control.	To meet the housing needs of all sections of the Community
PI PL2f	Planning appeals determined - written representation	10	Data only	15	Data only	24	Data only			*Not appropriate to set targets because this is outside of the Council's control.	To meet the housing needs of all sections of the Community
PI PL2g	Planning appeals determined - Inquiry	0	Data only	0	Data only	0	Data only			*Not appropriate to set targets because this is outside of the Council's control.	To meet the housing needs of all sections of the Community
PI PL2h	Planning appeals determined - Hearings	4	Data only	1	Data only	1	Data only			*Not appropriate to set targets because this is outside of the Council's control.	To meet the housing needs of all sections of the Community
PI PL3	Applications refused by committee but recommended for approval	2	Data only	1	Data only	0	Data only			**Not appropriate to set targets because Committee overturns reflect democratic decision making, ideally this number would be as low as possible, but it is more relevant to	To meet the housing needs of all sections of the Community



PI Code	Short Name	2020/21		2021/22		2022/23		Current Performance	Long Term Trend year on year	Comments	Objective
		Value	Target	Value	Target	Value	Target				
										consider the nature of the overturns i.e. qualitative monitoring.	
PI PL4	Applications approved by committee, but officers recommended for refusal	0	Data only	6	Data only	4	Data only			**Not appropriate to set targets because Committee overturns reflect democratic decision making, ideally this number would be as low as possible, but it is more relevant to consider the nature of the overturns i.e. qualitative monitoring.	To meet the housing needs of all sections of the Community
PI PL5 (BV188)	% of planning decisions delegated to officers	96.38%	Data only	93.47%	Data only	94.64%	Data only			**Not appropriate to set targets because similar to above this is a reflection of the democratic process we work to and more relevant to look at the nature of applications we are taking to committee and whether these are appropriate and an efficient use of Members' time.	To meet the housing needs of all sections of the Community
PI PL14a (N157a)	Processing of planning applications: Major applications	45.83%	70.00%	70.00%	70.00%	73.07%	70.00%				To meet the housing needs of all sections of the Community
PI PL14b (N157b)	Processing of planning applications: Minor applications	71.24%	75.00%	69.42%	75.00%	73.12%	75.00%				To meet the housing needs of all sections of the Community

PI Code	Short Name	2020/21		2021/22		2022/23		Current Performance	Long Term Trend year on year	Comments	Objective
		Value	Target	Value	Target	Value	Target				
PI PL14c (N157c)	Processing of planning applications: Other applications	73.36%	80.00%	76.80%	80.00%	74.46%	80.00%				To meet the housing needs of all sections of the Community
PI PL14d	Processing of planning applications: Number of applications received	720	Data only	821	Data only	708	Data only			*Not appropriate to set targets because this is outside of the Council's control.	To conserve our countryside, the natural beauty of the area and enhance our built environment
PI PL14e	Processing of planning applications: Number of applications determined	637	Data only	736	Data only	672	Data only			*Not appropriate to set targets because this is outside of the Council's control.	To conserve our countryside, the natural beauty of the area and enhance our built environment
Page 128 PI PL14f	Processing of planning applications: Number of applications withdrawn	39	Data only	33	Data only	49	Data only			*Not appropriate to set targets because this is outside of the Council's control.	To conserve our countryside, the natural beauty of the area and enhance our built environment
PI PL14g	Processing of planning applications: Number of applications determined under delegated powers	614	Data only	692	Data only	636	Data only			***Not appropriate to set targets because this is a reflection of the democratic process we work to and more relevant to look at the nature of applications we are taking to committee and whether these are appropriate and an efficient use of Members' time.	To conserve our countryside, the natural beauty of the area and enhance our built environment
PI PL14h	Processing of planning applications: Number of applications approved	531	Data only	565	Data only	481	Data only			*Not appropriate to set targets because this is	To conserve our countryside, the natural beauty of the

PI Code	Short Name	2020/21		2021/22		2022/23		Current Performance	Long Term Trend year on year	Comments	Objective
		Value	Target	Value	Target	Value	Target				
										outside of the Council's control.	area and enhance our built environment
PI PL14i	Processing of planning applications: Number of applications refused	106	Data only	171	Data only	191	Data only			*Not appropriate to set targets because this is outside of the Council's control.	To conserve our countryside, the natural beauty of the area and enhance our built environment

Not appropriate to set targets:
 *This is outside of the Council's control.
 **Committee overturns reflect democratic decision making, ideally this number would be as low as possible obviously, but it is more relevant to consider the nature of the overturns i.e. qualitative monitoring
 ***This is a reflection of the democratic process we work to and more relevant to look at the nature of applications we are taking to committee and whether these are appropriate and an efficient use of Members' time

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 Planning and Development Committee (Building Control 4 KPIs)

PI Code	Short Name	2020/21		2021/22		2022/23		Current Performance	Long Term Trend year on year	Comments	Objective
		Value	Target	Value	Target	Value	Target				
PI EHB1	The percentage of building regulations full plans applications checked within 2 weeks	81.75%	75%	85%	75%	88%	75%			The figures for 2021/22 and 2022/23 is based on Q2 (1/7/21 – 30/9/22) data only and is the same for 2022/23. We have a statutory time of 5 weeks (8 with an agreed extension of time). KPI under review	To meet the housing needs of all sections of the Community

PI EHB2	% of Building Control Applications validated within 3 working days	84.75%	75%	99%	75%	98%	75%			Once an application has been submitted, it is not validated until the payment is made, once payment is made our admin team send out the acknowledgment letters the same day as its paid/validated.	To meet the housing needs of all sections of the Community
PI EHB3	% decisions reached within statutory time period - Domestic	85.67%	85%	74%	85%	78%	85%				To meet the housing needs of all sections of the Community
PI EHB4	% decisions reached within statutory time period - Commercial	86%	80%	66%	80%	75%	80%				To meet the housing needs of all sections of the Community

Planning and Development Committee (Regeneration and Housing 3 KPIs)

Code	Short Name	2020/21		2021/22		2022/23		Current Performance	Long Term Trend year on year	Comments	Objective
		Value	Target	Value	Target	Value	Target				
PI RH10 (BV106)	% New homes built on previously developed land	13.00%	22.00%	8.00%	Data only	See note	Data only			Date unavailable	To meet the housing needs of all sections of the Community
PI RH11	Number of new homes granted planning permission	81	Data only	139	Data only	See note	Data only			Date unavailable	To meet the housing needs of all sections of the Community
PI RH12	Number of new homes constructed	453 (419 new build completions & 34	Data only	499 (480 new build completions & 19 conversion	Data only	See note	Data only			Date unavailable	To meet the housing needs of all sections of the Community

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PI Code	Short Name	2020/21		2021/22		2022/23		Current Performance	Long Term Trend year on year	Comments	Objective
		Value	Target	Value	Target	Value	Target				
		conversions & change of use)		s & change of use)							

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RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: THURSDAY 11 JANUARY 2024
title: MEMBERSHIP OF WORKING GROUP
submitted by: MARSHAL SCOTT - CHIEF EXECUTIVE
principal author: REBECCA HODGSON – DEMOCRATIC SERVICES AND CIVIC OFFICER

1 PURPOSE

1.1 To note that the membership of the Working Group under the remit of this Committee for the remainder of the Municipal Year 2023/2024 remains unchanged following changes to political groups.

1.2 Relevance to the Council's objectives and priorities –

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

2 BACKGROUND

2.1 Committee approved the appointment of Members to the Local Development Plan Working Group for 2023/24 on 1 June 2023.

2.2 Based on the then political balance the membership of the Working Group included five members consisting of two Conservatives, one Liberal Democrat, one Labour and one Independent Group Councillor.

The membership of the working group was as follows:

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

3 ISSUES

3.1 Following political group changes, the revised membership of the Planning and Development Committee based on the new political balance was confirmed at the meeting of the Full Council 12 December 2023 as follows:

CONSERVATIVE (6)	LIBERAL DEMOCRAT (2)	LABOUR (3)	PROGRESSIVE LIBERAL GROUP (1)	INDEPENDENT GROUP (1)	GREEN (1)	INDEPENDENT (1)
Tony Austin	Simon O'Rourke	Lee Jameson	Mark French	Jim Rogerson	Malcolm Peplow	Ian Brown
Sue Bibby (C)	Gaynor Hibbert	Kieren Spencer				
Stella Brunskill (VC)		Nick Stubbs				
Louise Edge						
Simon Hore						
Kevin Horkin						

3.2 All members of the Grants Working group remain Members on the Committee and the membership therefore remains unchanged.

4 RISK ASSESSMENT

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

- Resources – the costs associated with working groups are included in the budget for 2023/24.
- Technical, Environment and Legal – none.
- Political – none.
- Reputation – none.

5 CONCLUSION

5.1 Committee is asked to note that the membership of the Local Development Plan Working Group remains unchanged as follows:

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

REBECCA HODGSON
ADMINISTRATION OFFICER

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

- 1 Agenda and Minutes of Planning and Development Committee 1 June 2023
- 2 Agenda and Minutes of Full Council 12 December 2023

For further information please contact Rebecca Hodgson at rebecca.hodgson@ribblevalley.gov.uk.

Agenda Item 12

APPEALS UPDATE for Planning and Development Committee 11 January 2024

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			Appeal Dismissed 11/12/2023
3/2022/0491 R (listed building consent)	06/02/2023	Crow Hill Cottage, West Lane, Worston BB7 1QA	WR			Appeal Dismissed 11/12/2023
3/2022/0778 R LBC	13/09/2023	32 Parson Lane, Clitheroe BB7 2JP	WR			Appeal Dismissed 11/12/2023
Enforcement appeal grounds a, c, f	03/04/2023	Land on NW side of Pendleton Road, Wiswell	WR			Awaiting Decision
3/2022/1105 R	06/09/2023	Oakleigh, Longsight Road, Copster Green BB1 9EX	WR			Appeal Dismissed 28/11/2023
3/2023/0046 R	01/09/2023	15 York Street, Clitheroe BB7 2DH	WR			Appeal Dismissed 12/12/2023
3/2023/0106 R Prior	12/09/2023 Changed to WR 07/11/2023	The Deer House, Woodfold Park, Mellor BB2 7QA	WR			Awaiting Decision
3/2022/1180 R	13/11/2023	Pinfold Farm, Preston Road, Ribchester PR3 3YD	WR			Statement due 18/12/2023
3/2022/0573 R	14/12/2023	Land off Shire Lane, Hurst Green BB7 9QR	WR			Appeal Dismissed 14/12/2023
3/2022/1011 R	17/10/2023	Killymoon, 1 Bennetts Close, Whalley BB7 9AF	WR			Awaiting Decision
3/2022/0771 R	07/11/2023	Flat 6 35-39 Whalley Road, Clitheroe BB7 1EE	WR			Awaiting Decision
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	29/11/2023	19 Abbey Road, Whalley BB7 9RP	WR			Statement due 03/01/2024
3/2022/1176 R	28/11/2023	Flat 3 Hodder Court Knowles Brow Hurst Green BB7 9PP	WR			Statement due 02/01/2024
3/2023/0163 R	13/09/2023	2 The Walled Garden, Woodfold Park, Mellor BB2 7QA	HH			Awaiting Decision

R = Refusal C = Condition U = Undetermined

3/2022/0650 R	06/12/2023	Mill House Chipping Road Chaigley BB7 3LS	WR			Statement due 09/01/2024
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	05/12/2023	107 Whalley Road, Read BB12 7RP	WR			Statement due 11/01/2024
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)			
3/2022/0500 R	Awaiting start date from PINS	Land S of Chatburn Old Road, Chatburn	Hearing (to be confirmed by PINS)			
3/2023/0498 R	Awaiting start date from PINS	Buckley Hall Farm, Preston Road, Ribchester PR3 3YD	WR (to be confirmed by PINS)			
3/2023/0687 R	Awaiting start date from PINS	Healings Farm West Bradford Road, Waddington, BB7 3JE	WR (to be confirmed by PINS)			