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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, 14 MARCH 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 3 - 8)
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 9 - 10)

Report of the Director of Economic Development and Planning – copy enclosed
6. **3/2022/0937 - OAKHILL SCHOOL AND NURSERY WISWELL LANE WHALLEY BB7 9AF** (Pages 11 - 20)
7. **3/2023/1035 - 5 GARNETT MEWS CLITHEROE BB7 2SR** (Pages 21 - 32)

Application withdrawn prior to Committee – see enclosed
Late Item Sheet

8. **SCHEME OF DELEGATION AND CODE OF CONDUCT** (Pages 33 - 60)

Report of the Chief Executive enclosed

ITEMS FOR INFORMATION

9. **REVENUE MONITORING 2023-24** (Pages 61 - 64)

Report of the Director of Resources & Deputy Chief Executive enclosed

10. **CONSERVATION AREAS** (Pages 65 - 70)

Report of the Director of Economic Development and Planning enclosed

11. **BUILDING SAFETY REGULATIONS** (Pages 71 - 74)

Report of the Director of Economic Development and Planning enclosed

12. **PLANNING APPLICATION STATISTICS REPORT** (Pages 75 - 78)

Report of the Director of Economic Development and Planning enclosed

13. **APPEALS (IF ANY)** (Pages 79 - 80)

14. **MINUTES OF WORKING GROUPS**

There are no items under this heading.

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

There are no items under this heading.

16. **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 Ian Brown, Councillor Stella Brunskill JP (Vice-Chair), Councillor Louise Edge, Councillor Mark French, Councillor Simon Hore, Councillor Kevin Horkin MBE, Councillor Simon O'Rourke, Councillor James (Jim) Rogerson, Councillor Kieren Spencer, Councillor Nicholas Stubbs, Councillor Lee Jameson, Councillor Malcolm Peplow and Councillor Gaynor Hibbert.

Minutes of Planning and Development

Meeting Date: Thursday, 8 February 2024, starting at 7.32 pm
Present: Councillor S Bibby (Chair)

Councillors:

T Austin	L Jameson
I Brown	M Peplow
S Brunskill	S O'Rourke
L Edge	J Rogerson
M French	K Spencer
G Hibbert	N Stubbs
S Hore	

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

677 APOLOGIES FOR ABSENCE

Apologies for absence for the meeting were received from Councillor K Horkin

678 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 11 January 2024 were approved as a correct record and signed by the Chair.

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

There were no declarations of disclosable pecuniary, other registrable or non-registrable interests.

680 PUBLIC PARTICIPATION

There was no public participation.

681 PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990

(i) 3/2023/0833 Unit 26, Mitton Road Business Park, Whalley BB7 9YE

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 and retained thereafter in complete accordance with the proposals as detailed on drawings:

Proposed Site Plan 6926-SK02 REV A Received 02/01/2024
Proposed Floor Plans 6926-SK01

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

consent.

2. The use hereby approved shall only be open for business between the following hours:

08:00 to 18:00 Monday to Friday
09:00 to 17:00 Saturday
10:00 to 16:00 Sunday and Bank Holidays

Deliveries, trade and waste collections to and from the site shall only be made during these opening hours.

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

3. The onsite parking facilities shown on the drawing titled Proposed Site Plan 6926-SK02 REV A Received 02/01/2024 shall be made available for vehicle use at all times during the lifetime of the development.

REASON: To ensure that adequate off-street parking provision is retained to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with the National Planning Policy Framework (2023).

4. The use hereby approved shall only be for the storage, display and retail sale of furniture and goods obtained from household clearance sales by 'The Old Coach House Antiques', as well as ancillary offices, and for no other purpose without express planning permission first being obtained. When the unit ceases to be occupied by 'The Old Coach House Antiques' the use hereby permitted shall cease and all materials and equipment brought on to the premises in connection with the use shall be removed.

Reason: The use has been permitted on the basis of the locational needs of this particular business, and to prevent other out-of-centre uses occurring which do not require a business park location.

(ii)

3/2023/0477 The Vines Preston Road Ribchester

RESOLVED THAT COMMITTEE:

Grant planning permission subject to the following conditions:-

1. The development hereby approved shall be used for holiday accommodation only and shall not be occupied as a person's permanent, sole or main place of residence. The unit shall not be occupied (by the same occupant/s) for periods of more than 28 days in any 3 month period. The owner/operator shall maintain an up-to-date register of the names of all holiday owners and/or occupiers of the accommodation and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

At no time shall the accommodation hereby permitted be operated, managed or sold separately from 'The Vines' which is identified within the blue edge of the site location plan submitted.

Reason: To ensure the use remains appropriate in a rural area and compatible with the adjacent land uses.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the building(s) hereby approved shall not be altered or extended, nor shall any new building, structure or enclosure be erected, nor new hardstanding provided, within the red edge of the application site without express planning permission first being obtained.

Reason: In the interest of the visual amenity of the rural area and flood risk.

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

Location Plan PHA/122

Existing Floor Plans, Elevation, Site Plan and Location Plan PHA/122 REV A

Proposed Plan and Elevations Pizza Oven Timber Canopy PHA/122

Proposed Plan and Elevations Hot Tub Timber Canopy PHA/122

Proposed Parking Plan PHA/122

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

4. Prior to the installation of any new external lighting associated with the development hereby approved, a lighting scheme together with an Artificial Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate that the lighting has been designed to minimise any illumination of nearby habitats and will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 (or any subsequent replacement guidance).

The lighting shall be installed and operated in accordance with the approved scheme details, which shall be maintained and retained thereafter.

Reason: To safeguard residential amenity, visual amenity and biodiversity.

(iii)

3/2023/0216 Kitchens Cross Lane Bashall Eaves BB7 3NA

RESOLVED THAT COMMITTEE:

Issue the following resolution to the Planning Inspectorate:

Had had the Local Planning Authority been in a position to determine the application, the application would have been REFUSED for the following reason(s):

1. The proposed development is not considered to be small scale and would fail to conserve or enhance the character of the surrounding National Landscape. The proposal would therefore fail to satisfy the requirements of Policy DMG2 of the Core Strategy and as such is considered to be unacceptable in principle.

2. The proposed development, by virtue of its siting, scale and cumulative visual impact arising from the proposed stable building, areas of hardstanding, manège area and loss of hedgerow would compromise the openness and unspoilt character of the application site which in turn would be harmful to the visual amenities of the area and character of the Forest of Bowland National Landscape. The proposed development would therefore fail to satisfy the requirements of Paragraphs 135 (c)

and 182 of the National Planning Policy Framework and Key Statement EN2 and Policy DMG1 of the Ribble Valley Core Strategy.

(iv) 3/2023/1004 The Hawthorns West Bradford Road Waddington BB7 3JE

RESOLVED THAT COMMITTEE:

Defer and Delegate to the Director of Economic Development and Planning to grant planning permission subject to conditions following the satisfactory submission and agreement of a further bat survey report.

682 SAMLESBURY ENTERPRISE ZONE DRAFT LOCAL DEVELOPMENT ORDER AND MASTERPLAN FOR CONSULTATION

The Director of Economic Development and Planning submitted a report seeking authority from Committee to proceed with public consultation on a revised draft Masterplan and new Local Development Order (LDO) document at the Lancashire Advanced Engineering and Manufacturing Enterprise Zone (Samlesbury).

The current LDO and Masterplan are due to expire in February 2024. Although much of the basic infrastructure has already been completed at the site, revised and updated documents are required as there remains the capacity for continued development of existing and new parcels of land within the boundary.

The consultation would run for 28 days, after which Ribble Valley and South Ribble Councils would collate the responses. Any representations would then be considered, and any changes considered necessary would be made. The new LDO and Masterplan would be brought back before Committee for adoption, which will include a summary of the consultation responses.

RESOLVED THAT COMMITTEE:

Authorise the Council to proceed with the statutory consultation on the new Local Development Order (LDO) and revised Masterplan for the Lancashire Advanced Engineering and Manufacturing Enterprise Zone (Samlesbury).

683 SERVICE LEVEL AGREEMENT WITH LANCASHIRE COUNTY COUNCIL ARCHAEOLOGY 2024/25

The Director of Economic Development and Planning submitted a report seeking authority from Committee in respect of a Service Level Agreement (SLA) between the Council and LCC for archaeological advice for the period 2024-25.

It was noted that Committee had previously authorised the Council to enter into an SLA with LCC for such advice and the cost to Ribble Valley Borough Council for the last three years was £32,138. An updated SLA for 2024-2027 had now been issued by LCC and the cost to Ribble Valley Borough Council would be £32,979. A further breakdown was provided for the annual costs.

It was considered that entering into a SLA with LCC for the 2024/25 period would be the most appropriate course of action. This will allow Ribble Valley to continue to benefit from the archaeology advice it receives from LCC and meet the requirements of the NPPF both in terms of sound decision taking and plan making, and continue to monitor its usage of the service to inform the decision on entering into future SLA's for 2025/26 and 2026/27.

RESOLVED THAT COMMITTEE:

Approve the Council entering into a Service Level Agreement with Lancashire County Council (LCC) for the provision of Archaeological advice for 2024/25 and pay the invoice of £10,470 for that period when issued by LCC.

684 INFRASTRUCTURE FUNDING STATEMENT

The Director of Economic Development and Planning submitted a report updating Committee on Section 106 Agreements and their implementation, as shown through the annual Infrastructure Funding Statement.

In 2022/23, £144,248.48 was received in financial contributions from s106 agreements. It was noted that during this monitoring period, £107,796.64 was spent using the contributions already received and 149 affordable homes were completed.

685 MINUTES OF WORKING GROUPS

There were no minutes from working groups.

686 REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES

There were no reports from representatives on outside bodies.

687 APPEALS (IF ANY)

Members noted the contents of the Appeals report.

688 EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That by virtue of the next item of business being exempt information under Paragraphs 1 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972 the press and public be now excluded from the meeting.

689 EXTERNAL HERITAGE ADVICE

The Director of Economic Development and Planning submitted a report seeking authority from Committee in respect of a Service Level Agreement with Growth Lancashire for external heritage advice for the period 2024-25.

It was noted that the current arrangement with Growth Lancashire was working well, although it will be kept under review.

RESOLVED THAT COMMITTEE:

1. Approve the Council's continued to use of the services of Growth Lancashire.
2. Approve the Council entering into a suitable Service Level Agreement for 2024/25, subject to agreement of its terms by the Head of Legal and Democratic Services.

3. Include the budget for external heritage advice services of £9,000 in this Committee's base estimates from 2024/25 onwards subject to agreement by Policy and Finance Committee.

The meeting closed at 7:32pm

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

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: THURSDAY, 14TH MARCH 2024
title: PLANNING APPLICATIONS
submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

	INDEX OF APPLICATIONS BEING CONSIDERED			
	<u>Application No:</u>	<u>Officer:</u>	<u>Recommendation:</u>	<u>Site:</u>
A	APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS/REASONS FOR REFUSAL			
	NONE			
B	APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR APPROVAL:			
	3/2022/0937	Stephen Kilmartin	AC	Oakhill School and Nursery, Wiswell Lane, Whalley BB7 9AF
C	APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR REFUSAL:			
	3/2023/1035	Stephen Kilmartin	REF	5 Garnett Mews, Clitheroe BB7 2SR
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

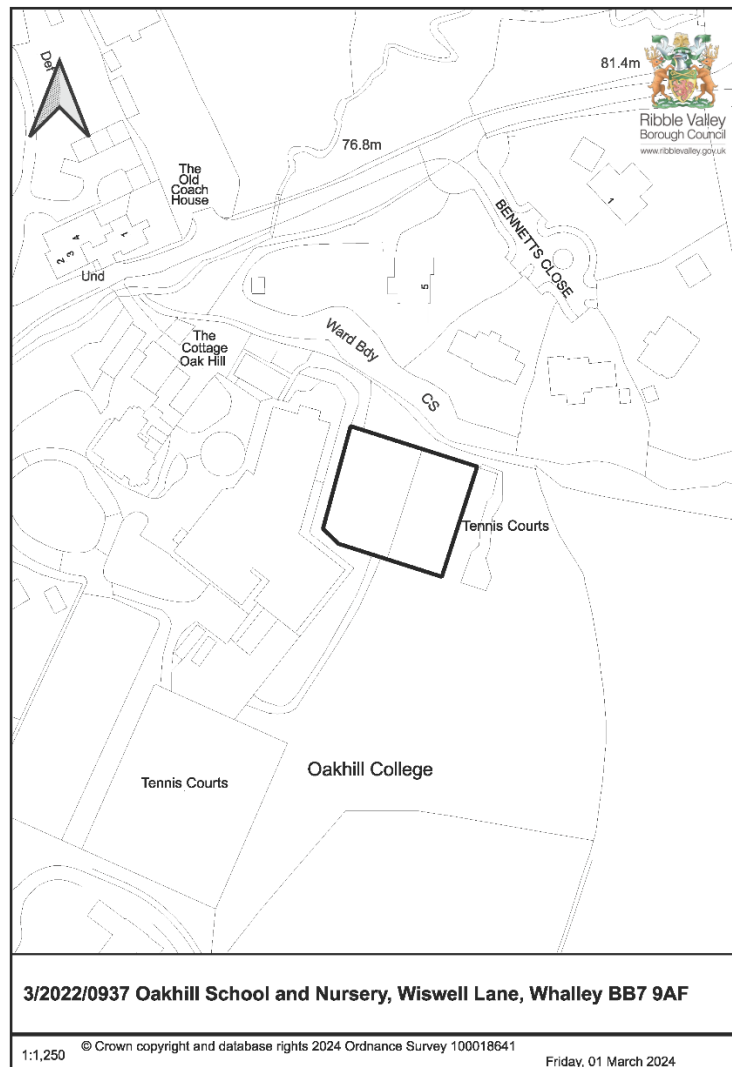
DATE: 14 MARCH 2024
REF: SK
CHECKED BY: LH

APPLICATION REF: 3/2022/0937

GRID REF: SD 373812 436892

DEVELOPMENT DESCRIPTION:

PROPOSED ERECTION OF REPLACEMENT THREE METRE HIGH PERIMETER FENCE AND INSTALLATION OF EIGHT METRE HIGH BALL STOP NETTING AT OAKHILL SCHOOL AND NURSERY WISWELL LANE WHALLEY BB7 9AF



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Whalley parish council have offered the following observation(s):

Whalley parish Council acknowledges the concerns raised by residents regarding noise pollution. We strongly urge the Planning Authority to utilise all available legislation to effectively address this issue. If deemed suitable, we recommend considering the installation of acoustic fencing as a potential solution.

RVBC ENVIRONMENTAL HEALTH:

Ribble Valley Environmental Health Team have offered the following observation(s):

Anecdotally, It has been reported to the environmental health department that the Artificial Grass Pitch (AGP) at Oakhill School was created post development of the houses on Bennetts Close, Whalley.

Satellite Imagery from the 22nd April 2015 shows a tarmacked sports area/children's play ground associated with the Nursery/School on the Oakhill site and the development of the new houses on Bennetts Close. Satellite imagery from the 28th June 2018 (the next time dated satellite image) shows the completed housing and also the newly created AGP.

It has also been anecdotally reported to the environmental health department by complainants that usage of the tarmacked area outside of school hours changed when the AGP was installed; reportedly, prior to installation, the tarmacked area was predominantly used during school hours, which isn't deemed an issue to local residents, as they state noise during normal school hours is expected.

From a planning perspective, it is my understanding that because the previous tarmacked court area was used for sports purposes, the AGP does not need planning permission for 'change of use'. However, I understand the new fencing down the left-hand side of AGP and the new netting around the AGP does. Advertently, the installation of new fencing is part of the creation of the AGP by which the usage outside of school hours has been reported to environmental health as causing a noise problem.

As a consequence of complaints made to the environmental health department, in-person noise monitoring has been undertaken by two environmental health officers and an environmental health technical officer as part of a noise investigation. All three officers who have undertaken monitoring mutually agree that the impulsive noise from ball strikes and shouting from users would seriously restrict residents from using the rear gardens of their properties and is therefore detrimental to the amenity.

Reviewing the Noise Impact Assessment submitted as part of this application, referenced 51-027-R1-1, 2, the data presented lacks focus on the main noise characteristic of concern from use of the AGP which Environmental Health Officers raised directly to the management of Oakhill. As referenced in the report, it is the environmental health officers' opinions that the noise witnessed by them within the garden of a nearby residential property from use of the AGP is of a level and character to substantially interfere with use and enjoyment of the external amenity area and if the

noise continues, unabated, a statutory nuisance will exist and the Council will be duty bound to issue an abatement notice under section 80 of the Environmental Protection Act 1990.

*The law of nuisance requires no particular level of noise to be proven to have occurred in order for a nuisance to exist. In *Murdock v Glacier Metal Co Ltd* [1998] Env. L.R. 732 the Court held that whether or not exceedence of the WHO guideline for a good sleep at night was exceeded was not determinative of the issue. The test to be applied was:*

“whether according to the standards of the average person and taking into account the character of the neighbourhood the noise was sufficiently serious to constitute a nuisance”.

*The Courts have also held that noise which is below the background level is nevertheless capable of constituting a nuisance: *Godfrey v Conwy County Borough Council* [2001] Env. L.R. 38.*

In this case Mr Godfrey owned a building used for music practice. Following complaints from neighbours, an abatement notice was served by Conwy County Borough Council on the basis that the noise was a statutory nuisance under section 79(1)(g) of the Environmental Protection Act 1990. The noise emanating from the building was not higher than ambient levels but the drums and bass could be heard strongly and the inspector considered this to be annoying in that it was out of place, repetitive and of long duration. Mr Godfrey appealed to the High Court. The Court ruled that the correct test for a statutory nuisance was the common law test of unreasonable interference with the enjoyment of property. It could not be contended that noise above ambient levels must be demonstrated before statutory nuisance could exist: noise could be a nuisance if it was out of place and intrusive. The appeal was dismissed.

*In *Lewisham LBC v Hall* [2003] Env. L.R. 4 the Court held that it was not necessary to produce sound level readings in order to demonstrate that a nuisance had occurred. The evidence of experienced environmental health officers as to the quality and effect of the noise can be sufficient to establish a nuisance.*

Within the submitted noise report, reference is made to the World Health Organisation Guidelines and Sports England guidance. Neither of these provide guideline levels for LA_{max} values for outside amenity areas, which is the focus of the noise issue. Using only average sound levels, can hide problematic impulsive sound levels (as in this case).

“The sudden onset of a sound is defined as an impulse”, because the noise from balls striking the fence and shouting is sudden, loud, and unexpected, it has a tendency to startle the listener; “sound with prominent impulses has been shown to be more annoying than continuous types of sound with the same equivalent sound pressure level” (Bsi 2014).

The only reporting of LA_{max} values within the submitted noise assessment is the single daily figure of the 10th Highest Maximum Noise Level from pitch use between 10:00 – 22:00. Given impulsive noise is the main finding of concern, the lack of investigation into this inadequate.

I acknowledge that the report predicts that LA_{max} levels from use of the AGP will not exceed the ‘outside bedrooms’ value of 60dB, however, this value relates to a time period over 8-hours between 23:00 – 07:00 and refers to sleep disturbance within a bedroom of a dwelling, therefore it is irrelevant to this case.

It is the opinion of the RVBC Environmental Health Team that the best outcome in the planning phase is to strike a balance between neighbours being able to use the external areas of their

properties without unreasonable noise interference and the school being able to use the AGP for community use outside normal school hours.

The response from the RVBC Environmental Health Team further states, that should consent be granted, they would request the imposition of a condition that restricts the use of AGP pitch to that of 08:00hrs to 18:30hrs Monday – Friday, with no weekend usage permitted.

In the absence of the imposition of such a condition the Environmental Health team consider that the proposal would result in direct conflict with national planning Policy, which seeks to protect residential amenity and the living conditions of existing/future residential occupiers.

ADDITIONAL REPRESENTATIONS:

Three letters of representation have been received objecting to the proposed development on the following grounds:

- Increase in noise and disturbance from the existing Artificial Grass Pitch
- Increase in noise and disturbance resultant from ‘ball-strikes’ on the fencing
- Existing activities preclude the ability for nearby occupiers to enjoy the use of their garden areas
- Light pollution

1. Introduction

- 1.1 The application is being brought to Committee following a call-in request from Councillor Ged Mirfin which was issued at the time whereby he was a Ward Councillor, with issues relating to noise pollution and the adequacy of acoustic fencing stated as the planning reasons for the call-in.

2. Site Description and Surrounding Area

- 2.1 The application relates to the Artificial Grass Pitch (AGP) associated with Oakhill School and Nursery located off Wiswell lane, Whalley. The pitch is located towards the north-eastern extents of the Oakhill Site, being located within the defined settlement limits of Whalley. The site to which the application relates benefits from a DMB4 ‘Existing Open Space Provision’ designation.
- 2.2 The application site is bounded to the west by buildings associated with the Oakhill Complex, with the site being bounded to the north by existing tree coverage and residential dwellings associated with ‘Bennetts Close’. To the south of the site are playing fields associated with Oakhill with areas of tree-coverage and greenfield land being located to the east.

3. Proposed Development for which consent is sought

- 3.1 The application seeks consent for the erection/installation of replacement three-metre-high perimeter fence and associated ball-stop netting around the perimeter of the existing Artificial Grass Pitch associated with Oakhill School and Nursery.
- 3.2 The submitted details state that consent is sought for the following:

- *New 3.0 metre high fencing around the perimeter of the site and north/ south down the centre of the site - it should be noted that the perimeter fence is a like for like replacement of an existing 3.0 metre high fence which had reached the end of its lifespan. Whilst planning permission is being sought for ease, the perimeter fencing is permitted development under Part 2 'Minor Alterations' Class A of the GDPO which allows like for like replacement of an existing fence.*
- *New ball stopping netting to 8 metres height – this is proposed around 3 sides of the western playing pitch, namely the north, south and east. The existing netting will be removed and replaced with a new fit for purpose solution.*

4. **Relevant Planning History**

No recent planning history directly relevant to the determination of the current application.

5. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1: Development Strategy

Key Statement DS2: Sustainable Development

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

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 DMB1: Supporting Business Growth and the Local Economy

Policy DMB4: Open Space Provision

National Planning Policy Framework (NPPF)

6. **Assessment of Proposed Development**

6.1 **Principle of Development:**

6.1.1 The proposal seeks consent for the replacement of existing steel wire mesh 'rebound' fencing and high-level ball stop netting to serve an existing Artificial Grass Pitch that is open for use by the wider community, within the site benefiting from a DMB4 designation. As such, Key Statement EC2 and Policy DMB4 are primarily, but not solely, engaged in respect of assessing the acceptability of the principle of the development and its alignment or potential conflict with the aims and objectives of the Ribble Valley Core Strategy.

6.1.2 In this respect Key Statement EC2 states that 'proposals that have an adverse upon existing community facilities would only be permitted as an exception where the proposed development would bring defined and demonstrable benefits'.

- 6.1.3 In respect of the DMB4 designation of the application site, in that it is considered to be existing 'Open Space Provision', Policy DMB4 states:

The borough council will refuse development proposals which involve the loss of existing public open space, including private playing fields which are in recreational use. In exceptional circumstances and following a robust assessment where the loss of a site is justifiable because of the social and economic benefits a proposed development would bring to the community, consent may be granted where replacement facilities are provided, or where existing facilities elsewhere in the vicinity are substantially upgraded. These must be readily accessible and convenient to users of the former open space areas.

It is important to protect existing recreational areas from development. Within defined settlements public recreational land will be identified on the proposals map.

- 6.1.4 Taking account of the above, the proposal seeks the replacement of existing infrastructure provision associated with an existing use, as such there would be no resultant adverse impact upon the 'existing community facilities' nor would the proposed development result in 'the loss of existing public open space' (including private playing fields which are in recreational use).
- 6.1.5 In this respect, notwithstanding other development management considerations, it is considered that the principle of the development raises no significant measurable direct conflict with aims and objectives of both Key Statement EC2 and Policy DMB4 of the Ribble Valley Core Strategy.

6.2 Impact(s) upon Residential Amenity

- 6.2.1 Given the proposal seeks the replacement of existing 'perimeter fencing' and 'ball-stop' netting, within close-proximity to existing nearby residential receptors, consideration must be given in respect as to whether the proposed replacement infrastructure will result in any undue impacts upon nearby residential amenities by virtue of overbearing impact, a loss of light, loss of privacy, detriment to outlook or a diminishing of the sense of residential amenity currently experienced by existing nearby occupiers by virtue of excessive unacceptable levels of noise or disturbance.
- 6.2.2 In this respect Policy DMG1 of the Ribble Valley Core Strategy is engaged which requires that development proposals must take 'account of the effects on existing amenities' and should not 'adversely affect the amenities of the surrounding area'.
- 6.2.3 In respect of the above, members will note that the Local Planning Authority is aware of a number of noise complaints having been received by RVBC Environmental Health Team from nearby residential occupiers in respect of the use of the Artificial Grass Pitch. Specifically, these complaints relate to noise, excessive shouting, light pollution and 'impulse' noise pollution resultant from 'ball-strikes' to the existing perimeter fencing associated with the activities undertaken on the land.

- 6.2.4 However, members will additionally note that the application does not seek consent nor retrospective consent for the use of the land as an Artificial Grass Pitch (AGP). With the use of the land for such purposes, in isolation and at the point of the operational use commencing, not constituting a change of use of the land for which planning permission would be required.
- 6.2.5 As such, regardless of the proposed perimeter fencing provision, the current use as an AGP could continue indefinitely without the ability for the local planning authority to impose any controlling mechanism(s) on the use of the land. Nor could the local planning authority limit or restrict the current activities undertaken on the land unless such uses, in the future, involved the introduction of a use or uses which would constitute a material change of use.
- 6.2.6 In this respect, consideration must be given therefore solely to the provision of the replacement perimeter fencing and ball-stop netting, and as to whether the introduction of such replacement provision(s), would result in any increased adverse impacts upon residential amenity over and above that of the existing situation.
- 6.2.7 The submitted details propose the installation of perimeter steel-mesh fencing (at a height of 3m) around the perimeter of the AGP, with 'ball-stop' netting being mounted above and on top of the mesh-fencing, resulting in the hybrid arrangement benefitting from a cumulative height of 8m.
- 6.2.8 It is noted that RVBC Environmental Health Team, in light of noise complaints, recommend the imposition of a condition that would limit the use of the AGP to that of 08:00hrs to 18:30hrs Monday to Friday, with no weekend usage being permitted. However, the imposition of such a condition would fall outside of and go beyond the remit of the current application insofar that the application does not relate to the 'use of the land'. As such, for assessment purposes, the remit of the assessment within the current application is limited to that of an assessment and as to whether the proposed fencing provision(s) would result in additional harm over and above that of the existing situation or whether such provision would result in excessive levels of unacceptable noise pollution, particularly in relation to 'impulse' noise events resultant from 'ball-strikes' upon the fencing.
- 6.2.9 In this respect, the proposal seeks to replace existing fencing provision(s) with products that are considered to be of a higher specification, with the submitted supporting information stating the installation of the replacement fencing arrangements will include the following:
1. *The netting and posts that currently envelopes the entire artificial pitch area will be removed and replaced. The current netting is having a detrimental impact on the rigidity of the perimeter posts and the fencing attached to the posts and therefore needs to be removed.*
 2. *The posts along both sides of the length of the playing surface will be reset and the fence panels re-attached in a more secure way with rubber inserts added between the posts and fence panels to address current issues of rattling.*

3. *The posts and fence panels at the goal ends, which receive the vast majority (approx. 90%) of the ball impact, will be completely removed and replaced with a denser fence panel designed for sports areas and again with rubber inserts to further reduce any rattling.*
 4. *The posts, at intervals specified by the professional installers, around the entire perimeter of the artificial pitch, will be extended to a height of 8 metres to allow ball stop netting to be hung vertically. This will not then have any impact on the integrity of the fencing system and will allow the rubber inserts to remain effective whilst ensuring the ball is retained in the playing area and not escaping to neighbouring areas.*
- 6.2.10 Whilst no specific technical information is available in respect of the noise emitted from the proposed fencing as a result of intermittent ball-strikes, the installation of a higher specification product, along with the measures outlined above is likely to result in overall 'betterment' in respect of noise emission(s) or at worse a 'neutral' impact when taking account of current noise emitted as a result of the current fencing.
- 6.2.11 In support of the application the applicant has commissioned a Noise Impact Assessment (November 2023) with the report stating that:
- 'This is a very strong indication that noise impact from the AGP is not considered adverse, especially considering the context. Here, matches are restricted to between 17:30 and 20:30 during the week and no matches at weekends. Subjectively this is considered an over mitigation and, considering the outcome of the assessment, is unwarranted.*
- Indeed, the operation of the AGP does not exceed widely acceptable external and internal noise levels in accordance with BS 8233 and WHO Guidelines.*
- A further point to note is existing school noise and outdoor area usage by the pupils between 08:00 and 15:00 ranges between 59.5 and 67.4 dB. As such, the resultant noise from the pitch at the measurement position is no louder than that already resultant from typical school noise, i.e. children playing outside. Indeed, the highest pitch noise is lower than the highest school source noise level. This is extremely important when considering context and the nature of the noise. Raised voices and use of the pitches already takes place as part of the school operations during the day. As such, the use of the pitches does not resultant in a new noise source nor one of higher intensity'.*
- 6.2.12 With the Noise Impact Assessment, in respect of the proposed mesh fencing, further stating that *'the replacement of the green mesh fencing to be replaced with a lower noise fence with resilient fixtures to lessen impact sounds. Were this to be approved and installed, this would further reduce noise levels at the receptors bringing noise levels comfortably below the criterion further'.*
- 6.1.13 As such and in respect of the above matters, it is not considered that the provision of the replacement 'mesh-fencing' and associated ball-stop netting (nor associated intermittent 'impulse' noise events resultant from 'ball-strikes'), would be of a

measurable and quantifiable level of detriment to existing residential amenities that would warrant the refusal to grant planning permission on these grounds.

- 6.1.14 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.

6.3 Visual Amenity/External Appearance

- 6.3.1 The proposed hybrid fencing will be read largely in context with the existing Oakhill School and associated playing fields/buildings and will be read as being infrastructures serving and being part of the wider open space associated with the school, as such the introduction of the fencing arrangement is unlikely to be read as being an anomalous, discordant or unsympathetic addition.
- 6.3.2 It is noted that the hybrid-fencing arrangement will be afforded some limited views within the context of the wider area, however given the level of visual permeability inherent to the fencing provision(s), in particular the high-level ball stop netting, it is not considered that their presence would result in any undue significant measurable impact(s) upon the character or visual amenities of the area.
- 6.3.3 As such and taking account of the above, the proposal does not raise any significant direct conflicts with Policy DMG1 insofar that there will be no measurable significant harm to the visual amenities of the area resultant from the proposed development.

6.4 Landscape and Ecology:

- 6.4.1 No implications resultant from the proposal nor any measurable conflict(s) with Key Statement EN4, nor Policies DME1, DME2 or DME3 of the Ribble Valley Core Strategy.

6.5 Highway Safety and Accessibility:

- 6.5.1 The submitted details do not propose alterations to the highway, internal site configuration nor development that would affect existing car-parking provision or vehicular manoeuvring provision.
- 6.5.2 As such and taking account of the above, the proposed development results in no significant measurable direct conflict(s) with Policies DMG1 nor DMG3 of the Ribble Valley Core Strategy, which seek to ensure the continued safe operation of the highways network and that adequate vehicular-parking and pedestrian infrastructure provision is provided/maintained to serve existing and proposed development.

7. Observations/Consideration of Matters Raised/Conclusion

- 7.1 For the reasons outlined above it is considered that the principle of the development raises no significant measurable direct conflict with aims and objectives of both Key Statement EC2 and Policy DMB4 of the Ribble Valley Core Strategy.

- 7.2 It is further considered that the proposal does not raise any significant direct conflicts with Policy DMG1 of the Ribble Valley Core Strategy insofar that there will be no measurable significant harm to the residential amenities of neighbouring properties or the visual amenities of the area resultant from the proposed development when taking account of the existing situation regarding the lawful use of the pitch and the presence of existing fencing.

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

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 the following drawings/submitted information:

Site Location Plans: OS/S/3G003

Proposed Plan and Fencing Elevations: OS/S/3G003

'Dulok Rebound' (Double Wire Panel System)

Ball Stop Netting Details (Polypropylene Mesh)

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

BACKGROUND PAPERS

https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2022%20937

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

REFUSAL

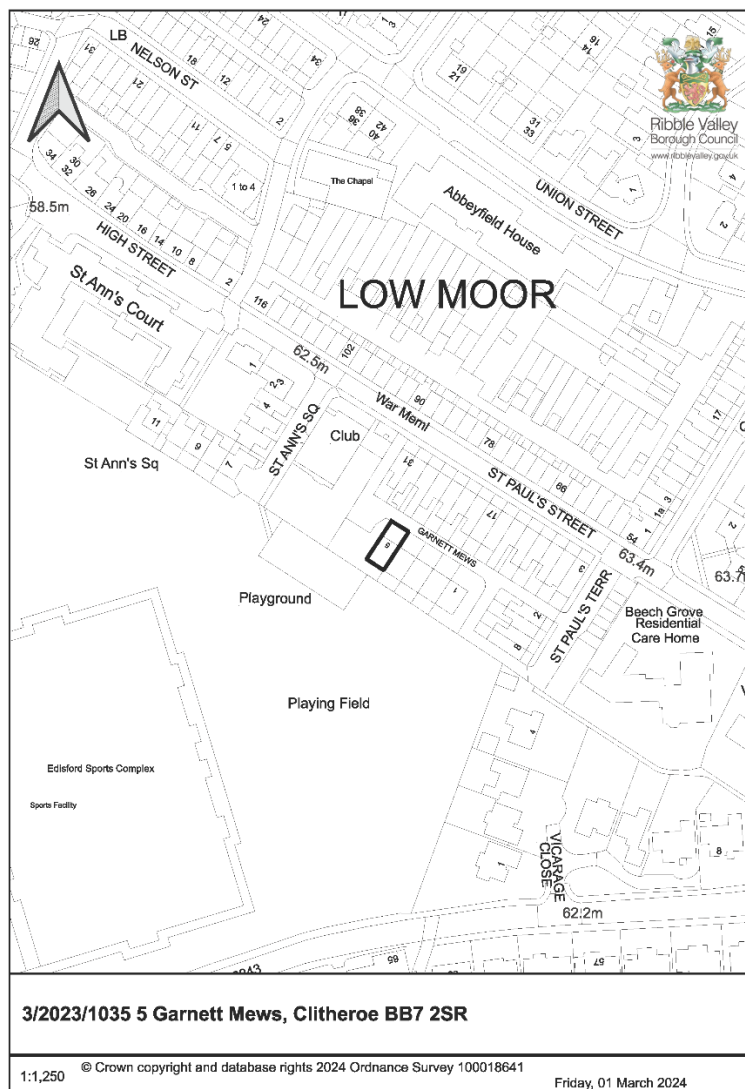
DATE: 14 MARCH 2024
REF: SK
CHECKED BY: LH

APPLICATION REF: 3/2022/1035

GRID REF: SD 373056 441637

DEVELOPMENT DESCRIPTION:

REGULARISATION OF CHANGE OF USE FROM DWELLING (C3) TO HOLIDAY LET (C5) AT
5 GARNETT MEWS, CLITHEROE BB7 2SR



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Clitheroe Town Council object to the proposal offering the following observations:

- 5 Garnett Mews is one of a row of five properties that were approved (as Private Dwellings) under revised planning application 3/2017/0920 (development completed 26/09/2022).
- Less than 18 months after completion of the development, application 3/2023/1035 seeks to change its use from Private Dwelling to Holiday Let.
- After receiving numerous complaints from residents of Saint Paul's Street, this was investigated and the Council was informed that the property was operating as a holiday let without proper consent (06/07/2023).
- It is believed this application is retrospective as residents have already witnessed a steady stream of people utilising No.5 as a holiday let. You can also already view and book the property via booking.com
- Part of the complaints from residents highlighted that there was insufficient parking within the development to cater for the multiple users (up to 4 vehicles in some instances) of the holiday let at any one time.
- The original planning application states there is 1 parking space provided at the front of each property with an additional overspill spot within a garage away from the property at the far end of Saint Pauls street. Further visitor parking (2 spaces for all 5 properties in the row, usable subject to the security bollards being lowered) is also available, though currently wholly occupied by an unusable vehicle on a permanent basis. All of these overspill spots are routinely blocked by persons living within the other 4 properties on the row parking perpendicular to the garage entrances rather than utilising the garages themselves.
- As a result, users of the holiday home are parking on Saint Paul's street, which then limits the number of spaces available for residents, who have already seen a significant reduction in parking due to the development being approved in the first instance.
- As the users of the holiday let are short term occupants there is no familiar point of contact to escalate the parking issue with.
- It is felt the approval of this planning application sets a dangerous precedent, and what prevents the other 4 properties in the row from also having this type of application approved or indeed any other new build property in the borough?
- At the most recent Health & Housing Committee councillors were also informed of the Lancashire County Council Forced Migration Strategy (Agenda Item 12) which seeks (as a minimum) to utilise 3 properties within the Ribble Valley to allow resettled persons to move into the Borough.
- Agenda item 21 within the same Committee meeting may also impact the amount of properties available within the private rental sector depending on outcome.
- Given the already serious issue of a lack of housing for sale or to rent within the borough, it is believed the original planning application in 2017 was approved to benefit an increasing requirement for residential property. Approving application 3/2023/1035 is at odds with that original decision and when considering the implications of Points 10 and 11 combined with this application, available housing is further eroded for people within the Ribble Valley.

LOCAL HIGHWAYS AUTHORITY (LHA):

Lancashire County Council Highways does not raise an objection to 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 a condition.

Site Access/ Internal Layout - The proposal will continue to be accessed off Garnett Mews which is an unclassified road subject to a 20mph speed limit. The LHA have reviewed APB drawing number DWG01 titled "Planning Consent" and are aware that the access to the proposal, which was approved following application reference 3/2017/0920, will remain unaltered following the proposal. The access will serve one carparking space for the proposed 3 bed holiday cottage.

While the proposal does not comply with the LHAs parking guidance as defined within the Joint Lancashire Structure Plan, which requires the site to provide 2 car parking spaces, the LHA will accept the shortfall. This is because the LHA accepted the shortfall in parking at the existing dwelling when application reference 3/2017/0920 was approved. Therefore, it would be unreasonable to request an additional car parking space is provided or object to the application on this basis.

To conclude the LHA have no objection with the proposals impact on the local highway network unlikely to be severe given the existing situation. The LHA have further requested, that should consent be granted, the following condition be imposed:

The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with APB drawing number DWG01. Thereafter the onsite parking provision shall be so maintained in perpetuity.

ADDITIONAL REPRESENTATIONS:

At the time of the writing of this report no representations have been received in respect of the application.

1. Introduction

- 1.1 The application is being brought to Committee following a call-in request from Councillor Ryan Corney, with impacts on parking and loss of housing stated as the planning reasons for the call-in.

2. Site Description and Surrounding Area

- 2.1 The application relates to a three-bedroomed two-storey end of terrace property located on Garnett Mews, Clitheroe. The site lies within the defined settlement limits of Clitheroe, with the property forming part of one of five terraced properties located to the rear of terraced residential properties fronting St Pauls Street, Low Moor. The property is bounded to the north by the dwellings that front St Pauls Street, to the south by the Edisford Road/Low Moor playing fields, and to the west by Low Moor Social Club.

3. Proposed Development for which consent is sought

- 3.1 The application seeks retrospective consent for the change of use of the dwelling to that of a 'holiday-let'. The submitted details propose no external alterations to the building nor

alterations to the existing site configuration, with the supporting information stating that the holiday-let use generates part-time employment for one individual.

4. **Relevant Planning History**

3/2022/0930: Discharge of Condition 9 (Car Parking) and 12 (Bat Box) of planning application 3/2017/0920. (Approved)

3/2022/0682: Variation of conditions 9 (Parking) and 10 (Bins) from planning permission 3/2017/0920 changing a shared bin store building to storage of bins at each dwelling and to redesign the turning area. Following refusal of 3/2022/0105. (Refused)

3/2022/0105: Variation of conditions 9 (Parking) and 10 (Bins) from planning permission 3/2017/0920 changing a shared bin store building to storage of bins at each dwelling and to reduce the size of the turning area. (Refused)

3/2018/0183: Discharge of condition 1 (time constraint), 2 (approved plans), 3 (materials), 4 (boundary treatments), 5 (ground levels and floor levels), 6 (obscure glazing), 7 (landscaping), 8 (dedicated garaging), 9 (parking scheme), 10 (refuse storage area), 11 (garage doors), 12 (bird and bat boxes), 13 (construction method statement), 14 (land contamination report), 15 (drainage), 16 (surface water drainage), 17 (restriction of use of garages) and 18 (removal of permitted development rights) from planning permission 3/2017/0920. (Approved)

3/2017/0920: Revised application for five town-houses following outline approval 3/2015/0312 including garage block on St Pauls Terrace.

5. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement DMI2 – Transport Considerations
Key Statement EC1 – Business and Employment Development
Key Statement EC3 – Visitor Economy

Policy DMB1 – Supporting Business Growth
Policy DMB3 – Recreation and Tourism Development
Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport & Mobility

National Planning Policy Framework (NPPF)

6. **Assessment of Proposed Development**

6.1 **Principle of Development:**

6.1.1 Given the proposal seeks to create a new unit of holiday accommodation, Key Statement EC3 and Policies DMB1 and DMB3 are primarily, but not solely,

engaged in respect of assessing the acceptability of the principle of the development and its alignment or potential conflict with the aims and objectives of the Ribble Valley Core Strategy.

- 6.1.2 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. Significant new attractions will be supported, in circumstances where they would deliver overall improvements to the environment and benefits to local communities and employment opportunities'*.

- 6.1.3 In respect of 'Supporting Business Growth and the Local Economy' Policy DMB1 states the following:

Proposals that are intended to support business growth and the local economy will be supported in principle. development proposals will be determined in accord with the core strategy and detailed policies of the LDF as appropriate. the borough council may request the submission of supporting information for farm diversification where appropriate. The expansion of existing firms within settlements will be permitted on land within or adjacent to their existing sites, provided no significant environmental problems are caused and the extension conforms to the other plan policies of the LDF.

The council in accord with its vision and key statements wishes to create the right environment for business growth whilst ensuring development is sustainable.

- 6.1.4 In respect of the creation of new holiday accommodation within the borough, Policy DMB3 is also 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.

- 6.1.5 In respect of the above, both policies DMB1 and DMB3 and Key Statement EC3 are generally supportive of the creation of new holiday accommodation. However, the first criterion of Policy DMB3 requires that proposals should 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.
- 6.1.6 Policy DMB1 contains a similar inherent policy criterion requiring that proposals should not result in conflict with Policy DMG1 and that such proposals will also be assessed against their compatibility with other policies within the adopted development plan.
- 6.1.7 As such and taking account of the above matters, notwithstanding other development management considerations, it is considered that the principle of the development would align broadly with the aims and objectives of both Key Statement EC3 and Policies DMB1 and DMB3 of the Ribble Valley Core Strategy.
- 6.1.8 However, members will note that if the development results in identified conflict with the adopted development plan, either through direct conflict with the inherent criterion of Policies DMB1 or DMB3 or by virtue of conflict with other policies within the development plan, the general support normally afforded by both Policies DMB1 and DMB3 is considered to be fully disengaged and could not be engaged in support of the development.

6.2 Impact upon Residential Amenity and Character of the Area

- 6.2.1 Given the proposal seeks consent for a change of use from that of that of a C3 Dwellinghouse to that of commercial tourism accommodation, consideration must be given in respect of the compatibility of the proposed use with that of the character of the immediate area and as to whether the introduction of such a use will result in any undue impacts upon the character of the area or nearby residential amenities.
- 6.2.2 The submitted details propose that the 'holiday let' will be three -bedroomed, with the marketing information for the property stating that it can accommodate up to 7 persons, with 'bedroom 1' accommodating one large double bed, bedroom two accommodating one large double bed and bedroom 3 accommodating one standard double bed and a single bed.
- 6.2.3 In respect of matters of 'occupancy levels', a recently dismissed appeal received by the authority (APP/T2350/W/23/3325820), for the change of use from a dwelling to short-term let holiday accommodation, concluded that:

'the numbers of people occupying the property would be over and above that expected from other dwellings in this location. In addition, the use of the property as a holiday let would result in a more disruptive pattern of occupation than if it was used as a private domestic dwelling. This would not be satisfactorily controlled by condition and therefore would harm the living conditions of neighbouring properties'.

- 6.2.4 With the Inspector further concluding, when considered whether occupancy levels could be controlled via the imposition of condition(s), that *'it would be very difficult to enforce such a condition, or prevent other people that are not resident, visiting the building'*. As such, the authority does not consider that there are any mechanisms that could reasonably be put in place to limit the occupation of the premises to 7 occupants via the imposition of planning conditions.
- 6.2.5 In respect of the above, when taking account of the scope and extent of accommodation proposed, which could accommodate up to 7 guests/occupants at any one time, it is considered that the intensity of the use and associated level of occupancy, particularly when the premises would be fully booked, would give rise to a use that fails to be *'sympathetic to existing and proposed land uses in terms of its size, intensity and nature'* as required by Policy DMG1.
- 6.2.6 Further to the above, the proposed use would possess and generate an unsympathetic level of associated activities, a level of occupancy atypical for the area and result in the introduction of a disruptive pattern of occupation which would be considered anomalous compared that of the nearby and adjacent C3 residential dwellings.
- 6.2.7 In this respect it cannot be considered, particularly when taking account of the character of the back street terrace, in that it is relatively private and sedate in character and typified by normal activities associated with the residential occupancy of private domestic dwellings, that the proposed use would be 'sympathetic' to the inherent character of the immediate area.
- 6.2.8 Taking account of the above, the proposal would be of significant detriment to the residential character of the immediate area, particularly insofar that such associated activities and occupancy levels would not be commensurate with and would significantly exceed the level of activities and occupation associated with the nearby dwellings when occupied on a normally family basis as categorised by use class C3.
- 6.2.9 As such and taking account of the above matters, it is considered that the proposed development, by virtue of its identified conflict with Policy DMG1, is also in direct conflict with Policies DMB1 and DMB3 insofar that the proposal fails to accord with 'the provisions of Policy DMG1' and is in 'conflict with other policies' within the development plan. As such the general 'in principle' support afforded to such proposals by virtue of Policies DMB1 and DMB3, in this instance, is considered fully disengaged.

6.3 Visual Amenity/External Appearance

- 6.3.1 The proposed development does not involve nor propose any external alterations to the application building or associated site configuration. As such, the proposal does not raise any significant direct conflicts with Policy DMG1 insofar that there will be no measurable significant harm to the visual amenities of the area resultant from the proposed development.

6.4 Landscape and Ecology:

- 6.4.1 No implications resultant from the proposal nor any measurable conflict(s) with Key Statement EN4, nor Policies DME1, DME2 or DME3 of the Ribble Valley Core Strategy.

6.5 Highway Safety and Accessibility:

- 6.5.1 The Local Highways Authority has raised no objection to the proposed development stating that *'while the proposal does not comply with the LHAs parking guidance as defined within the Joint Lancashire Structure Plan, which requires the site to provide 2 car parking spaces, the LHA will accept the shortfall. This is because the LHA accepted the shortfall in parking at the existing dwelling when application reference 3/2017/0920 was approved. Therefore, it would be unreasonable to request an additional car parking space is provided or object to the application on this basis'*. Further adding that *'the proposals impact on the local highway network [is] unlikely to be severe given the existing situation'*.

- 6.5.2 However, it is considered that the highways assessment fails to take account of the level of occupancy and number of occupiers that the 'holiday let' can currently accommodate. With the marketing information for the property stating that it can accommodate up to 7 persons. In addition, as stated previously, it is not considered that occupancy levels, or other people visiting the building, could be controlled via the imposition of condition(s).

- 6.5.3 The erection of the dwelling to which the application relates was granted consent pursuant to planning permission 3/2017/0920 (revised application for five townhouses following outline approval 3/2015/0312 including garage block on St Pauls Terrace). The granting of this consent included the imposition of a condition (condition 8) which reads as follows:

'No development shall commence until details of the dedicated garaging and to which dwelling they will be assigned has been submitted to and agreed in writing by the Local Planning Authority.

The agreed garaging (including allocation to an individual dwelling) shall be implemented and made available for use prior to first occupation of any of the dwellings hereby approved and retained as such in perpetuity thereafter unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt, the garaging for each individual dwelling shall be kept available for the parking of vehicles ancillary to the enjoyment of the household to which they are allocated and shall not be separated from their respective dwelling by way of sale or sub-letting'.

- 6.5.4 Members will note that this condition was partially discharged pursuant to application 3/2018/0183 insofar that each dwelling was to be afforded one dedicated parking space 'on-plot' with each dwelling also being allocated one garage as additional parking provision. With the decision notice, in relation to condition 8 reading as follows:

'Condition 08 is partially discharged insofar that the submitted details are agreed by the Local Planning Authority. The condition requires that the agreed garaging (including allocation to an individual dwelling) shall be implemented and made available for use prior to first occupation of any of the dwellings hereby approved and retained as such in perpetuity thereafter unless otherwise agreed in writing by the Local Planning Authority.'

The condition further requires that the garaging for each individual dwelling shall be kept available for the parking of vehicles ancillary to the enjoyment of the household to which they are allocated and shall not be separated from their respective dwelling by way of sale or sub-letting. This condition cannot be fully discharged in that it remains in place in perpetuity for the lifetime of the development'.

- 6.5.5 At the time of granting consent (3/2017/0920) the dwelling to which the current application relates was shown as being a three-bedroomed dwelling. With each dwelling being afforded parking provision for two vehicles, with the provision(s) consisting with one parking area being accommodated 'on-plot', with the remaining provision being provided by way of dedicated garaging provision.
- 6.5.6 In this respect the parking provision, at the time of granting consent, was considered to be commensurate with and adequate to serve three-bedroomed residential dwellings and the normal levels of occupancy that would be associated with a dwelling that is inhabited by a single family or the level of occupancy expected of a 3-bedroomed private domestic dwelling.
- 6.5.7 The submitted details propose that the 'holiday-let' will only benefit from dedicated parking provision for one vehicle, resulting in an overall reduction in the quantum of parking provision historically consented. This in concert with the increased occupancy level(s) of the property as a result of the change of use (up to 7 occupants), means it is considered that the proposed development is likely to result in a requirement for vehicular parking that is over and above that of the provision currently proposed and to a level that is likely to cause undue impacts in respect of vehicular parking demands that will not be met on-plot.
- 6.5.8 In this respect the proposal is considered to be in direct conflict with criteria 4 and 5 of Policy DMB3 which requires that such developments '*should not generate additional traffic movements of a scale and type likely to cause undue problems or disturbance*' and that the site '*should be large enough to accommodate the necessary car parking*' to serve the development proposed.
- 6.5.9 Given the above identified conflict with Policy DMB3 criterion(s) 4 and 5, further conflict with Policy DMG3 is also resultant in that the proposal fails to 'provide adequate car-parking' as required by the policy.
- 6.5.10 As such and taking account of the above, the proposed development is considered to be indirect conflict with Policies DMB3 and DMG3 of the Ribble Valley Core Strategy insofar that the development fails to provide adequate levels of parking provision to adequately accommodate the upper level of occupancy associated with the proposed use.

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


- 7.1 For the reasons outlined above, the proposed development is considered to be in direct conflict with the aims and objectives of Policies DMG1, DMB1 and DMB3 of the Ribble Valley Core Strategy insofar that the use fails to be sympathetic to existing adjacent residential land uses in terms of intensity and nature. It is further considered that the proposed use, by virtue of its level of occupancy, associated activities and divergent disruptive pattern of occupation, compared to that of neighbouring residential development, would be of significant detriment to the residential character of the immediate area and the residential amenities of existing nearby residential occupiers.
- 7.2 It is further considered that the proposed the proposed development would be indirect conflict with Policies DMB3 and DMG3 of the Ribble Valley Core Strategy insofar that the development fails to provide adequate levels of parking provision to adequately accommodate the occupancy levels and parking requirements associated with the proposed usage of the property.

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

1. The proposal is considered to be in direct conflict with the aims and objectives of Policies DMG1, DMB1 and DMB3 of the Ribble Valley Core Strategy insofar that the use fails to be sympathetic to existing adjacent residential land uses in terms of intensity and nature. It is further considered that the proposed use, by virtue of its level of occupancy, associated activities and divergent disruptive pattern of occupation, compared to that of neighbouring residential development, would be of significant detriment to the residential character of the immediate area and the residential amenities of existing nearby residential occupiers.
2. The proposed development is considered to be indirect conflict with Policies DMB3 and DMG3 of the Ribble Valley Core Strategy insofar that the development fails to provide adequate levels of parking provision to adequately accommodate the occupancy levels and parking requirements associated with the proposed usage of the property.

BACKGROUND PAPERS

https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2023%21035

Late Items – Planning & Development Committee				 <div>Ribble Valley Borough Council</div> <div>www.ribblevalley.gov.uk</div>	
Meeting Date: 14 March 2024					
Briefing version			Issue Date:		
Committee Version		•	Issue Date:	13/03/2024	
Application Ref:	3/2023/1035	REGULARISATION OF CHANGE OF USE FROM DWELLING (C3) TO HOLIDAY LET (C5). 5 GARNETT MEWS CLITHEROE BB7 2SR.			REC: REFUSAL
Following the publication of the Committee Agenda the Committee are requested to note that the application has now been formally withdrawn and as such will not be heard at committee.					

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RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: 14 MARCH 2024
title: SCHEME OF DELEGATION AND CODE OF CONDUCT
submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING
principal author: HEAD OF LEGAL AND DEMOCRATIC SERVICES

1 PURPOSE

1.1 To seek Committee's approval of the proposed Scheme of Delegation for Planning and Development and the Code of Conduct for Planning.

1.2 Relevance to the Council's ambitions and priorities

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

2 BACKGROUND

2.1 The Council currently has a Scheme of Delegation for Planning and Development which was last reviewed in 2018. This document sits within the Council's constitution and sets out how the different types of application will be determined. In particular, it sets out which type of application are delegated to the Director of Economic Development and Planning and which should be determined by the Planning and Development Committee. It also contains provisions which allow ward members to "call-in" matters to be determined by the Planning and Development Committee which are ordinarily delegated to the Director of Economic Development and Planning.

2.2 The Council also currently has a Protocol for Planning, which was produced in 2018. This document supplements the Council's Code of Conduct and sets out how planning matters should be dealt with in order to ensure that decisions are taken in a transparent manner, without bias or any suggestion of bias. This document does not currently sit within the Council's constitution but it is proposed that it should do so along with the other codes, protocols and policies.

3 ISSUES

Scheme of Delegation

3.1 The Scheme of Delegation has been reviewed and amended. A copy of the existing scheme can be found at Appendix 1 and the revised scheme is enclosed as Appendix 2. It has not been possible to show the changes to the scheme as track changes because the changes to formatting and order in the document made this too difficult to follow.

3.2 Committee will note that the major amendments which have been made are as follows:

- Re-ordering the contents of the document so that delegated applications are grouped in section 2, Committee applications in section 3 and other decisions delegated to the Director of Economic Development and Planning are set out in section 4;
- Requirement added about the need for member call-ins to include a relevant planning reason, which is in line with the guidance produced by the Planning Advisory Service (PAS) and Lawyers in Local Government (LLG) with regard to the need to record reasons for call-in and that call-ins should relate to matters of planning concern, to avoid bias or any perception of bias;
- Clarification on the member call-in procedure to reflect current arrangements, with the additional requirement that committee reports will include an introduction section to outline the call-in details including planning reason(s) stated;
- List added for clarification on which applications are exempt from the member call-in;
- Reference to the 'less than ten objections' has been changed to say this is at the determination date, as opposed to the consultation expiry date, to reflect current arrangements;
- Residential care homes have been included within the list of commercial developments which will be delegated decisions if less than ten objections are received;
- Clarification that applications for tree works and stopping up or diversion orders of public rights of way will be delegated to the Director of Economic Development and Planning;
- Additional Development Management matters added to the list of 'other decisions delegated to the Director of Economic Development and Planning' to reflect current

arrangements. These relate to fees arising on an application; determination as to whether or not to decline to determine an application; and determination as to whether or not applications should be subject to an Environmental Impact Assessment (EIA); and

- Removal of 'The attachment of appropriate conditions to approvals following overturns of officer refusal recommendations to Committee' from the list of 'other decisions delegated to the Director of Economic Development and Planning' to reflect current arrangements whereby these are brought back to the Committee.

3.3 In addition, Committee will note that the member call-in form (found as an Appendix to the Scheme of Delegation) has been updated to reflect the requirement for members to give a relevant planning reason and to simplify the form with fewer boxes.

Code of Conduct for Planning

3.4 A copy of the current Protocol for Planning has been enclosed at Appendix 3 and a copy of the proposed new Code of Conduct for Planning has been enclosed as Appendix 4. Again, it has not been possible to show the changes as track changes because the changes in formatting and order in the document made this difficult to follow. The major changes to the Code are as follows:

- To retitle the document as a Code rather than a Protocol to demonstrate that it is a Code of behaviour and is a supplement to the Code of Conduct;
- To reflect the best practice set out in the Planning Advisory Service Code of Conduct for Planning and the LLG Code of Conduct for Planning;
- To set out clearly when the Code of Conduct for Planning will apply and its interrelationship with the Code of Conduct; (including declarations of interests);
- To set out in more detail the position on Fettering discretion, pre-determination and bias.
- To update the requirements on members training, with particular reference to mandatory training.
- To ensure that there is clear guidance, should a ward members wish to call in a planning application, and to ensure that there is a clear link with the provisions of the Scheme of Delegation in this regard.

- To set out in more detail within the document the arrangements and guidance on site visits.

3.5 Committee is asked to consider, approve and recommend to Council for adoption the revised Scheme of Delegation and Code of Conduct for Planning

4. RISK ASSESSMENT

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

- Resources – As the scheme of delegation does not materially change which applications will be determined under delegated powers and which will be brought to the Planning and Development Committee there are no additional staff resourcing issues to consider.
- Technical, Environmental and Legal – The approach taken in the Code of Conduct aligns with best practice in the PAS guidance and the LLG code of conduct for planning.
- Political – No implications
- Reputation – The consideration of planning matters in accordance with the scheme of delegation and code of conduct will enhance the Council's reputation.
- Equality & Diversity – The Council complies with its equality duties in relation to all planning matters.

5. **IT IS RECOMMENDED THAT COMMITTEE:**

5.1 Approve the Scheme of Delegation and recommend its adoption to Council.

5.2 Approve the Code of Conduct for Planning and recommend its adoption to Council.

MAIR HILL

NICOLA HOPKINS

HEAD OF LEGAL AND DEMOCRATIC SERVICES

DIRECTOR OF ECONOMIC
DEVELOPMENT AND PLANNING

BACKGROUND PAPERS

For further information please ask for Mair Hill, extension 4418 or Lyndsey Hayes, extension 4502

REF: MJH/Planning Committee/14March2024

DELEGATION SCHEME

OCTOBER 2018



- RIBBLE VALLEY BOROUGH COUNCIL
- PLANNING AND DEVELOPMENT COMMITTEE
- SCHEME OF DELEGATION OF DEVELOPMENT MANAGEMENT AND COUNTRYSIDE MATTERS
- LAST REVIEWED 4th October 2018

This note is designed to clarify when applications received by the Council in relation to planning, countryside and some other related matters will be decided by the Planning and Development Committee and when those decisions will be delegated to officers of the Council.

Details of planning decisions made under delegated powers will be reported to Committee for information.

From time to time legislative changes may rename or make minor amendments to some of the listed delegated items. Whilst the scheme of delegation will be amended to reflect these changes, there may be periods where the clear intention must be respected even if precise wording or legislative reference has changed.

These powers are delegated to the Director of Economic Development and Planning

1. GENERAL DEVELOPMENT CONTROL

- (a) Determination as to whether applications are county matters or district matters under Schedule 1 of the Town and Country Planning Act 1990.
- (b) The statutory or the discretionary need to advertise various types of applications.
- (c) What statutory or other consultations/notifications are required

2. APPLICATIONS DELEGATED TO THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

- 2.1 Since the following types of applications relate to issues of fact, both refusals and approvals are delegated to the Director of Economic Development and Planning. **These types of applications remain delegated even if representations are received and these types of applications are not subject to the call in procedure.**

- Determination of applications for a Certificate of Lawfulness of existing use or development under Section 191 of the Town and Country Planning Act 1990.
 - Determination of applications for a Certificate of Lawfulness of proposed use or development under Section 192 of the Town and Country Planning Act 1990.
 - Determination of applications for a Certificates of Lawfulness of proposed works to listed buildings under Section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990
 - Applications to discharge conditions attached to approvals.
 - Request for a screening or scoping opinion in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017
- 2.2 One of the roles of the Planning and Development Committee is to consider development in the public interest, which includes major and complex proposals, which have the potential to have wide impact on the Borough. The following types of application do not, generally, have a wide impact and it would not be in the public interest to consider these applications at Committee. **These types of applications remain delegated even if representations are received and these types of applications are not subject to the call in procedure.**
- Householder applications for planning permission for works or extensions to a dwelling.
 - Notification of a proposed larger home extension in accordance with Schedule 2, part 1 (Class A) of The Town and Country Planning (General Permitted Development) (England) Order 2015
3. DETERMINATION OF APPLICATIONS SUBMITTED TO THE LOCAL PLANNING AUTHORITY
- 3.1 Any application made by an elected Member or senior officer of the Council, or a close relation of either of such persons shall be placed before Planning and Development Committee where representations objecting to the application have been received (delegation is still permitted if the application is refused). For these purposes a close relation is defined as a spouse, partner, sibling, parent or offspring and a senior officer is deemed to be Head of Service and above in all services except the Economic Development and Planning Directorate where it includes all officers.
- 3.2 Any application made by or on behalf of Ribble Valley Borough Council shall be placed before Planning and Development Committee.
- 3.3 Any application that falls within the application criteria to consult the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 shall be placed before Planning and Development Committee.
- 3.4 Any major planning application for new housing development, which is recommended for approval, shall be place before Planning and Development Committee.

Approvals

- 3.3 The following types of planning application are delegated to the Director of Economic Development and Planning providing fewer than 10 objections from separate addresses

are received by the date of consultation closure. The total of these includes statutory consultees.

- Outline and full applications for up to 9 new dwellings Substitution of house types
- Applications for new vehicular access points
- Full applications for a change of use
- All new build commercial premises including agricultural developments irrespective of the size.
- Proposals for new shop fronts on existing shops.
- Applications for advertisement consent.
- Applications for agricultural buildings irrespective of size.
- Proposals to reinforce existing overhead power lines.
- Applications for listed building consent.
- All applications about which the observations of the Council are requested
- Applications for temporary consent.
- Reserved matters applications.
- Modification and discharge of planning obligations in accordance with Section 106A of the Town and Country Planning Act 1990
- Applications on Council owned land (not made by or on behalf of the Council).
- Hazardous substance consent
- Permission in Principle.
- Applications for technical details consent following the grant of permission in principle
- Applications for development already carried out (retrospective applications).

Refusals

- 3.4 All applications submitted to the Local Planning Authority can be refused under delegated powers without prior reference to the Chairman of Planning and Development Committee unless the Director of Economic Development and Planning and/ or the Head of Planning consider that determination of the application by Planning and Development Committee is appropriate.

Section 106 Agreements

- 3.5 Negotiations leading to the satisfactory completion of Section 106 Agreements will be delegated to the case officer and the Head of Planning unless the Planning and Development Committee have formally requested further involvement at the time of the original resolution.

Non determination appeals

- 3.6 Delegated to the Head of Planning Services and Director of Economic Development and Planning, in conjunction with the Chairman and Vice Chairman of the Planning and Development Committee, to determine the appropriate reasons for refusal in any non-determination appeals if it is not possible to take a full report to Committee due to the need to meet the necessary appeal deadlines.

4. PRIOR NOTIFICATIONS

- 4.1 Under planning legislation, certain developments are considered permitted development. However, for certain developments applicants are required to notify the council regarding the proposals in order to determine whether prior approval is required (this includes demolition, some agricultural development and certain changes of use). This procedure will not result in planning permission it will instead determine whether prior approval is or is not required. The Local Planning Authority has a limited time to respond; but as failure to issue a decision could result in an automatic approval all decisions in respect of these types of applications are delegated to the Director of Economic Development and Planning. **These types of applications remain delegated even if representations are received and these types of applications are not subject to the call in procedure.**
- 4.2 The determination of Local Development Orders applications at BAe Samlesbury are delegated to the Director of Economic Development and Planning. **These types of applications remain delegated even if representations are received and these types of applications are not subject to the call in procedure.**

5 HERITAGE PARTNERSHIP AGREEMENTS

- 5.1 Proposals for Consented Work applications, Certificate of Lawfulness of Proposed Works and amendments and additions to any Heritage Partnership Agreements are delegated to the Director of Economic Development and Planning. **These types of applications remain delegated even if representations are received and these types of applications are not subject to the call in procedure.**

6. ENFORCEMENT

- 6.1 In all cases where there is a breach of planning control, the Director of Economic Development and Planning is authorised to take the necessary action to regularise the situation, including the service of:
- A notice on untidy sites (Section 215 Notice),
 - An Enforcement Notice,
 - A breach of condition notice
 - A temporary stop notice
 - A planning contravention notice

7. LISTED BUILDINGS AND CONSERVATION AREAS

- 7.1 In the case of an unlisted building that is of Special Architectural or Historic interest and is in danger of demolition or alteration, the Director of Economic Development and Planning is authorised to serve a building preservation notice. (This is sometimes known as spot listing).
- 7.2 In respect of Listed Buildings authorise the Director of Economic Development and Planning to serve/ apply for:
- An Urgent Works Notice
 - A Repairs Notice
 - An injunction in relation to a listed building.

8. TREE PRESERVATION AND COUNTRYSIDE

8.1 The Director of Economic Development and Planning is authorised to make:

- a) provisional tree preservation orders where necessary because of the immediate threat to tree involved.
- b) Decisions on applications for work on protected trees.
- c) Decisions on applications for works to trees in Conservation Areas
- d) Decisions on complaints received in relation to High Hedge legislation.
- e) Confirmation of tree preservation orders when no objections have been received.
- f) Decisions on notifications under the Hedgerow Regulations.
- g) Confirmation of public rights of way diversion orders.
- h) Responses to Lancashire County Council on the consultation stage of footpath diversion orders in liaison with Committee Chairman (or if unavailable the Vice Chairman) and ward member(s).

9. AMENDMENTS TO A PLANNING CONSENT

9.1 Section 73 of the Town and Country Planning Act 1990 enables an applicant to apply to develop land without compliance with conditions attached to an extant previous planning permission. Under this section a local planning authority may amend or remove conditions but may not amend any other part of the permission. Applications submitted under Section 73 are 'minor material amendments' to the approved scheme whose scale and nature result in a development which is not substantially different from the one which has been approved. As applications submitted under Section 73 do not change the principle of the development, decisions are delegated to the Director of Economic Development and Planning and Head of Planning in consultation with the Chairman and Vice Chairman of the Planning and Development Committee. **These types of applications remain delegated even if representations are received.**

9.2 Section 96A of the Town and Country Planning Act enables an applicant to apply for a non-material amendment to an approved scheme. Such amendments are minor in nature and are not applications for planning permission. The Local Planning Authority has 28 days in which to make a decision. Given the limited timescale and the minor nature of such applications all decisions in respect of these types of applications are delegated to the Director of Economic Development and Planning. **These types of applications remain delegated even if representations are received and these types of applications are not subject to the call in procedure.**

10. OTHER MATTERS

The following matters are delegated to the Director of Economic Development and Planning:

- 10.1 The attachment of appropriate conditions to approvals following overturns of officer refusal recommendations to Committee.
- 10.2 Decisions whether or not to use consultants to prepare and present an appeal case following discussions with the Chairman (or if unavailable the Vice Chairman) of the Planning and Development Committee.

- 10.3 Decision to take applications to Planning and Development Committee even if they fall within the delegated procedure, if it is deemed appropriate.
- 10.4 Determine applications as finally disposed of
- 11. COUNCILLORS POWER TO REQUIRE A PLANNING APPLICATION TO BE DETERMINED BY COMMITTEE
- 11.1 The ward councillor will have the right to require that any application or revocation request within their ward appearing on the weekly list (apart from the types of applications listed above outside of the call in procedure) to be presented to Planning and Development Committee for decision, providing that such an instruction is received by the Director of Economic Development and Planning in writing within 14 days of the 'received week ending' of the relevant list.



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

SCHEME OF DELEGATION FOR DEVELOPMENT MANAGEMENT AND COUNTRYSIDE MATTERS

MARCH 2024

(DRAFT VERSION FOR P&D COMMITTEE APPROVAL)

CONTENTS

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1.0 INTRODUCTION

- 1.1 This delegated scheme is designed to clarify when applications received by the Council in relation to planning, countryside and some other related matters will be decided by the Planning and Development Committee and when those applications will be delegated to officers of the Council for decision. It will also clarify other decisions which are delegated to the Director of Economic Development and Planning.
- 1.2 From time to time legislative changes may rename or make minor amendments to some of the listed delegated items. Whilst the scheme of delegation will be amended to reflect these changes, there may be periods where the clear intention must be respected even if precise wording or legislative reference has changed. For the avoidance of doubt, in cases where any legislation referred to in this document is subsequently updated, amended or replaced, then the new legislation shall take effect and be applied.

2.0 DETERMINATION OF APPLICATIONS UNDER DELEGATED POWERS

- 2.1 The following types of applications are delegated to the Director of Economic Development and Planning for decision. These applications are, however, subject to the Member call-in procedure unless explicitly stated otherwise.

➤ Determination of Factual or Technical Applications

- 2.2 Since the following types of application relate to issues of fact or the consideration of technical details, both refusals and approvals are delegated to the Director of Economic Development and Planning.

For the avoidance of doubt these applications remain delegated even if representations are received and are not subject to the call-in procedure.

- Determination of applications for a Certificate of Lawfulness of existing use or development under Section 191 of the Town and Country Planning Act 1990.
- Determination of applications for a Certificate of Lawfulness of proposed use or development under Section 192 of the Town and Country Planning Act 1990.
- Determination of applications for a Certificates of Lawfulness of proposed works to listed buildings under Section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Applications to discharge conditions attached to approvals.
- Determination of requests for a screening or scoping opinion in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

➤ Determination of Prior Notifications/Approvals Applications

- 2.3 Planning legislation dictates that certain developments are considered permitted development. However, for certain permitted developments, applicants are required to submit an application for prior notification or prior approval (this includes demolition, some agricultural development and certain changes of use). This procedure will not result in planning permission; it will instead determine whether prior approval is or is not required,

and if required, whether it is acceptable or not having regard to prescribed legislative criteria.

- 2.4 In addition, a Local Development Order in place at the Enterprise Zone (EZ) at BAE Samlesbury dictates that certain developments within the EZ do not require planning permission, but applicants are required to submit an application for prior notification. This procedure will determine whether or not the development can go ahead without planning permission.
- 2.5 The Local Planning Authority has a limited time to respond to an application for prior approval or prior notification; and as failure to issue a timely decision would result in an automatic approval, all decisions in respect of these types of applications are delegated to the Director of Economic Development and Planning.

For the avoidance of doubt these applications remain delegated even if representations are received and are not subject to the call-in procedure.

➤ **Determination of Householder Planning Applications**

- 2.6 One of the roles of the Planning and Development Committee is to consider development in the public interest, which includes major and complex proposals, which have the potential to have a wide impact on the Borough. Householder planning applications for works or extensions to a dwelling do not, generally, have a wide impact and it would not be in the public interest to consider these applications at Committee.

For the avoidance of doubt these applications remain delegated even if representations are received and are not subject to the call-in procedure.

➤ **Determination of Amendments to a Planning Permission**

- 2.7 Section 73 of the Town and Country Planning Act 1990 enables an applicant to apply to develop land without compliance with conditions attached to an extant previous planning permission. Under this section a local planning authority may amend or remove conditions but may not amend any other part of the permission. Applications submitted under Section 73 are 'minor material amendments' to the approved scheme whose scale and nature result in a development which is not substantially different from the one which has been approved. As applications submitted under Section 73 do not change the principle of the development, decisions are delegated to the Director of Economic Development and Planning.

For the avoidance of doubt these types of applications remain delegated even if representations are received.

- 2.8 Section 96A of the Town and Country Planning Act enables an applicant to apply for a non-material amendment to an approved scheme. Such amendments are minor in nature and are not applications for planning permission. The Local Planning Authority has 28 days in which to make a decision. Given the limited timescale and the minor nature of such applications all decisions in respect of these types of applications are delegated to the Director of Economic Development and Planning.

For the avoidance of doubt these applications remain delegated even if representations are received and are not subject to the call-in procedure.

➤ **Approval of Planning Applications with fewer than 10 objections**

2.9 The following types of planning application are delegated to the Director of Economic Development and Planning providing fewer than 10 objections (including Statutory Consultees) from separate addresses are received by the determination date:

- Outline and full applications for up to 9 new dwellings
- Substitution of house types
- Applications for new vehicular access points
- Full applications for a change of use
- All new build commercial premises including agricultural developments and residential care homes irrespective of the size.
- Proposals for new shop fronts on existing shops.
- Applications for advertisement consent.
- Applications for agricultural buildings irrespective of size.
- Proposals to reinforce existing overhead power lines.
- Applications for listed building consent.
- All applications about which the observations of the Council are requested
- Applications for temporary consent.
- Reserved matters applications.
- Modification and discharge of planning obligations in accordance with Section 106A of the Town and Country Planning Act 1990
- Applications on Council owned land (not made by or on behalf of the Council).
- Hazardous substance consent
- Permission in Principle.
- Applications for technical details consent following the grant of permission in principle
- Applications for development already carried out (retrospective applications).

➤ **Refusal of Planning Applications**

2.10 All applications submitted to the Local Planning Authority can be refused under delegated powers without prior reference to the Planning and Development Committee.

➤ **Tree Works Applications**

2.11 All applications submitted to the Local Planning Authority for works to protected trees (i.e. protected by virtue of a Tree Preservation Order or being within a Conservation Area) are

delegated to the to the Director of Economic Development and Planning. In the case of works to trees within a Conservation Area the Council only has six weeks to make a decision.

For the avoidance of doubt these applications remain delegated even if representations are received and are not subject to the call-in procedure.

➤ **Heritage Partnership Agreements**

- 2.12 Proposals for Consented Work applications, Certificate of Lawfulness of Proposed Works and amendments and additions to any Heritage Partnership Agreements are delegated to the Director of Economic Development and Planning.

For the avoidance of doubt these applications remain delegated even if representations are received and are not subject to the call-in procedure.

➤ **Applications for the Stopping Up or Diversion of Public Rights of Way**

- 2.13 Applications requesting the Local Planning Authority to make an Order under the provisions of Section 257 of the Town and Country Planning Act 1990 for the Stopping Up or Diversion of a Public Right of Way, in order to allow development to take place, are delegated to the Director of Economic Development and Planning.

For the avoidance of doubt these applications remain delegated even if representations are received and are not subject to the call-in procedure.

3.0 DETERMINATION BY PLANNING AND DEVELOPMENT COMMITTEE

- 3.1 The following types of applications are to be determined by the Planning and Development Committee:-

➤ **Applications Made by Interested Parties**

- 3.2 Any application made by an elected Member or senior officer of the Council, or a close relation of either of such persons shall be placed before Planning and Development Committee where representations objecting to the application have been received (delegation is still permitted if the application is refused). For these purposes a close relation is defined as a spouse, partner, sibling, parent or offspring and a senior officer is deemed to be Head of Service and above in all services except the Economic Development and Planning Directorate where it includes all officers.

➤ **Applications Made by Ribble Valley Borough Council**

- 3.3 Any application made by or on behalf of Ribble Valley Borough Council shall be placed before the Planning and Development Committee.

➤ **Applications that require Secretary of State Consultation**

- 3.4 Any application that falls within the application criteria to consult the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2024 shall be placed before the Planning and Development Committee.

➤ **Major Housing Development**

- 3.5 Any major planning application for new housing development, which is recommended for approval, shall be placed before the Planning and Development Committee.

➤ **Senior Officer Referrals**

- 3.6 Any planning application which falls within the delegated powers procedure but is nonetheless considered appropriate to bring to the Planning and Development Committee by the Director of Economic Development and Planning.

➤ **Non Determination Appeals**

- 3.7 Any application that is subject to an appeal against non-determination shall be placed before the Planning and Development Committee for Committee Members to reach a resolution on how the application would have been determined had the Council been in a position to issue a decision. This is unless it is not possible to take a full report to Committee due to the need to meet necessary appeal deadlines, in which case the application will be delegated to the Director of Economic Development and Planning.

➤ **Member Call-Ins**

- 3.8 Where the ward councillor is of the view that there is a relevant planning reason¹ then they have the right to request any application within their ward appearing on the weekly list (apart from the types of applications listed as being outside of the call-in procedure) to be presented to the Planning and Development Committee for decision, provided that:
- A call-in request form (see Appendix A) is completed by the ward councilor which includes the identification of a relevant planning reason; and
 - This form is received by the Director of Economic Development and Planning and/or Head of Development Management and Building Control either in paper or electronic form within 14 days of the date of the weekly list of planning applications, which includes the planning application requested
- 3.9 If the ward councillor is unclear whether there is a relevant planning reason or not, they are advised to contact the case officer.
- 3.10 Where a valid call-in request form is received
- An acknowledgement email will be sent to the ward member's council email address;

¹ This is in line with the guidance produced by the Planning Advisory Service (PAS) and Lawyers in Local Government (LLG) with regard to the need to record reasons for call-in and that they should relate to matters of planning concern, to avoid bias or any perception of bias.

- The call-in request form will be uploaded to the relevant planning application on the Council's website and placed on the planning application file; and
 - The fact that the application has come before committee as a result of a call-in by the ward member and the planning reason(s) cited in the call-in request form will be set out in the introduction section of the officer's report to the Planning and Development Committee.
- 3.11 Where an invalid call-in request form is received (e.g. out of time, no relevant planning reason stated, the form has not been completed correctly, the call-in was not made by the ward member or the application type cannot be called-in) the councillor will be contacted and advised of this as soon as possible and the application will follow the delegation route unless a subsequent valid call-in request form is received within the original timeframe.
- 3.12 For the avoidance of doubt, as set out in section 2 of this delegation scheme, call-in requests cannot be made for the following application types:-
- Factual / technical applications
 - Prior notifications/approvals
 - Householder applications
 - Non-material amendments
 - Tree works applications
 - Heritage partnership arrangements
 - Applications for the stopping up or diversion of public rights of way

4.0 OTHER DECISIONS DELEGATED TO THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

- 4.1 These powers are delegated to the Director of Economic Development and Planning

➤ Development Management

- (a) Determination as to whether applications are county matters or district matters under Schedule 1 of the Town and Country Planning Act 1990.
- (b) The statutory or the discretionary need to advertise various types of applications.
- (c) What statutory or other consultations/notifications are required
- (d) Determination on matters relating to fees arising on an application
- (e) Determination as to whether or not to decline to determine an application under Sections 70A-D of the Town and Country Planning Act
- (f) Determination as to whether or not applications should be subject to an Environmental Impact Assessment (EIA)
- (g) Determination of an application as finally disposed of
- (h) Negotiations leading to the satisfactory completion of Section 106 Agreements - unless the Planning and Development Committee has formally requested further

involvement at the time of the resolution of the application.

- (i) Decisions whether to use consultants to prepare and present an appeal case following discussions with the Chairman (or if unavailable the Vice Chairman) of the Planning and Development Committee.

➤ **Enforcement**

- 4.2 In all cases where there is a breach of planning control, the Director of Economic Development and Planning is authorised to take the necessary action to regularise the situation, including the service of:

- A notice on untidy sites (Section 215 Notice),
- An Enforcement Notice,
- A Breach of Condition Notice
- A Temporary Stop Notice
- A Planning Contravention Notice

➤ **Listed Buildings and Conservation Areas**

- 4.3 In the case of an unlisted building that is of Special Architectural or Historic interest and is in danger of demolition or alteration, the Director of Economic Development and Planning is authorised to serve a building preservation notice. (This is sometimes known as spot listing).

- 4.4 In respect of Listed Buildings authorise the Director of Economic Development and Planning to serve/ apply for:

- An Urgent Works Notice
- A Repairs Notice
- An injunction in relation to a listed building.

➤ **Tree Preservation And Countryside**

- 4.5 The Director of Economic Development and Planning is authorised to make:

- a) provisional tree preservation orders where necessary because of the immediate threat to tree involved
- b) Confirmation of tree preservation orders when no objections have been received
- c) Decisions on complaints received in relation to High Hedge legislation
- d) Decisions on notifications under the Hedgerow Regulations
- e) Confirmation of Stopping Up or Diversion Orders of a public rights of way where such requests are made to the Local Planning Authority in accordance with Section 257 of the Town and Country Planning Act
- f) Responses to Lancashire County Council on the consultation stage of Stopping Up or Diversion Orders of a public right of way.

COUNCILLOR CALL-IN FORM

Applications can only be called in **within 14 days** of the date of the weekly list which includes the planning application requested.

I wish to call-in the following application for determination by the Planning and Development Committee

Application number	
Application address	
Weekly List date	
Have you been asked to call the application in following a request from the agent/ applicant/ objector (if yes, please indicate which)	
Relevant Planning Reason for Call-in (e.g. impact on residential amenity, impact on character of the street scene, car parking, highway issues, impact on trees and landscaping, impact on listed building/conservation, high level of public interest, departure from planning policy)	
Any other information / comments	

A relevant planning reason must be given in order for the form to be accepted. If you are unclear whether there is a relevant planning reason please contact the case officer.

Name: Cllr _____ Ward: _____

Signed: _____ Date: _____

This form should be emailed to planning@ribblevalley.gov.uk or sent to the planning department, Ribble Valley Borough Council and marked for the attention of the Head of Development Management and Building Control



PLANNING PROTOCOL FOR MEMBERS

JANUARY 2018

CONTENTS

Section	Title
1	Introduction
2	Basic Principles
3	Pre-application Discussions
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5	Site Visits
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7	Committee Decisions
8	Issue of Decisions
9	Member Training

1 Introduction

- 1.1 This Protocol sets out the practices and procedures that Members and Officers of Ribble Valley Borough Council should follow when determining planning applications.

2 Basic Principles

- 2.1 The basis of the planning system is to manage development in the public interest.
- 2.2 Planning is often contentious because planning decisions affect the private interests of individuals, landowners and developers. It is not a precise science and requires informed judgement within a firm policy context. The planning system relies on ensuring that officers and members act in a way which is not only fair, but also is clearly seen to be so. The planning process must therefore involve open and transparent decision making. The process should leave no grounds for suggesting with any justification that a decision has been partial, biased, or not in any way well founded.
- 2.3 Members have a duty to represent their constituents, but also an overriding duty to the wider community. Whilst Planning Committee Members may be influenced by the opinions of others, their decisions must not discriminate in favour of any individual, group, company or locality, nor appear to do so. Decisions should be clearly based upon material planning considerations and professional advice.
- 2.4 The role of the planning officer is to advise and assist members in their determination of planning applications by providing impartial and professional advice. They will ensure that all the necessary information for a decision to be made is provided with a clear and accurate analysis of the issues including identifying relevant development plan policies and all other material considerations. All reports to Members will contain a clear recommendation.
- 2.5 Members may raise with the relevant officers any points that they consider to be of relevance to the merits of a planning matter that the Council is to determine. However, Members should not otherwise seek to influence officers regarding particular officer recommendations. Members should also ensure that, in the event that contact is made with officers of another statutory body the contact is managed in accordance with that body's Officer Member Protocol and that Members do not seek to influence officers of other statutory bodies.
- 2.6 Planning applications submitted by the Council for its own development will be treated in the same way as those submitted by private developers, in terms of the assessment of material planning considerations, however all such applications will be referred to Committee.

3 Pre-application Discussions

- 3.1 Pre-application discussions between potential applicants and a Planning Officer can be of considerable benefit to both parties and should be encouraged. Such discussions will help to clarify what information should accompany the application and will usually reduce the time taken to make a decision.
- 3.2 It should always be made clear at the outset that the discussions will not bind the officer to make a particular recommendation, or the Council to make a particular decision and that any views expressed are personal and provisional. Advice should be consistent and based on the Local Development Plan and material considerations.
- 3.3 A written notice should be kept of potentially contentious meetings.
- 3.4 Members of the Committee need to preserve their role as impartial decision makers and generally should not give pre-application advice to applicants and/or agents regarding development proposals.
 - (a) Members should only meet applicants if an officer (wherever possible the Head of Planning Services or a member of staff nominated by him) is present. A note should be taken of the meeting. The taking place of the meeting should be reported to the Committee.
 - (b) Wherever possible the note should be compiled by either a Committee Clerk or member of the Planning team.
 - (c) If an applicant or interested party makes an approach, members should agree to listen but are advised not to comment. If a comment is given it should be made clear that it is a personal view rather than that of the authority. Members should avoid giving any commitment, or the impression of a commitment that they hold any particular view on the proposed development. Exceptionally, where a member considers that he or she cannot avoid giving an opinion, this should be declared at Committee. If the approach is from a constituent, members may give information on policies and procedures. Requests for information from professional advisors or agents should be referred to officers.
 - (d) In order to preserve their role as impartial, Members should avoid circulating documents to Members of the Committee on behalf of the applicants or objectors.
 - (e) Members of the Committee or who attend to address Planning Committee but are not Members of the Committee should ensure that no new or additional information is given to Committee which has not first been supplied to the other party to the application.
- 3.5 Members should be aware of the opportunity for a potential applicant to take formal pre-application advice as set out at Appendix 1 & of the Council's

adopted Statement of Community Involvement: Section 4 (Involving the Community in Planning Applications) & Appendix 3 (Guidance for Developers on Consultation for Proposals)

https://www.ribblevalley.gov.uk/downloads/file/9588/sci_adopted_october_2013)

4 Lobbying

- 4.1 Lobbying is a normal and perfectly proper part of the political process. Those who may be affected by a proposal will often seek to influence the decision by an approach to their local Member or to Members of the Planning Committee. However, such lobbying can lead to the impartiality and integrity of a member being called into question. The information provided by lobbyists may represent a selective and incomplete picture of the relevant considerations in respect of a planning matter.
- 4.2 Planning Committee Members are free to listen to any point of view about a planning proposal. Even though they may agree with a particular view, Members of the Committee should avoid expressing an opinion which may indicate they or the authority have reached a final conclusion on a planning application until all the relevant information, evidence and arguments have been put before them at Committee.
- 4.3 Ward Members who are also members of the Planning Committee may participate in the Committee debate on an application in their Ward and will normally be able to vote on the application. Whilst Ward Members may wish to ensure that a particular body of local opinion is heard by the Committee, and may reflect those views to the Committee, they should take care to avoid bias. Members of the Planning Committee need to take account of the general public's (and the Ombudsman's) expectation that a planning application will be processed and determined in a transparently open and fair manner, in which members taking the decision will take account of all the evidence presented before arriving at a decision, and that to commit themselves one way or the other before hearing all the arguments and evidence makes them vulnerable to an accusation of partiality. A member may voice his or her concerns publicly before a meeting but he or she should make it clear that they will not form a final opinion until they have considered all the information.
- 4.4 If a member of Planning Committee responds to lobbying by deciding to go public or on the record such as in the press or via social media, in support of a particular outcome; or even campaign actively for it; it will be very difficult for that member to argue convincingly that he/she has carefully weighted all the evidence and arguments presented at the committee meeting: In these circumstances the decision of the Planning Committee may be vulnerable to challenge by way of Judicial Review if there is bias or the appearance of bias in the process. An appearance of bias is created if Members make it plain that they have already made up their minds about an application and will not be influenced by anything said at the meeting. In these circumstances the

proper course of action would be for the member to make an open declaration and not to vote.

- 4.5 Being a Member of a Parish or Town Council that has expressed a view on an application does not prevent a Planning Committee Member reaching the same or a different view when the application is considered on its merits by the Council. However the Member should approach the decision making process afresh and not express a final view in advance of the Committee meeting or act as a mouthpiece for another Authority. To do so could give an appearance of bias.
- 4.6 Members should be aware of, and have regard to, guidance issued from time to time by the Planning Advisory Service in relation to this issue.

5 Site Visits

- 5.1 Collective/accompanied Members site visits shall only be held where the proposals are of such a nature that the Committee or Chairman of Planning Committee is confident that the value added by such a visit justifies the delay in the processing of the planning application.
- 5.2 Attendance at site visits is generally by invitation only – the prime purpose being for Council members themselves to fully understand the material planning considerations to be taken into account in determining the planning application.
- 5.3 All site visits should be carried out in accordance with the Council's rules relating to site visits set out at Appendix 2.
- 5.4 Individual site visits should be carried out in accordance with current PAS "Probity in Planning" guidance.
- 5.5 These requirements apply equally to site visits arranged with other statutory bodies.

6 Delegated Decisions

- 6.1 Delegation of appropriate powers and functions by Planning Committee to designated officers has long been regarded as an essential element for the delivery of an efficient planning service.
- 6.2 The Council's Scheme of Delegation and Development Management Protocol are set out at Appendix 3.

7 Committee Decisions

Committee Reports

- 7.1 Reports to Planning Committee will normally be available at least five working days prior to the meeting.

- 7.2 All applications submitted to the committee will have a full written report from officers including a reasoned assessment of the proposal, reference to relevant policies and a justified recommendation and analysis of available options. Reports will cover the substance of any objections and the views of people and bodies that have been consulted.
- 7.3 Any oral presentations raising new matters and updates by officers to the committee will be minuted.
- 7.4 Members should ensure that they are present for the whole presentation by officers and subsequent debate on a particular matter and do not attend or leave part way through. This is to ensure that they are able to hear all the relevant evidence and debate in relation to a proposal. In the event that members are not present for the whole of that process and miss a substantial proportion of it they should consider whether they are in a position to vote. The Chairman will be able to offer advice on this point.
- 7.5 Where an application is recommended for refusal the reasons will be set out in full in the officer's report.

Decisions contrary to officer recommendation

- 7.6 Members must indicate reasons at Committee for approval or refusal of applications determined contrary to officer advice, including identifying relevant policies. Pressure should never be put on Officers to "go away & sort out planning reasons".
- 7.7 Where Members are minded to approve an application contrary to officer advice, the application will be deferred to a future meeting of committee when it will be reconsidered with properly drafted conditions forming part of the full report, which will also include details of the original recommendation if appropriate.
- 7.8 Where an application is being considered at Committee for refusal contrary to officer advice, the proposed reasons for refusal will be agreed at that committee meeting. The reasons will be recorded in the minutes & be based on material planning considerations and the relevant policies supporting the refusal. An opportunity will be given to the officer to explain the implications of the contrary decision. The matter will then be deferred to a future meeting of Committee when it will be reconsidered with properly drafted reasons for refusal showing part of the full report, which will also include details of the original recommendation if appropriate. If a successful planning appeal follows a refusal contrary to officer advice, clear identification of good reasons for refusal will reduce the chance of a costs award.

Free from political instruction

- 7.9 Members of the committee must make planning decisions on planning grounds. "Whipping" is inappropriate and decisions should not be taken in

party groups on how to vote on particular applications prior to the committee meeting.

Declaration of interests

- 7.10 The Council's Code of Conduct sets out requirements for members on declaring pecuniary and non-pecuniary interests and the consequences of having such an interest. These must be followed scrupulously and Members should review their situation regularly. Not only should impropriety be avoided but also any appearance or grounds for suspicion of improper conduct.
- 7.11 A Member with a pecuniary interest in respect of a particular planning matter must declare it and take no part in the discussion or the determination of the proposal. He or she should leave the room before the item is considered. The responsibility for this rests with each Member. Advice can be obtained from the Head of Legal and Democratic Services if required, in advance of a Committee meeting. Guidance is also contained in Standing Order No. 30 in relation to non-pecuniary interests. It is unsatisfactory if a member asks for guidance in the course of a debate.

Requests by Members for information

- 7.12 Wherever possible, Members should give advance notice of additional information they intend to request, or information they intend to contest, at the committee meeting so that officers can be in a position to assist and avoid the unnecessary deferral of a decision.

Public Participation

- 7.13 In order to give greater opportunity to applicants and objectors to express their respective points of view, the Planning Committee operates a scheme of public participation, details of which are set out at Appendix 4.

8. Issue of Decisions

- 8.1 Where an application is approved or refused by Committee the planning permission or notice of refusal will normally be posted to the applicant within 48 hours of the date of the Committee Meeting.
- 8.2 Where application is approved subject to a legal agreement, the decision notice will not be issued until the agreement has been completed.

9 Member Training

- 9.1 Members of the Planning Committee will receive regular training about the planning system.

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: 14 MARCH 2024
title: REVENUE MONITORING 2023/24
submitted by: DIRECTOR OF RESOURCES
principal author: VALERIE TAYLOR

1 PURPOSE

1.1 To let you know the position for the period April 2023 to January 2024 of this year's revised revenue budget as far as this committee is concerned.

1.2 Relevance to the Council's ambitions and priorities:

Community Objectives – none identified

Corporate Priorities - to continue to be a well managed Council providing efficient services based on identified customer need. To meet the objective within this priority, of maintaining critical financial management controls, ensuring the authority provides council tax payers with value for money.

Other Considerations – none identified.

2 FINANCIAL INFORMATION

2.1 Shown below, by cost centre, is a comparison between actual expenditure and the revised estimate for the period to the end of January. You will see an overall overspend of £14,545 on the net cost of services. Please note that underspends are denoted by figures with a minus symbol. After allowing for transfers to/from earmarked reserves there is an overspend of £26,970.

Cost Centre	Cost Centre Name	Net Budget for the Full Year	Net Budget to the end of period	Actual including Commitment s to the end of the period	Variance	
AONBS	Area of Outstanding Natural Beauty	18,630	7,390	6,800	-590	G
BCFEE	Building Control Fee Earning	25,180	-136,091	-142,078	-5,987	R
BCNON	Building Control Non Fee Earning	70,020	5,262	3,564	-1,698	G
CONSV	Conservation Areas	1,350	0	0	0	G
COUNT	Countryside Management	68,350	26,480	18,448	-8,032	R
ECPLA	Economic Development and Planning Dept	0	1,138,197	1,133,771	-4,426	A
LPLAN	Local Plan	182,680	71,940	66,083	-5,857	R
PLANG	Planning Control & Enforcement	331,570	-370,686	-327,359	43,327	R
PLANP	Planning Policy	95,020	2,442	250	-2,192	A
	Net cost of services	792,800	744,934	759,479	14,545	

Transfers to/from Earmarked Reserves				
Biodiversity Net Gain Reserve	-8,450	-723	0	723
Building Regulation Reserve	-25,180	136,091	142,078	5,987
Local Plan Reserve	-53,210	-86,540	-80,683	5,857
Performance Reward Grant Reserve	-1,040	-897	-1,040	-143
Planning Reserve	-3,600	0	0	0
Total after Transfers to/from Earmarked Reserves	701,320	792,865	819,834	26,970

- 2.2 The variations between budget and actuals have been split into groups of red, amber and green variance. The red variances highlight specific areas of high concern, for which budget holders are required to have an action plan. Amber variances are potential areas of high concern and green variances are areas, which currently do not present any significant concern.

Key to Variance shading	
Variance of more than £5,000 (Red)	R
Variance between £2,000 and £4,999 (Amber)	A
Variance less than £2,000 (Green)	G

- 2.3 We have then extracted the main variations for the items included in the red shaded cost centres and shown them with the budget holder's comments and agreed action plans, in Annex 1.
- 2.4 The main variations for items included in the amber shaded cost centres are shown with budget holders' comments at Annex 2.

3 CONCLUSION

- 3.1 The comparison between actual and budgeted expenditure shows an overspend of £14,545 to January 2024 of the financial year 2023/24. After allowing for transfers to/from earmarked reserves there is an overspend of £26,970.

SENIOR ACCOUNTANT

DIRECTOR OF RESOURCES AND
DEPUTY CHIEF EXECUTIVE

PD4-24/VT/AC
6 March 2024

Planning and Development Committee Budget Monitoring – Red Variances

Ledger Code	Ledger Code Name	Budget for the Full Year	Budget to the end of the period	Actual including Commitments to the end of the period	Variance	Reason for Variance	Action Plan as agreed between the Budget Holder and Accountant
COUNT/ 4678	Countryside Management/ Grants to Voluntary, Comm & Soc Ent Orgs	13,840	12,380	5,000	-7,380	Payments for countryside management grant assistance are lower than that allowed for in the revised budget estimate for the period to January. There is no formal countryside management grant scheme in place, with any requests for support being considered by this committee on an ad-hoc basis.	Information concerning countryside management grants is available on the council's website. Any grant applications received will be presented to committee for consideration at future meetings. The budget will underspend this financial year.
PLANG/ 8404u	Planning Control & Enforcement/ Planning Fees	-509,000	-404,084	-360,774	43,310	Income received during the November to January period was lower than the revised budget estimate which is based on prior year inflated income levels. The amount of income received fluctuates month to month and varies greatly depending on whether applications are received in respect of major developments.	As the local plan has largely been delivered on there has been a reduction in the number of major applications being received and this is impacting on the amount of income being generated. Income levels will continue to be monitored on a monthly basis and will be used to inform future estimates.

Planning and Development Committee Budget Monitoring – Amber Variances

Ledger Code	Ledger Code Name	Budget for the Full Year	Budget to the end of the period	Actual including Commitments to the end of the period	Variance	Reason for Variance
LPLAN/2981	Local Plan/ Postages	2,660	2,218	0	-2,218	The revised budget estimate for postage costs incurred during the consultation stage of the new local plan will now be required during the 2024/25 financial year when the consultation is now expected to take place. Funds available for the local plan are set aside in earmarked reserves. After accounting for the reduced release from the reserve for the period to January the variance for the year is reduced to nil.
PLANP/3287	Planning Policy/ Local Plan Costs	2,930	2,442	250	-2,192	This budget is available to fund ad-hoc planning policy issue expenditures. It is anticipated that some of the budget will be required before the end of the financial year for the cost of equipment purchases.
LPLAN/3085	Local Plan/ Consultants	35,000	68,930	66,083	-2,847	Lower requirements for external legal advice services than estimated at revised budget estimate. After movements in earmarked reserves the variance is nil.

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 14 MARCH 2024
 title: CONSERVATION AREAS
 submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING
 principal author: NICOLA HOPKINS – DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

1. PURPOSE

- 1.1 To provide Committee within information on the Borough's Conservation Areas and Listed Buildings

2. CONSERVATION AREAS

- 2.1 Conservation areas exist to manage and protect the special architectural and historic interest of a place, in other words, the features that make it unique. Every local authority in England has at least one conservation area and there are around 10,000 in England.
- 2.2 Conservation area designation is undertaken to recognise the historic character of an area and/or in answer to the impact of development, neglect and other threats, on areas which are considered to have special architectural or historic interest. The appraisal is the vehicle for understanding both the significance of an area and the effect of those impacts bearing negatively on its significance.
- 2.3 Conservation area appraisals form part of the Local Planning Authority's Historic Environment Record, form part of the evidence base for the local plan and are a material consideration in planning decisions.
- 2.3 The power for a local authority to designate a conservation area can be found in section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. If a Local Authority determines that part of their area has special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, then the area can be designated as a conservation area.
- 2.4 Conservation area designation introduces some additional controls over the way owners can alter or develop their properties. These controls include:
- the requirement in legislation and national planning policies to preserve and/or enhance (section 16 of the National Planning Policy Framework and Historic Environment PPG)
 - local planning policies can be included within Local Plans requiring special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area (policy DME4 of the Adopted Core Strategy)
 - control over demolition of unlisted buildings.
 - control over works to trees.
 - limitations on the types of advertisements which can be displayed with deemed consent.
 - restriction on the types of development which can be carried out without the need for planning permission (permitted development rights)
 - support for the use of article 4 directions to remove permitted development rights where avoidable damage is occurring.
 - clarification of archaeological interest, thereby assisting its protection

3. CONSERVATION AREAS IN RIBBLE VALLEY

- 3.1 Between 1969 and 1979 16 areas within Ribble Valley were designated as conservation areas. Following work undertaken in 2005 five new conservation areas

were proposed at Hurst Green, Sabden, Worston, Longridge – Newtown and Longridge – St Lawrence’s Church. Additionally, it was proposed to extend the following conservation areas Chatburn, Chipping, Clitheroe, Gisburn, Grindleton, Longridge, Ribchester, Sawley, Waddington, Whalley and Wiswell.

- 3.2 In April 2007 Planning and Development Committee authorised the designation of the five new conservation areas, the extension of ten existing conservation areas, the adoption of thirteen conservation area appraisals and the undertaking of statutory consultation on conservation area management guidance.
- 3.3 In respect of the Longridge Conservation Area there were suggested amendments arising from the public consultation. The extension to Longridge Conservation Area was approved by Committee in March 2008.
- 3.4 In February 2010 a conservation area was designated for Kirk Mill near Chipping and in April 2011 an extension to the Kirk Mill Conservation Area was designated. In total there are 22 designated conservation areas in the Ribble Valley (a full list can be viewed here:
<https://www.ribblevalley.gov.uk/conservation-listed-buildings/conservation-areas>).
- 3.5 All of the Conservation Areas (apart from Kirk Mill) in Ribble Valley have an associated appraisal and management guidance. This work was undertaken in 2005 after the Council were notified, in 2004, that there would be a new Best Value Performance Indicator (BVPI) for 2005/06 with specific regard to the percentage of conservation areas which have been subject to a character assessment or its review within the last five years as a proportion of the total number of conservation areas in the local authority area. BVPIs are no longer used to measure Council’s performance.
- 3.6 Kirk Mill was designated without full appraisal or extensive consultation however, public interest in and support for the designation suggested a need for consideration of the inclusion of additional buildings and the discreet but intrinsic archaeological features of the water-powered mills catchment area. In designating the area, it was considered that a significant and positive element of the character and interest of Kirk Mill hamlet is its containment and relative isolation resulting from topography and location within a natural bowl.
- 3.7 A clear, comprehensive appraisal of the character of a conservation area provides a sound basis for development management matters and is material to the decision-making process.
- 3.8 Each of the Conservation Areas in the Ribble Valley are accompanied by Management Guidance. These guidance notes are intended to assist the preservation or enhancement of each Conservation Area. They are designed for the benefit of owners of land or property, public bodies, planning officers, developers, councillors, designers, and the public and builds upon the issues and recommendations identified in the Conservation Area Appraisal.
- 3.9 The guidance does not attempt to provide comprehensive advice; it is written in the awareness that resources are limited but can be used as a tool to encourage property owners, groups, and local businesses to enhance their properties and local environments.
- 4. ARTICLE 4 DIRECTIONS**
- 4.1 Section 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 provides powers to remove permitted development rights, known as an Article 4 direction. Historically such directions have been used to remove permitted development rights in Conservation Areas.

- 4.2 Within the Ribble Valley there are three Article 4 Directions as follows:
- Grove House, Chipping- dated 9th June 2011 (relates to residential permitted development rights)
 - 1-5 The Grove Chipping- dated 19th September 2011 (relates to residential permitted development rights)
 - Part of Clitheroe Conservation Area (ground floor level)- dated December 1991 (restricting change of use of certain premises from food and drink to offices and for the sale of food and drink on the premises).
- 4.3 Committee should also note an article 4 direction only means that a particular development cannot be carried out under permitted development and therefore needs a planning application. The revised National Planning Policy Framework requires Article 4 directions to be targeted and well-evidenced so that there is a clear justification for their introduction. Additionally, they should also only apply to the smallest geographical area possible to accomplish their objective.
- 4.4 It is only appropriate to remove permitted development rights where there is a real and specific threat and exclude properties where there is no need for the direction to apply. Article 4 directions are most used to control changes to elevations or roofs of buildings in conservation areas fronting a highway or open space.
- 5. LISTED BUILDINGS**
- 5.1 Buildings are listed acknowledging the building's special architectural and historic interest. A listed building is also afforded greater protection within the planning system. The older a building is, and the fewer the surviving examples of its kind, the more likely it is to be listed.
- 5.2 The general principles are that all buildings built before 1700 which survive in anything like their original condition are likely to be listed, as are most buildings built between 1700 and 1850. Particularly careful selection is required for buildings from the period after 1945. Buildings less than 30 years old are not normally considered to be of special architectural or historic interest because they have yet to stand the test of time.
- 5.3 Buildings are listed following an application to Historic England with the final decision made by the Secretary of State for the Department for Culture, Media and Sport.
- 5.4 There are hundreds of listed buildings in Ribble Valley. The full list, which is held by Historic England, can be viewed at <https://historicengland.org.uk/listing/the-list/> . According to Historic England Ribble Valley have the following:
- 827 listed buildings of which 19 are Grade 1, 46 are grade II* and 762 are grade II
 - 28 scheduled monuments
 - 4 registered parks and gardens
- 5.5 There are three different grades of listing within England as follows:
- Grade I buildings are of exceptional interest, only 2.5% of listed buildings are Grade I
 - Grade II* buildings are particularly important buildings of more than special interest; 5.8% of listed buildings are Grade II*
 - Grade II buildings are of special interest; 91.7% of all listed buildings are in this class and it is the most likely grade of listing for a homeowner.
- 5.6 Examples of Grade I listed building in Ribble Valley include Clitheroe Castle, Browsholme Hall, Whalley Abbey, Gisburne Park and Stonyhurst College, Old Quadrangle. Examples of Grade II* listed buildings include Dinckley Hall, Osbaldeston Hall, Oxendale Hall, Standen Hall, Downham Hall and Alston Old Hall.

- 5.7 Listing is not a preservation order, preventing change. It does not freeze a building in time, it simply means that listed building consent must be applied for to make any changes to that building which might affect its special interest. Listed buildings can be altered, extended, and sometimes even demolished within government planning guidance. Listed building consent is used to make decisions that balance the site's historic significance against other issues, such as its function, condition, or viability.

6. WORK PROPOSED

- 6.1 The majority of the assets within the Borough's Conservation Areas are privately owned and outside the control of the Council. Whilst the Local Plan Policies can be used to preserve and enhance the Borough's heritage assets during the planning process there is no specific duty on owners to keep their buildings in a good state of repair. Local authorities have powers to take action but only where a designated heritage asset has deteriorated to the extent that its preservation may be at risk.
- 6.2 This notwithstanding Committee will be aware of specific projects within the Borough's Conservation Areas as follows.
- 6.3 The highway within Clitheroe is owned by Lancashire County Council and highlighted within the Conservation Area Appraisal as a weakness for the following reasons:
- The low quality of the materials used in the environmental enhancement and traffic calming in Castle Street.
 - Red dressing to tarmac in Castle Street.
 - Poor quality concrete paving.
- 6.4 £300,000 of the Council's UK Shared Prosperity Fund has been given to LCC to enable the materials along Castle Street to be improved and address the weaknesses highlighted within the appraisal. This work will be done this year.
- 6.5 Within Longridge Conservation Area Towneley Gardens is highlighted as a strength with the maintenance and protection of Towneley Gardens identified as an opportunity. £100,000 of the Council's UKSPF has been allocated to the creation of an event space at Towneley Gardens with the aim to increase its usage and enhance this asset for the community.
- 6.6 Within Whalley the Whalley Adult Education Centre, the old Grammar School, is identified as one of the most significant listed buildings in the Conservation Area. Funding from the UKSPF has been allocated to the trust who run this facility to enable improvements to be undertaken to this asset.
- 6.7 One of the Council's most significant assets is Clitheroe Castle which is listed and within the Conservation Area. The Castle is identified as one of the strengths of the Conservation Area within the Management Guidance. In 2009 a £3.5 million restoration scheme was undertaken at the castle, which was partly funded by the Council, and included a major restoration of the keep and a complete refurbishment of the museum.
- 6.8 More recently funding for repointing of the castle is included within the Council's Capital budget. As part of this work the stage 1 survey identified some loose stonework, which whilst not at risk of immediate failure, it was advised to close the keep to the public until the repointing works are complete. A stage two survey is underway to identify the full extent of the works. An integral part of the stage 2 survey is the photogrammetry survey which is now completed. The results of this have allowed the Council to commission interim works which will open the ramparts to the public. This work is due to take place in the last two weeks of February and will open all aspects of the castle other than access to inside the Keep itself.

- 6.9 As soon as the full stage 2 survey is completed Members will be updated on the extent of the works required and whether a bid for external funding maybe required.

7. RECOMMENDED THAT COMMITTEE

- 7.1 Note the contents of the report.

NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

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RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: THURSDAY, 14 MARCH 2024
 title: BUILDING SAFETY REGULATIONS
 submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING
 principal author: HEAD OF DEVELOPMENT MANAGEMENT & BUILDING CONTROL

1 PURPOSE

1.1 To update Committee on changes to the building safety regulations as a result of the Building Safety Act 2022 which runs alongside the Fire Safety Act 2021.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – To protect and enhance the existing environmental quality of our area.
- Corporate Priorities – To be an environmentally sustainable area, prepared for the future
- Other considerations – Provision of services to all.

2 BACKGROUND

2.1 The Government has committed to improve the professional standards and regulatory provision of all building control inspectors and organisations across both the public and private sector parts of the profession via a new framework of changes.

2.2 These changes are part of the Government's response to the Grenfell tragedy of 2017 with the primary legislation being the Building Safety Act 2022 (hereafter referred to in this report as the Regulations). The Regulations run alongside the Fire Safety Act 2021 with both pieces of legislation aimed at bringing about fundamental changes to the building safety system in England.

2.3 There is a new Building Safety Regulator (BSR) under the Health and Safety Executive which will oversee the safety and performance of all high-risk buildings and promote competence and organisational capability within the sector including for building control professionals and tradespeople. The Regulations do not change enforcement of the Building Regulations, which will remain a statutory Council function.

Building Inspector Registration

2.4 Registration with the BSR is compulsory from 6th April 2024 and the ability of building control professionals to practice will be dependent upon the validation of levels of competency leading to a considerable increase in training requirements and validation of experience. From April 2024 only 'Registered Building Inspectors' may undertake many of the functions currently completed by Building Control Officers.

2.5 Registration is at different levels, or classes, and officers would only be able to assess and take decisions on levels of work commensurate with their registration class. There are 4 classes of registered building inspector: -

Class 1

Must only work under supervision. You do not have to complete a competency assessment to register as a class 1 building inspector. This class is suitable for anyone new to the profession who is undergoing training.

Class 2

Can work unsupervised on building categories they are registered to work on, which may include:

- category A, a residential dwelling house for a single household, less than 7.5m in height
- category B, residential flats and dwelling houses, less than 11m in height
- category C, residential flats and dwelling houses, 11m or more but less than 18m in height
- category D, all building types and uses, less than 7.5m in height
- category E, all building types, 7.5m or more but less than 11m in height
- category F, all building types 11m or more but less than 18m in height

Class 3

Can work unsupervised on building categories they are registered to work on, which may include category A to F buildings and:

- category G, all building types, including standard and non-standard but excluding high-risk, with no height limit
- category H, all building types, including high-risk

Class 4 technical manager

Technical managers are class 2 or class 3 building inspectors with additional responsibilities for the technical management of teams and processes.

A class 2 building inspector, who is also a class 4 technical manager, cannot carry out any class 3 activities unless supervised.

Someone who is not a registered building inspector can administratively manage a building control team, but not on technical matters.

2.6 The Local Authority Building Control (LABC) network which provides a voice to individual local authority building control departments has raised a number of concerns about the delivery of this change, i.e. registration before the 6th April deadline, as despite the best efforts of numerous professional bodies, a significant number of building control professionals will not achieve successful registration before this deadline. The LABC are lobbying the Government for this deadline to be pushed back by at least six months to avoid local authorities being in a position where they are potentially unable to undertake a building control function post 6th April. The LABC are also seeking clarification on the BSR's interpretation of supervision for the Class 1 registration as a means of temporarily overcoming the transition period into registration.

2.7 This Council's position is that all of the Building Control professionals are registered at Class 1, and two of the professionals are expected to have Class 2 registration by this date, and so the building control function is expected to continue. Whilst this means that any Class 3 work could not be undertaken at such time, there are no high-rise buildings in the Borough. The class 3 work includes non-standard building types, which have not been defined nationally but there has been reference to hospitals and sports stadiums falling into this class. The current thinking is that this will be defined at local level, as such the number of 'non-standard buildings in the Borough is an unknown at this stage. In situations where a Council is not in a position to deal with any Class 3 work then the application would be referred to the BSR who would source alternative assessment arrangements, which could involve an Approved Inspector from the private sector.

Monitoring

2.8 The Regulations have imposed a requirement for Council's to submit 'Operational Standards and Rules' (OSR) monitoring data to the BSR as quarterly or annual data returns. The current guidance on this suggests 6 Key Performance Indicators (KPIs) overall, broken down into 43 detailed KPIs, which Council's would need to start monitoring from 6th April. The LABC have asked that the requirement for submission of monitoring data is postponed due to the time taken to build each local authority data collection system.

Building Safety Levy

2.9 The Regulations have introduced powers to impose a levy on relevant new build residential buildings in England, to raise revenue to be spent on building safety. Known as the Building Safety Levy, there has been two consultations to date on the design and implementation of the levy, including how the rate will be calculated by Government, which buildings will be exempt from the charge, and details of the collecting agent.

2.10 The second consultation which ran from 23 January 2024 to 20 February 2024 confirms that the estimated target for the levy remains £3 billion, with a likely duration of ten years or more. It is proposed to publish a square-meter levy rate, with Council's required to calculate the levy charge for a development when an application for building control approval is made or an initial notice submitted. Councils are also proposed to be the "collecting authority" on behalf of the Government and be provided with up-front administrative and operational cost grant monies as well as an entitlement to retain a proportion of annual levy receipts for running costs. It is proposed that completion certificates would only be issued once the levy has been paid.

2.11 It is proposed to apply a 50% reduction to units which are constructed on previously developed land. It is proposed that the levy would only apply to major residential development (i.e. 10 dwellings or more) and exclude certain development types such as affordable homes, residential care homes, children's homes, NHS sites and non-NHS hospitals, and hotels.

2.12 The LABC's response to the second consultation reiterates concerns about the additional burdens imposed on Councils as collecting agents and is of the view that this would be better as a single, central collection agency.

3 CONCLUSION

3.1 That Committee note the contents of the report.

LYNDSEY HAYES

NICOLA HOPKINS

HEAD OF DEVELOPMENT
MANAGEMENT AND BUILDING
CONTROL

DIRECTOR OF ECONOMIC
DEVELOPMENT AND PLANNING

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RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 14 MARCH 2024
 title: PLANNING APPLICATION STATISTICS REPORT
 submitted by: NICOLA HOPKINS – DIRECTOR ECONOMIC DEVELOPMENT AND PLANNING
 principal author: LESLEY LUND – SENIOR PLANNING ADMINISTRATION OFFICER

1 PURPOSE

- 1.1 To update Committee on key information in relation to the determination of planning applications..
- 1.2 The report covers the third quarter of year 2023/2024 (1 October 2023 – 31 December 2023)

2 PLANNING APPLICATIONS RECEIVED AND DETERMINED DURING QUARTER 3 2023/2024

- 2.1 The table below shows the number of applications received and determined during Quarter 3 of the current year 2023/2024 in comparison to previous quarters.

	QUARTER 3 2023/2024	QUARTER 2 2023/2024	QUARTER 1 2023/2024	QUARTER 4 2022/2023	QUARTER 3 2022/2023
APPLICATIONS RECEIVED	153	144	156	173	174
APPLICATIONS DETERMINED	150	143	154	155	160
% OF DELEGATED DECISIONS	93.28%	97.20%	97.40%	96.13%	98.12%

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

3 CATEGORY OF PLANNING APPLICATIONS

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

Major applications are applications which fall into the following categories:

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

- All other major developments – all other uses, whether in a use class or sui generis uses – 1,000m²

Minor applications are applications which fall into the following categories:

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

Other Developments

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

4 TARGETS

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

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

60% of Major Applications to be determined within 13 weeks or agreed time extension
70% of Minor Applications and Others to be determined within 8 weeks or agreed time extension

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

4.3 Ribble Valley Determination Rates

QUARTER 3 - 2023/2024 (1 October 2023 to 31 December 2023)

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

Minors - 61.53% determined within 8 weeks or within agreed time extensions

Others - 94.64% determined within 8 weeks or within agreed time extensions

5 FEES RECEIVED

5.1 The fees received for planning applications are as follows:

	QUARTER 3 2023/2024	QUARTER 2 2023/2024	QUARTER 1 2023/2024	QUARTER 4 2022/2023	QUARTER 3 2022/2023
FEES RECEIVED	£68,752	£86,226	£144,305	£141,587	£109,421

6 APPEALS DETERMINED

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

Written Representation

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

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

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

Hearing

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

Public Inquiry

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

7. APPEAL DECISIONS

The following appeal decisions were determined during quarter 3 of 2023/24.

Planning Appeals Determined	Number	Allowed	Dismissed
Written Representations	13	1	12
Hearings	1	0	1
Inquiry	0	0	0
Householder	0	0	0
Total	14	1	13

The above decisions include 7 x Planning Permissions, 1 x Reserved Matters, 3 x Listed Buildings, 1 x Prior Notification, 1 x Enforcement Notice

The percentage of allowed appeals is 7.14%. The performance target set by the Government in the 'Improving Planning Performance – Criteria for Designations updated 2020' is 10%

7.1 COST AWARDS

None to report this quarter.

8 PRE-APPLICATION ADVICE

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

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

	QUARTER 3 2023/2024	QUARTER 2 2023/2024	QUARTER 1 2023/2024	QUARTER 4 2022/2023	QUARTER 3 2022/2023
FEES RECEIVED	£6214	£6631	£9726	£7080	£5140

9 CONCLUSION

9.1 The Local Planning Authority met the Government performance targets for determining planning applications falling within the 'Major' and 'Other' categories and whilst the target for determining minor applications was not met, this in itself is not a concern given previous quarter performances on minor applications. The appeals target was met.

9.2 Members are asked to note the report.

LESLEY LUND

NICOLA HOPKINS
DIRECTOR ECONOMIC DEVELOPMENT
AND PLANNING

For further information please ask for Lesley Lund extension 4490.

Agenda Item 13

APPEALS UPDATE for Planning and Development Committee 14 March 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
Enforcement appeal grounds a, c, f	03/04/2023	Land on NW side of Pendleton Road, Wiswell	WR			Awaiting Decision
3/2022/1180 R	13/11/2023	Pinfold Farm, Preston Road, Ribchester PR3 3YD	WR			Appeal Dismissed 26/02/2024
3/2022/1011 R	17/10/2023	Killymoon, 1 Bennetts Close, Whalley BB7 9AF	WR			Appeal Dismissed 15/02/2024
3/2022/0771 R	07/11/2023	Flat 6 35-39 Whalley Road, Clitheroe BB7 1EE	WR			Appeal Dismissed 05/02/2024
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			Appeal Withdrawn 19/02/2024
3/2022/1176 R	28/11/2023	Flat 3 Hodder Court Knowles Brow Hurst Green BB7 9PP	WR			Awaiting Decision
3/2023/0163 R	13/09/2023	2 The Walled Garden, Woodfold Park, Mellor BB2 7QA	HH			Appeal Allowed 09/02/2024
3/2022/0650 R	Awaiting start date from PINS	Mill House Chipping Road Chaigley BB7 3LS	WR (to be confirmed by PINS)			
3/2022/0722 R	06/12/2023	Mayfield Slaidburn Road Waddington BB7 3JJ	WR (to be confirmed by PINS)			Awaiting Decision
3/2023/0464 C	05/12/2023	107 Whalley Road, Read BB12 7RP	WR			Awaiting Decision
3/2022/0945 R	19/02/2024	Hackings Caravan Park, Elker Lane, Billington BB7 9HZ	WR			Statement due 25/03/2024
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	03/01/2024	Lower Barn Farm Whalley Road Sabden BB7 9DT	WR			Awaiting Decision
3/2022/0500 R	08/01/2024	Land S of Chatburn Old Road, Chatburn	Hearing		16/04/2024 1 day	Statement, SoCG and Suggested Conditions due 12/02/2024

3/2023/0498 R	21/02/2024	Buckley Hall Farm, Preston Road, Ribchester PR3 3YD	WR			Statement due 27/03/2024
3/2023/0687 R	21/02/2024	Healings Farm West Bradford Road, Waddington, BB7 3JE	WR	yes		Statement due 27/03/2024
3/2023/0321 R	29/02/2024	Land adj 110 Ribchester Road Clayton le Dale BB1 9EE	WR			Statement due 04/04/2024
3/2023/0216 U	Awaiting start date from PINS	Kitchens, Cross Lane, Bashall Eaves BB7 3NA	WR (to be confirmed by PINS)	Yes		
3/2023/0517 R	29/02/2024	Quarry Bank, Abbott Brow, Mellor BB2 7HU	Hearing		16/05/2024 1 day	Statement due 04/04/2024
Enforcement Appeal Appeal ground c	Awaiting start date from PINS	9 Old Road, Chatburn BB7 4AB	WR (to be confirmed by PINS)			
3/2023/0928 R	Awaiting start date from PINS	9 Birtwistle Terrace Langho BB6 8BT	WR (to be confirmed by PINS)			
3/2023/0777 R	Awaiting start date from PINS	23 Elswick Gardens BB2 7JD	WR (to be confirmed by PINS)			