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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, 18 APRIL 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 - 6)
3. **DECLARATIONS OF DISCLOSABLE PECUNIARY, OTHER REGISTRABLE AND NON REGISTRABLE INTERESTS**

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

4. **PUBLIC PARTICIPATION**

ITEMS FOR DECISION

5. **PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990** (Pages 7 - 8)

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

- i) 3/2024/0076 - Land off Hammond Drive Read BB12 7RE (Pages 9 - 20)
 - ii) 3/2024/0170 - Brentwood Pendleton Road Wiswell BB7 9BZ (Pages 21 - 26)
6. **SABDEN CHILDRENS PLAY AREA** (Pages 27 - 32)

Report of the Director of Economic Development and Planning enclosed

7. **SCHEME OF DELEGATION AND CODE OF CONDUCT** (Pages 33 - 74)

Report of the Chief Executive enclosed

ITEMS FOR INFORMATION

8. **APPEALS (IF ANY)** (Pages 75 - 76)

9. **MINUTES OF WORKING GROUPS**

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

11. **EXCLUSION OF PRESS AND PUBLIC**

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.

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

Minutes of Planning and Development

Meeting Date: Thursday, 14 March 2024, starting at 6.30 pm
Present: Councillor S Bibby (Chair)

Councillors:

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

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

Also in attendance: Councillors

756 APOLOGIES FOR ABSENCE

There were no apologies for absence.

757 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 8 February 2024 were approved as a correct record and signed by the Chair.

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

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

759 PUBLIC PARTICIPATION

There was no public participation.

760 PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990

761 3/2022/0937 - OAKHILL SCHOOL AND NURSERY WISWELL LANE WHALLEY BB7 9AF

RESOLVED THAT COMMITTEE:

Grant planning permission subject to the following conditions:-

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

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

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

762 3/2023/1035 - 5 GARNETT MEWS CLITHEROE BB7 2SR

The application was withdrawn prior to Committee so was not considered.

763 SCHEME OF DELEGATION AND CODE OF CONDUCT

The Director of Economic Development and Planning submitted a report seeking Committee's approval to a revised Scheme of Delegation for Planning and Development and the Code of Conduct for Planning. Unfortunately, the revised Code of Conduct had not been annexed to the report so Members felt that they needed more time to fully consider the information.

RESOLVED THAT COMMITTEE:

Deferred to a future Committee.

764 REVENUE MONITORING 2023-24

The Director of Resources and Deputy Chief Executive submitted an information report advising as to the position for the period April 2023 to January 2024 of the year's revised revenue budget as far as this Committee is concerned.

It was noted that the comparison between actual and budgeted expenditure showed an overspend of £14,545 to January 2024 of the financial year 2023/24. After allowing for transfers to/from earmarked reserves there was an overspend of £26,970.

765 CONSERVATION AREAS

The Director of Economic Development and Planning submitted a report providing Committee with information on the Borough's Conservation Areas and Listed Buildings.

Members discussed specific requirements in conservation areas, with reference to listed buildings, including replacement windows and thermal efficiency. The Head of Development Management and Building Control advised that the Planning Officers take a pragmatic approach to developments involving heritage assets with Officers working with applicants/ agents to establish a positive way forward.

766 BUILDING SAFETY REGULATIONS

Members noted the report submitted by the Director of Economic Development and Planning updating Committee on the changes to the building safety regulations as a result of the Building Safety Act 2022 which runs alongside the Fire Safety Act 2021.

767 PLANNING APPLICATION STATISTICS REPORT

The Director of Economic Development and Planning submitted a report updating Committee on key information in relating to the determination of planning applications for Quarter 3 of 2023/24 (1 October 2023 – 31 December 2023).

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

The Director of Economic Development and Planning also provided an update as to the current situation with the Punch Bowl.

768 APPEALS (IF ANY)

Members noted the contents of the Appeals report.

769 MINUTES OF WORKING GROUPS

There were no minutes from working groups.

770 REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES

There were no reports from representatives on outside bodies.

771 EXCLUSION OF PRESS AND PUBLIC

There were no items under this heading.

The meeting closed at 7.19 pm

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

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DECISION

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: THURSDAY, 18TH APRIL 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:			
	NONE			
C	APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR REFUSAL:			
	3/2024/0076	Kathryn Hughes	REF	Land off Hammond Drive, Read BB12 7RE
	3/2024/0170	Ben Taylor	REF	Brentwood, Pendleton Road, Wiswell BB7 9BZ
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

REFUSAL

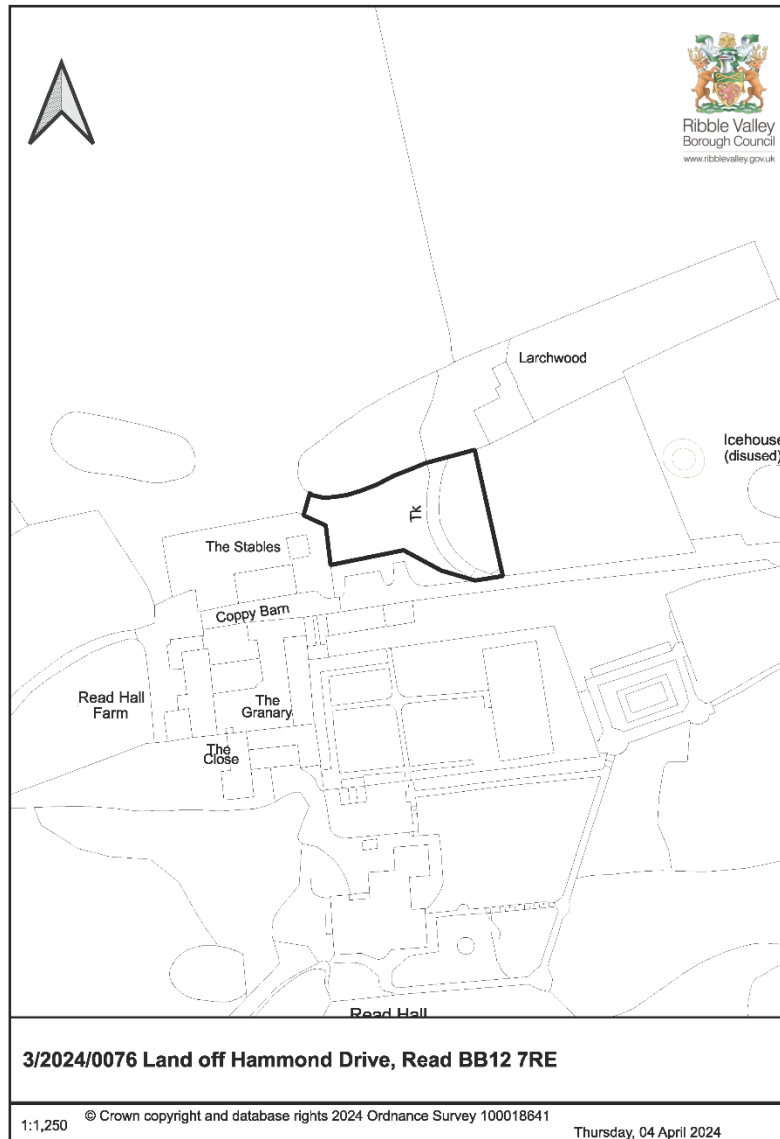
DATE: 18 APRIL 2024
REF: KH
CHECKED BY: LH

APPLICATION REF: 3/2024/0076

GRID REF: SD 375744 434938

DEVELOPMENT DESCRIPTION:

PROPOSED NEW DWELLING AT LAND OFF HAMMOND DRIVE, READ



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Read Parish Council - No response received.

LANCASHIRE COUNTY COUNCIL (COUNTY SURVEYOR):

No objection. Are of the opinion that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

An adequate level of off-road parking has been provided and an electric vehicle charging point will be provided to improve the site's sustainability.

HISTORIC ENGLAND:

Do not wish to offer any advice and suggest views are sought from the Council's specialist conservation and archaeological advisers.

LANCASHIRE COUNTY COUNCIL (ARCHAEOLOGY):

The proposals lie within the limits of Read Park, an early 19th century landscape park, recorded as a non-designated heritage asset on the Lancashire Historic Environment Record, PRN37695.

The proposed new dwelling is, however, not considered to have any adverse archaeological impact and I therefore advise that archaeology does not need to be considered further for the proposed development.

UNITED UTILITIES (UU):

Offer general guidance on drainage, which should include sustainable drainage systems and be in accordance with the drainage hierarchy as set out in national policy and guidance. Also offer general guidance on the need to investigate UU assets and infrastructure within the application site.

ADDITIONAL REPRESENTATIONS:

Four responses received from interested parties.

One response raises objections to the proposal on the following grounds:

- Loss of privacy
- Impact on the landscape, Read Hall Estate and Park and open countryside;
- Precedence this could set for other parts of the Read Hall estate and park, as well as the Ribble Valley area;
- Potential for landslip, subsidence and damage to neighbouring land due to significant earth removal required to build the proposed new dwelling making the surrounding terrain unstable;

Three responses write in support of the scheme.

1. Introduction

- 1.1 The application is being brought to Planning and Development Committee as a result of a Member call-in request received from Councillor Peplow. The planning reason(s) stated for bringing this to Committee is that whilst the application may be contrary to policy, it is a development incorporating some eco-home type features which should be considered in the public arena.

2. Site Description and Surrounding Area

- 2.1 The application relates an area of land within the extensive estate grounds of Read Hall, Read. Read Hall is a Grade II* Listed Building located approximately 90m from the site to which this application relates. Approximately 80m to the southeast of the application site is a Grade listed Icehouse associated with Read Hall.
- 2.2 The main access to Read Hall is off Whalley Road (A671) there is also another access via a private road from Hammond Drive and it is from this private road that access to the application site is provided.
- 2.3 A recently converted piggery building now known as Larchwood is sited approximately 30m to the northeast. This conversion was approved in 2018 following initial concerns over its size and prominence.
- 2.4 Nearby residential properties include The Stables (approximately 20m to the west), Copy Barn (approx. 40m to the west), The Granary Hall (approx. 30m to the south west) and The Close (approx. 65m to the south west). All of these are conversions within the extensive grounds of Read Hall, these buildings together with Read Hall Farm now form part of Read Hall Court
- 2.5 In terms of the site itself, the proposed dwellinghouse would be located some distance (over 600m) outside of the settlement of Read, on land defined as open countryside. Footpath 3-34-FP2 runs along the private road past the site at a distance of around 12m to the south.
- 2.6 The land slopes up over 4m from south (road) to north (woodland) meaning that the site is set above the road level. To the rear of the site (north) is a small private woodland area.
- 2.7 Beyond the immediate surrounding of the conversions and the woodland the site is surrounded by open gardens associated with Read Hall known as Read Park. This surrounding land is defined as Ancient and Post Medieval Ornamental land in the Lancashire Historic Landscape Type and a Heritage Assessment of Read Hall identifies that its *"parkland setting remains as legible today as when the mansion was first built"* and *"significance is further enhanced by its setting within its historic parkland, and the relationship it shares with ancillary buildings, particularly the farm buildings and lodge"*. It should also be noted that Read Hall and Park is identified as having "Regional/County" significance in a 2013 document entitled 'A Local Lost of Lancashire's Unregistered Historic Designed Landscapes'.

3. Proposed Development for which consent is sought

- 3.1 The application seeks to erect a single storey dwellinghouse. The footprint of the proposed dwelling would measure 18m x 8.3m plus 7.7m x 3m with a maximum height of 2.8m. The internal accommodation would comprise of an open plan lounge/dining/kitchen, utility, study/office, bathroom, store, and three bedrooms. A total of eight rooflights and two sun tunnels are proposed on the sedum roof. The elevations would be stone facing with cedar board cladding and aluminium powder coated windows and doors. The sedum roof would be enclosed by parapet walls.
- 3.2 Externally a parking area for two vehicles is proposed to the eastern side adjacent to the access track.
- 3.3 Overall the application proposes to erect a single storey, three-bedroom dwelling with a floor area of around 208sqm. There will be some level changes on the site to accommodate the dwelling, with levels being lowered between 0.6m and 3m in places and increased up to 0.38m.
- 3.4 Vehicular access would be provided via an existing track which serves Larchwood off the private road and a new hard surfaced driveway would be installed adjacent to track, located approximately 20m from the private road. A car parking area measuring 5m x 6m would be provided to the east of the dwelling with the proposed dwellinghouse surrounded by a stone pathway to all four sides with garden areas beyond.

4. Relevant Planning History

- 4.1 There have been various planning applications at Read Hall and its associated buildings.
- 4.2 There has been one planning application submitted previously in relation to this site – application 3/2023/0447 which was for an almost identical proposal to the current application. That application was considered and refused by the Council’s Planning & Development Committee on 25th August 2023.

5. Relevant Policies

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement EN2 – Landscape
Key Statement EN5 – Heritage Assets
Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport and Mobility
Policy DME1 – Protecting Trees and Woodlands
Policy DME2 – Landscape and Townscape Protection
Policy DME3 – Site and Species Protection and Conservation
Policy DME4 – Protecting Heritage Assets
Policy DMH3 – Dwellings in the Open Countryside & the AONB

Planning (Listed Buildings and Conservation Areas) Act 1990

6. **Assessment of Proposed Development**

6.1 Principle of Development:

- 6.1.1 The proposed development site falls outside of a defined settlement boundary and on land designated as open countryside within the adopted Core Strategy.
- 6.1.2 Key Statement DS1 seeks to locate the majority of new housing development within the strategic site and the principal settlements of Clitheroe, Longridge and Whalley. The hierarchy then focuses on Tier 1 Villages before considering Tier 2 Villages. Read & Simonstone is a Tier 1 Village. However, the site is over 600m outside of the settlement of Read & Simonstone.
- 6.1.3 Policy DMG2 (Strategic Considerations) requires that development within the Tier 2 Villages and outside of the defined settlement areas must meet at least one of the following considerations:
1. *The development should be essential to the local economy to social wellbeing of the area;*
 2. *The development is needed for the purposes of forestry or agriculture;*
 3. *The development is for local needs housing which meets an identified need and is secured as such;*
 4. *The development is for small scale tourism or recreational development appropriate to a rural area;*
 5. *The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated;*
 6. *The development is compatible with the enterprise zone designation.*
- 6.1.4 The proposal is not essential to the local economy or social well-being of the area nor is it development for local needs housing which meets an identified need. It cannot be considered a small-scale use appropriate to a rural area where a local need or benefit can be demonstrated. The proposal does not meet any of this criteria.
- 6.1.5 Policy DMH3 relates specifically to dwellings within the open countryside and AONB and limits residential development to:
- *Development essential for the purposes of agriculture or residential development which meets an identified local need.*
 - *Appropriate conversion of buildings to dwellings provided they are suitably located and their form and general design are in keeping with their surroundings, structurally sound and capable of conversion.*
 - *The rebuilding or replacement of existing dwellings.*
 - *The creation of permanent dwelling by removal of any condition that restricts the occupation to tourism/holiday use will be refused on the basis of unsustainability.*

This proposal does not meet of this criteria.

- 6.1.6 As the proposal is not supported by policies DMG2 and DMH3 it fails to meet the development strategy outlined in policy DS1. It is not considered that there is any justification to introduce a new dwelling outside of the settlement in this case, and so the principle of the new build residential dwelling proposed in this open countryside location is not acceptable.

6.2 Impact on Listed Buildings:

- 6.2.1 The application site is located within the parkland setting of Read Hall which is a Grade II* Listed Building and is in close proximity to the associated Grade II Listed Ice House as such there is a requirement for the proposal is be assessed in terms of impact on the heritage assets and their settings.
- 6.2.2 Planning Law (section 1(5) of the Planning (Listed Buildings and Conservation Areas Act 1990) states that the listed building also includes any ancillary object or structure within the curtilage of the building, which forms part of the land and has done so since before 1 July 1948. Historic England's own guidance on this matter accepts that determining whether buildings are listed by curtilage is a "*difficult judgement*" and that "*The curtilage of a building has to be determined on a case-by-case basis, but (curtilage) is essentially the area of land that is ancillary to the main building*" (in this case Read Hall).
- 6.2.3 In respect of the impact the proposal would have upon the setting of nearby listed buildings, Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended by s.58B of the Levelling-up and Regeneration Act 2023) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving or enhancing the building or its setting. Under s.58B(2) this includes preserving or enhancing any feature, quality or characteristic of the asset or setting that contributes to the significance of the asset. Decision-makers should give considerable importance and weight to the desirability of preserving and enhancing the setting of listed buildings when carrying out the balancing exercise.
- 6.2.4 The proposed development mainly impacts buildings which were erected between 1848 and 1893. They were no doubt built and operated by the Read Hall estate. The Listed Grade II* Hall of 1818-25 is located 130m to the south and the Grade II estate Icehouse (post-1848) is located 80m on the east side of the application site.
- 6.2.5 Historic England are consulted on all applications for works to, or that affect the setting of, Grade I and Grade II* Listed Building and in this case Historic England have offered no comments and suggest advice is sought from the Council's specialist conservation and archaeological advisers. The LPA have consulted with Lancashire County Council Archaeology and within their response they have stated no further investigation is required in this case.

- 6.2.6 Chapter 16 of the National Planning Policy Framework (NPPF) seeks to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Policy DME4 of the Ribble Valley Core Strategy does not support development that would cause harm to the significance of a heritage asset, in this case the setting of the nearby Listed Buildings. Key Statement EN5: Heritage Assets states that *“There will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings. The Historic Environment and its Heritage Assets and their settings will be conserved and enhanced in a manner appropriate to their significance for their heritage value; their important contribution to local character, distinctiveness and sense of place, and to wider social, cultural and environmental benefits.”*
- 6.2.7 The NPPF requires that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal. As well as take account of the desirability of sustaining and enhancing the significance of heritage assets. Great weight should be given to the conservation of heritage assets and where a proposal will lead to substantial harm to the significance of a designated heritage asset, consent should be refused unless it can be demonstrated that there are public benefits that outweigh that harm. The more important the asset, the greater the weight should be.
- 6.2.8 In response to the submitted Heritage Statement, whilst it is accepted that the application site is not directly visible from the Grade II* Listed Read Hall, this does not mean that proposed erection of a new building in this location would not affect the setting of this listed building. This has been established in June 2017 where the Planning High Court agreed with the claimant and overturned an Inspector’s Decision at Kedleston Hall in Derbyshire (*Steer v SSCLG 22nd June 2017*). The Court decided that the Inspector had *“...adopted an artificially narrow approach to the issue of setting which treated visual connections as essential and determinative”*, and that this had amounted to an error of law when the Inspector considered that because the proposed development was not visible from the listed hall it did not impact upon its setting. In respect of this application, the site clearly forms part of the historic Read Hall estate and its parkland setting and therefore proposed changes to this setting must be approached with this in mind and given due consideration.
- 6.2.9 The surrounding parks and gardens associated with Read Hall significantly contribute to the building’s significance as a heritage asset, with the surrounding parkland assessed as of county or regional importance and thus is not included in the Register of Parks and Gardens of Special Historic Interest. It is important to note, however, that the land is defined as Ancient and Post Medieval Ornamental land in the Lancashire Historic Landscape Type and a recent Heritage Assessment of Read Hall specially identifies that its *“parkland setting remains as legible today as when the mansion was first built”* and *“significance is further enhanced by its setting within its historic parkland, and the relationship it shares with ancillary buildings, particularly the farm buildings and lodge”*. It should also be noted that

Read Hall and Park is identified as having “Regional/County” significance in a 2013 document entitled ‘A Local Lost of Lancashire’s Unregistered Historic Designed Landscapes’ and therefore it is the surrounding land and not just the building of Read Hall itself that contributes to its designation as a Grade II* listed heritage asset of national importance.

- 6.2.10 Therefore, whilst Read Hall and the Icehouse are Listed Buildings, the other associated buildings which have been converted are considered to be non-designated heritage assets and the impact of the proposal on the setting of the listed buildings and non-designated heritage assets and their settings is an important consideration.
- 6.2.11 The application is accompanied by a Design and Access Statement which incorporates a Heritage Assessment. The Heritage element states that the impact of the new dwelling would be minimal as the site has no clear views from the rear of the Grade 2 * listed Read Hall by virtue of the garage complex and high stone walling which defines the walled garden use. The statement makes no reference to the nearby Icehouse and fails to satisfactorily consider the impact upon the character, setting or significance of the heritage assets and their settings.
- 6.2.12 The Grade II listed Icehouse is closest to the application site than the Grade II* Listed Read Hall. However, as this structure is partially submerged and does not have a curtilage the potential impact on this structure would be limited to its proximity and visual impact. Nevertheless, the introduction of a new build dwellinghouse of any design in this location would result in some harm to its setting.
- 6.2.13 The new build dwellinghouse is of such a scale and design within this historic location that it would result in a dominant and incongruous feature to the detriment of the heritage assets and their setting. Whilst this would be less than substantial harm the public benefits would be limited to construction work that would result from this proposal as well as limited input into the local economy and council tax payments which would have little weight, in any event these would not, on balance, outweigh the harm.
- 6.2.14 It is considered that the proposed dwelling, in terms of its location, scale and modern design, would therefore result in harm to the character and appearance of the Grade II* Listed Read Hall, the Grade II Listed Icehouse and the non-designated heritage assets together with settings within this historic parkland. Any public benefits arising from the development are not considered to outweigh the less than substantial harm identified.
- 6.2.15 Therefore the proposal is contrary to Section 66(1) (as amended by s.58B of Levelling-up and Regeneration Act 2023 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework and Key Statement EN5 and Policy DME4 of the Ribble Valley Core Strategy 2008 - 2028.

6.3 Impact on Visual Amenity/Design

- 6.3.1 As mentioned above the site is clearly visible from public vantage points including the public footpath which runs along the access road to the south with the proposed building sited in close proximity to the existing woodland area (average 8m) resulting in a high visual impact on the locality.
- 6.3.2 The proposed dwellinghouse would be located approximately 20m from the nearest dwelling (The Stables) to the west and 16m from the detached garage block to the south both of which are within the Read Hall complex which consists of a number of converted buildings and garages. The proposed dwelling would be accessed via the same track which serves the nearby properties within the Read Hall complex and would be read in conjunction with these buildings as well as Read Hall (90m to the south).
- 6.3.3 The Design and Access Statement states the site is well-enclosed, set in private and mainly wooded grounds.
- 6.3.4 The application proposes a single storey dwellinghouse of contemporary and modern design. The proposed dwellinghouse contains high levels of glazing with differing sizes of windows mainly of an elongated form which together with the flat roof and large number of rooflights is considered to be significantly at odds with the traditional character and appearance of the Read Hall estate and its setting and would result in an inappropriate form of development.
- 6.3.5 Other residential units that have been converted from existing traditional buildings to residential use within the Read Hall estate have been done in simple and traditional style, this proposal seeks to erect a modern form of development in a location 4.62m above the road level, highly visible from the public right of way (3-34-FP-2) that runs directly through the grounds of Read Hall. This right of way is well used and with the proposed dwelling being sited on higher ground would result in this modern and contemporary feature being visually detrimental to the traditional character of the area and the importance setting of Read Hall and its parkland setting, negatively affecting the way the building, and its important gardens, are experience from public vantage points.
- 6.3.6 The Design and Access Statement refers to other modern contemporary design that has been used in the construction of new dwellings on Hammond Drive to the east, however, the erection of these three modern dwellings is significantly different from the proposed erection of a modern, detached dwelling within the setting, and historical gardens, of a Grade II* listed building. These properties were approved during 2013 at a time when new development outside of the settlement was permitted as the Borough did not have a 5-year housing land supply. This was specifically referenced in the report and a subsequent refusal for amendments to these plots in 1996 (3/2016/0296).
- 6.3.7 The area proposed to site the dwelling house provides a visual respite from development and built form between the piggery conversion (Larchwood) and the converted stables. With Read Hall itself contained within an historic stone wall.
- 6.3.8 In consideration of the above, the scale/size and modern design of the proposed dwelling would result in harm to the simple and traditional character and appearance of the non-designated heritage assets themselves, as well as resulting

in less than substantial harm to the setting of Read Hall. The proposal is therefore contrary to Key Statement EN5 and Policies DMH4 and DME4 of the Ribble Valley Core Strategy, as well as the NPPF and Section 66(1) (as amended by s.58B of Levelling-up and Regeneration Act 2023) of the Planning (Listed Building and Conservation Area) Act 1990.

6.4 Impact Upon Residential Amenity:

6.4.1 The proposed dwelling would be located approximately 20m from the side (eastern) boundary of the nearest neighbouring residential property The Stables. Whilst this is close, such a distance is considered acceptable due to the position of the proposed dwelling being setback from this property and its single storey height of 2.8m and no windows and doors are proposed in the western elevation of the proposed dwellinghouse.

6.4.2 Details of the finished floor levels have not been provided but informed by the proposed site plan dimensions and sections, the ground floor level is likely to be 4m above the floor level of the adjacent property, The Stables. The Stables is approximately 5.42m high and the proposed dwelling 2.8m high; with the difference in levels the proposed dwelling would be approximately 1.38m higher than The Stables, however, due to its set back of around 7.5m this would lessen any impact especially as there is also the garage building in between.

6.4.3 It is acknowledged that a paved area to the western side of the proposed dwelling has been reduced and a rear terrace area removed compared to the previously submitted application. However, the proposed dwelling being sited at a land level 4m above neighbouring property The Stables would still result in some impact in terms of privacy and perception of overlooking to the first floor windows in the western side elevation of The Stables. It is not considered that this could be satisfactorily addressed by condition(s) such as securing appropriate boundary treatments. This element of the proposal would have a detrimental impact on the residential amenity of this property contrary to Policy DMG1 of the Ribble Valley Core Strategy.

6.5 Highways

6.5.1 The proposed dwelling would be accessed via the existing driveway created for neighbouring property 'Larchwood' off the private road that runs through the grounds of Read Hall, accessed via Hammond Drive. LCC Highways has raised no objection to the application on highway safety grounds, commenting that there is sufficient space provided for the safe parking of vehicles within the proposed residential curtilage and therefore the proposal raises no undue concerns with regard to highway safety and satisfies policies DMG1 and DMG3 of the Ribble Valley Core Strategy in this regard.

6.6 Trees and Ecology

6.6.1 The application is accompanied by an Arboricultural Impact Assessment which categorises all the adjacent trees as Category B trees and this report details that no trees would need to be removed as a result of the proposed development. The submitted plans suggest that all trees would be retained.

- 6.6.2 The trees on land adjacent to the proposed development site are part of the local landscape character and make a contribution the wider tree-scape, being of collective visual amenity value, and seek to maintain the structural amenity value of this group of trees.
- 6.6.3 From the tree constraints plan submitted with the planning application it is evident that trees G1/2/T1/2/3 and T4 may well be materially affected by this proposal. In particular T2 is a category B1 Lime tree that requires a RPA of 10.8m, and the proposed footprint of the detached property and its extensive hardstanding will encroach within this RPA. In addition trees G1/2/T1/2/3 are highly likely to be affected by disturbance of the collective Rhizosphere through changes to the ground levels to the northern part of the site as well as excavations and ground compaction. Tree resentment issues may also arise due to the close proximity of the proposed development to existing trees.
- 6.6.4 From a visual landscape perspective the changes in gradients of up to 3m would result in significant changes as well as changes to the local landscape character from one of improved grass land to one giving an appearance of a domestic dwelling with its associated hardstanding, car parking and a formal landscaped curtilage within a 19th century parkland setting.
- 6.6.5 Based on the above the proposal fails to demonstrate that the proposal will not result in an adverse impact on the adjacent woodland to the north and therefore fails to accord with policies DME1 and DME2 of the Ribble Valley Core Strategy.

7. Observations/Consideration of Matters Raised/Conclusion

- 7.1 In summary, the principle of the erection of a dwellinghouse on this site would not be an acceptable form of development in a countryside location and the proposed scale and size of the proposed dwellinghouse and modern design would harm the character or appearance of the area.
- 7.2 Furthermore the scale and modern design of the proposed dwellinghouse would result in harm to the traditional character and appearance of the non-designated heritage assets themselves, as well as resulting in less than substantial harm to the setting of Grade II* Listed Read Hall and its associated Gardens and the Grade II Listed Ice House.
- 7.3 The proposal would result in a harmful impact on the nearby woodland due to changes in land levels and incursion into the root protection areas of nearby trees.
- 7.4 The proposal would have an unacceptable impact upon the residential amenity of occupiers of The Stables by reason of the proximity and elevated position of the proposed dwelling and its associated curtilage.

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

1. The proposal would lead to the creation of a new residential dwelling outside of the settlement without sufficient justification insofar that it has not been adequately demonstrated that the proposal would meet any of the exception criteria including meeting a local housing need or providing regeneration benefits. The proposal therefore fails to

accord with Key Statement DS1 and DS2 and policies DMG2 and DMH3 of the Ribble Valley Core Strategy 2008 – 2028.

2. The proposal would result in a large, dominant, dwellinghouse of modern design and materials which would have a visually harmful and urbanising impact upon the rural character of the area. It would also have a harmful impact on the simple architecture and traditional character and appearance of the Grade II* Listed Read Hall and its associated Parkland, the Grade II Listed Ice House and a number of non-designated heritage assets and their settings. Any public benefits from the development do not outweigh this less than substantial harm. The proposal therefore is contrary to S66 of the Planning (Listed Building and Conservation Area) Act 1990 (as amended by s.58B of Levelling-up and Regeneration Act 2023), Chapter 16 of the National Planning Policy Framework and Key Statement EN5 and Policies DMG1, DMG2, DME2 and DME4 of the Ribble Valley Core Strategy 2008 - 2028.
3. The proposal would result in a large, dominant, dwellinghouse close to historic woodland and fails to demonstrate that the proposed house and its changes in land levels can be accommodated without resulting in an adverse impact on the root protection area of the historic woodland and in particular Trees T1 and T2. Therefore, the proposal is contrary to Policies DME1 and DME2 of the Ribble Valley Core Strategy 2008 – 2028.
4. The proposal would result in an elevated dwellinghouse and associated residential curtilage in close proximity to neighbouring property to the west, The Stables. This would result in an unacceptable impact on the residential amenity of the occupiers of this neighbouring because of adverse levels of overlooking and loss of privacy that would be afforded. Therefore, the proposal is contrary to Policy DMG1 of the Ribble Valley Core Strategy 2008 – 2028.

BACKGROUND PAPERS

https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2024%2F0076

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

REFUSAL

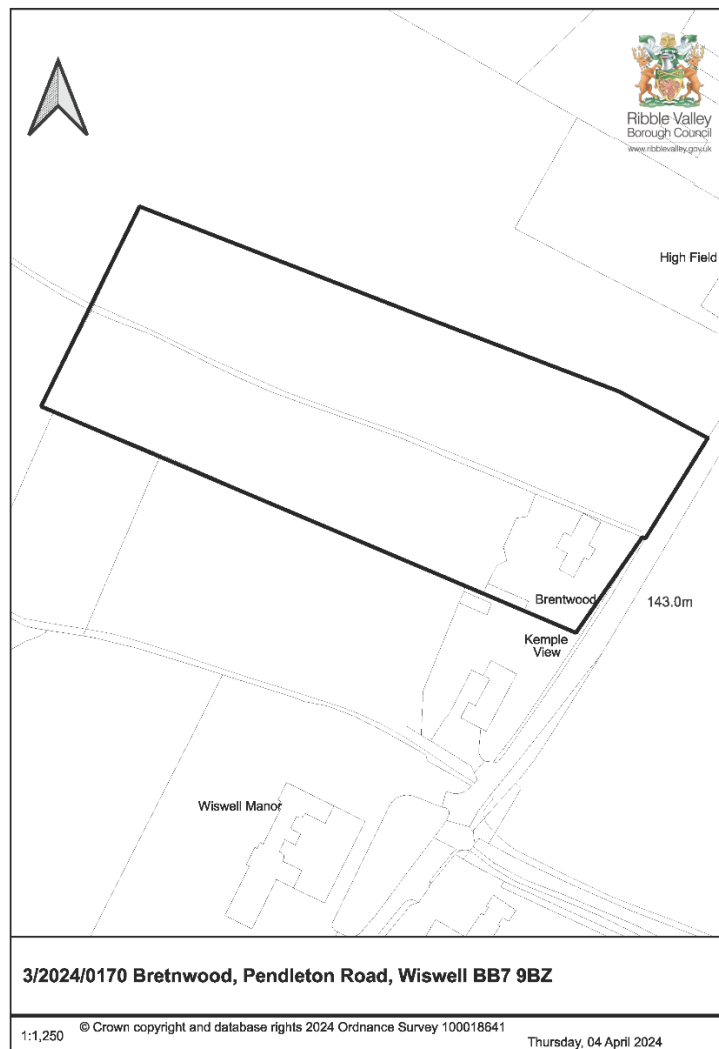
DATE: 18 April 2024
REF: BT
CHECKED BY: LH

APPLICATION REF: 3/2024/0170

GRID REF: SD 375248 438238

DEVELOPMENT DESCRIPTION:

PERMISSION IN PRINCIPLE APPLICATION FOR ONE NEW DWELLING AT BRENTWOOD,
PENDLETON ROAD, WISWELL, BB7 9BZ



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Wiswell Parish Council wish to record that they are not in favour of the proposed small scale residential development outlined in the most recent planning submission. Objections cited to the initial application still hold true (building on land currently used for agricultural purposes which has no previous building history other than a small wooden shed). In addition, we notice that the most recent application suggests that the location is part of the extended domestic curtilage of the existing bungalow. We have no evidence to support this claim.

LANCASHIRE COUNTY COUNCIL HIGHWAYS:

No objections.

UNITED UTILITIES:

No objections subject to adherence with standing advice.

ADDITIONAL REPRESENTATIONS:

None received.

1. Introduction

- 1.1 The application is being brought to Planning and Development Committee as a result of a Member call-in request received from Councillor Birtwhistle. The planning reason(s) stated for bringing this to Committee is that whilst outside the main settlement boundary, this application should be considered infill between existing dwellings.

2. Site Description and Surrounding Area

- 2.1 The application relates to a detached bungalow property located on the North-eastern outskirts of Wiswell. Access to the application site is from Pendleton Road via a driveway which terminates at the property's integral garage. The application property comprises front and rear garden areas with an expanse of additional land in the applicant's ownership extending to the North-east and North-west of the application property. The wider area comprises a mixture of isolated dwellings, woodland, agricultural land and open countryside.

3. Proposed Development for which consent is sought

- 3.1 Permission in Principle is sought for the construction of a new dwelling. The proposed dwelling would be sited directly adjacent to the North-east of the property known as Brentwood on land in the applicant's ownership. The application is a resubmission of previously refused permission in principle application 3/2023/0947.

4. Relevant Planning History

3/2023/0947: Permission In Principle application for one new dwelling (Refused)

3/2023/0566: Proposed new vehicular access. Resubmission of application 3/2023/0038 (Approved)

3/2023/0038: Proposed new vehicular access (Approved)

5. **Relevant Policies**

Key Statement DS1: Development Strategy
Key Statement DS2: Sustainable development
Key statement H2: Housing Balance

Policy DMG1: General considerations
Policy DMG2: Strategic Considerations
Policy DMG3: Transport and Mobility
Policy DMH3: Dwellings In The Open Countryside And AONB

National Planning Policy Framework (NPPF)
National Planning Practice Guidance

6. **Assessment of Proposed Development**

6.1 Principle:

6.1.1 Permission in Principle applications may only deal with the principle of development. Any other details relating to any other material planning consideration are to be dealt with within any future Technical Details application.

6.1.2 Key statement DS1 of the Ribble Valley Borough Council Core Strategy sets out the spatial vision for the Borough as follows:

The majority of new housing development will be:

- *concentrated within an identified strategic site located to the South of Clitheroe towards the A59; and*
- *the principle settlements of:*
 - *Clitheroe;*
 - *Longridge; and*
 - *Whalley*

In the 23 remaining Tier 2 Village settlements, which are the less sustainable of the 32 defined settlements, development will need to meet proven local needs or deliver regeneration benefits.

6.1.3 In addition, Policy DMG2 of the Core Strategy states:

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

1. *The development should be essential to the local economy or social well-being of the area.*

2. *The development is needed for the purposes of forestry or agriculture.*
 3. *The development is for local needs housing which meets an identified need and is secured as such.*
 4. *The development is for small scale tourism or recreational developments appropriate to a rural area.*
 5. *The development is for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated.*
 6. *The development is compatible with the enterprise zone designation*
- 6.1.4 In a similar vein, Policy DMH3 seeks to restrict residential development to development essential for the purposes of agriculture or residential development which meets an identified local need. The same policy also allows for the conversion of buildings to dwellings and for the rebuilding and replacement of dwellings under certain circumstances.
- 6.1.5 In this instance, the proposal development relates to the construction of a new dwelling on land which lies outside of the defined settlement of Wiswell. As such, the application site lies within the defined open countryside.
- 6.1.6 In terms of justification for the proposed development, the application's supporting information asserts that the land in the applicant's ownership sited directly adjacent to the North of Brentwood is not sited within the open countryside by virtue of forming part of the defined residential curtilage of Brentwood.
- 6.1.7 In making the above assertion, the applicant makes reference to excerpts from a 2017 High Court decision whereby residential curtilage is defined as follows:
- '...an area of land cannot properly be described as a curtilage unless it forms part and parcel of the house or building which it contains or to which it is attached...the expression 'curtilage' is a question of fact and degree. It connotes a building or piece of land attached to a dwelling house and forming one enclosure with it. It is not restricted in size, but it must fairly be described as being part of the enclosure of the house to which it refers.'*
- 6.1.8 As conveyed previously in the assessment of planning application 3/2023/0947, the adjacent land in question is clearly severed from the domestic curtilage area of Brentwood in physical terms, not least by virtue of the mature tree line which divides the domestic curtilage area of Brentwood from the land parcel in question.
- 6.1.9 Furthermore, there is no planning history on record for any lawful extension of domestic curtilage into the land sited adjacent to Brentwood. As such, the adjacent land in question is not considered to form part of the domestic curtilage area of Brentwood in the context of the High Court case decision referenced by the applicant.

- 6.1.10 Even if the Council were to accept the applicant's argument with respect to the application site forming part of the applicant's residential curtilage (n.b. this is not the judgement made by officers), this would still be sited outside of the defined settlement boundary of Wiswell and as such lie within the open countryside, and be subject to the same Core Strategy policy tests in order to be considered acceptable (DMG2 and DMH3).
- 6.1.11 The applicant makes further reference to the application site being sited within the Green Belt with further references made to the proposed development as being compliant with the provisions of Paragraph 149 (g) of the NPPF (now Paragraph 154 (g)) on this basis.
- 6.1.12 Notwithstanding the above, and as previously conveyed within the assessment of refused planning application 3/2023/0947, the application site is not sited with designated Green Belt. As such, the proposed development does not stand to be assessed against the provisions of Paragraph 154 of the Framework.
- 6.1.13 Taking account of all of the above, the assertions made by the applicant with respect to residential curtilage and Green Belt development cannot be considered as relevant to the application in question.
- 6.1.14 In terms of the Core Strategy policy tests, no evidence has been provided to demonstrate that the proposed dwelling would be essential to the local economy or social well-being of the area, nor has any evidence been provided to demonstrate that construction of the proposed dwelling relates to local needs housing to meet an identified need.
- 6.1.15 In addition, the proposed development would not be used in relation to agriculture, small scale tourism, recreation or any small-scale uses that would be appropriate within a rural area. Furthermore, the proposed dwelling would be a new build property and would not involve the rebuilding or replacement of an existing dwelling or conversion of an existing building.
- 6.1.16 The immediate surroundings are largely characterised by fields with a small number of dwellings. A new dwelling on this site would introduce further urbanisation and detract from the rural character.
- 6.1.17 Taking account of the above, the proposal would fail to meet the criteria within Key Statement DS1 and Policies DMG2 and DMH3 of the Ribble Valley Borough Council Core Strategy.
- 6.1.18 In addition, Policy DMG3 seeks to support development proposals which are well related to the primary road network and can be accessed by sustainable transport modes. This is in line with one of the overarching objectives of the NPPF to encourage sustainable development and in turn reduce reliance on private motor vehicles.
- 6.1.19 The introduction of a new dwelling in this location is not considered to satisfy policy DMG3 or the NPPF by virtue of its open countryside location and distance from Wiswell which is itself a Tier 2 Village and therefore considered less sustainable in the settlement hierarchy as outlined in the development strategy (Policy DS1).

7 Observations/Consideration of Matters Raised/Conclusion:

- 7.1 It is for the above reasons and having regard to all material considerations and matters raised that the application is recommended for refusal.

RECOMMENDED: That Permission in Principle be REFUSED for the following reason:

1. The proposal would lead to the creation of a new residential dwelling in the defined open countryside without sufficient justification insofar that it has not been adequately demonstrated that the proposal would meet any of the exception criteria including meeting a local housing need or providing regeneration benefits. A new dwelling on this site would introduce further urbanisation and detract from the rural character. Furthermore, the siting of the application site outside of the defined settlement area of Wiswell means that future occupants would likely be reliant on a private motor vehicle. Therefore, the proposal fails to comply with Key Statement DS1, DS2 and DMI2 and Policies DMG2, DMH3 and DMG3 of the Ribble Valley Core Strategy 2008 – 2028 as well as the National Planning Policy Framework.

BACKGROUND PAPERS

Planning Application - Ribble Valley Borough Council

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY, 18th APRIL 2024
 title: SABDEN CHILDRENS PLAY AREA
 submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING
 principal author: NICOLA HOPKINS – DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

1. PURPOSE

1.1 To seek authority from Members to release Section 106 contributions for improvements to the equipped play area in Sabden.

2. BACKGROUND

2.1 When planning permission was secured to redevelop the former Victoria Mill in Sabden (ref: 3/2018/0361) the associated Section 106 Agreement secured a commuted sum of £17,785 for public open space.

2.2 The clauses of the Section 106 Agreement require the Council:

2.2.1 To apply the Public Open Space Contributions towards the improvement and future maintenance of existing play facilities and youth activities in Sabden provided that if the Public Open Space Contribution has not been utilised or committed for such purposes within five years of it being received by the Council to repay the person who made the payment or his nominee any part of the Public Open Space Contribution not so used within 28 days of the end of the five year period;

3. PROPOSAL

3.1 Sabden Parish Council are responsible for the existing equipped play area located on Sabden Park within a central location in the Village. In November 2020 the Parish Council approached the Local Planning Authority to request part of the public open space contribution for the following improvements to the play area:

3.1.1 Installation of a 6050-062 High Pedestal Slide, safety surfacing and associated ground works

3.1.2 Supply and lay Notts Sport Childsplay 60 under existing swings onto existing safety surface. This is due to the fact that the existing surface is cracking, separating and shrinking.

3.2 The total costs of the works are:

3.2.1 Slide= £10,045.66

3.2.2 Safety Surface= £3,055

3.2.3 **TOTAL= £13,100.66**

3.3 Planning and Development Committee authorised the payment of invoice(s) from Sabden Parish Council following completion of play area improvements above up to the amount of £13,100.66 from the S106 commuted sum. This left £4,684.34 of the commuted sum remaining.

3.4 However only £11,068.48, in line with the invoice provided, has been claimed by the Parish Council and as such £6,716.52 of the commuted sum is remaining. The Parish Council are requesting the full amount of commuted sum remaining.

3.5 The Parish Council have now requested the remaining commuted sum to assist with the cost of installing a trim & agility trail comprising of a series of pieces of equipment aimed at 11-14yr olds. The total cost of the project is £14,247.09 for supply and installation and associated ground works and grass matting. A quote from Kompan has been provided as part of the request.

3.6 The Parish Council is also seeking funding from the Rural England Prosperity Fund (REPF) to part fund the project. This request was considered by Policy and Finance Committee on 9th April. If the REPF application is unsuccessful the Parish Council have confirmed that the project will be scaled back to bring it in line with the S106 funding available.

4. RISK ASSESSMENT

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

- Resources – The £17,785 commuted sum was received by the Council on 1st September 2020. £11,068.48 has been passported to the Parish Council already as per the previous resolution of this Committee and as such there is £6,716.52 remaining.
- Technical, Environmental and Legal - The project would accord with the stipulations of the legal agreement whilst retaining some of the contribution for future improvements in the Village.
- Political - N/A
- Reputation - The provision of improved play space facilities within the Village is seen as a benefit and accords with the purpose of securing off site open space contributions as part of new residential developments.
- Equality and Diversity - N/A

5. **RECOMMENDED THAT Committee**

5.1 Authorise the payment of invoice(s) from Sabden Parish Council following the completion of play area improvements set out within paragraph 3.5 within 28 working days of receipt, upto the amount of £6,716.52, the remainder of the commuted sum payment.

NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING






Sales - Quote

Ms. Angela Whitwell
 Sabden Parish Council
 Lancashire
 Law Farm
 Trapp Lane, Lancashire
 BB12 7JE

Quote No. SQ289853-3
 Sell-to Contact No. C0004096
 Quote Date 26-01-2024
 Expiration Date 25-02-2024

Salesperson Adrian Lloyd
 Email AdrLlo@Kompan.com

Your Reference Agility Trail & Goal Posts
 Project Name EN349678 Agility Trail / Goal Posts

No.	Description	Quantity	Unit of Measure	Unit Price	Amount
Equipment & Installation					
NRO806-0601	KOMPAN Stilts Unpainted	1	Pieces	950.00	950.00
					
EN-INSTALLATION	Installation of Stilts	1	Pieces	428.57	428.57
NRO809-1001	KOMPAN Triple Somersault Bars Unpainted	1	Pieces	970.00	970.00
					
EN-INSTALLATION	Installation of Triple Somersault Bars	1	Pieces	285.71	285.71
NRO830-0901	KOMPAN Dynamic Bar Unpainted	1	Pieces	1,290.00	1,290.00
					
EN-INSTALLATION	Installation of Dynamic Bar	1	Pieces	285.71	285.71
NRO884-1021	KOMPAN Turbo Challenge Coloured	1	Pieces	5,840.00	5,840.00
					
EN-INSTALLATION	Installation of Turbo Challenge	1	Pieces	571.43	571.43
NRO-CUSTOM	NRO-CUSTOM 898320	1	Pieces	1,280.00	1,280.00
					

No.	Description	Quantity	Unit of Measure	Unit Price	Amount
EN-INSTALLATION	Installation of Overhead Ladder	1	Pieces	428.57	428.57
Safety Surfacing					
EN-INSTALLATION	Supply & Install of Grass Mats for Low Level Items 23m2 for 1.2m CFH	1	Pieces	854.29	854.29
EN-INSTALLATION	Supply & Install of Grass Mats for Turbo Spinner 24m2 @ 2m CFH	1	Pieces	891.43	891.43
EN-INSTALLATION	Supply & Install of Grass Mats for Overhead Ladder 30m2 @ 2.3m CFH	1	Pieces	1,085.71	1,085.71
Prelims					
EN-INSTALLATION	Heras Fencing, Offloading, Storage & Skip	1	Pieces	428.57	428.57
FREIGHT	Freight	1	Pieces	1,239.60	1,239.60
Subtotal					16,829.59
Project Discount Amount					-2,582.50
Total GBP Excl. VAT					14,247.09
20% VAT					2,849.41
Total GBP Incl. VAT					17,096.50

Payment Terms Net 30 days

The colour and surface texture of products and surfacing manufactured with the recycled content are influenced by the differences within the used recycled, raw materials. Therefore, minor differences in the visuality and texture not only occur, but are to be expected.

Customer responsible for offloading; however KOMPAN can provide a quotation for a Hiab delivery upon request.

KOMPAN Standard Invoicing & Payment Terms *effective from 10/10/2022.

Please see below the standard invoicing and payment terms offered by KOMPAN. If your project has specific invoicing or payment criteria, please discuss this with us at the time you place your order.

Public Sector Customers:

Full value of the project will be invoiced upon project completion, payable within 30 days from invoice date.

Private Sector Customers:

For all new customers, a request for credit terms can be made when placing your order.

If successful, the Customer will be invoiced 50% of the KOMPAN equipment value for standard and variant products at the point of order & requires pre-payment prior to release into production.

The remaining 50% of equipment value and 100% of freight is invoiced upon dispatch from the factory payable within 30 days from invoice date. Bespoke products created by KOMPAN Design Studio are invoiced 100% at the point of order and require pre-payment prior to release into production.

The remaining order value will be invoiced upon project completion, payable within 30 days.

If credit terms cannot be offered, then the Customer will be invoiced for 100% of the KOMPAN equipment value at the point of order, having 5 days to make payment to secure order being placed with the factory.

The remaining order value will be invoiced upon project completion, payable within 30 days from invoice date.

House Builders/Developers:

Invoiced for 100% of the KOMPAN equipment value at the point of order, having 30 days to make payment to secure order being placed with the factory.

The remaining order value will be invoiced upon project completion, payable within 30 days from invoice date.

Please note order value is only valid for 30 days.

Product Catalogues



Main Catalogue

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RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: 18 APRIL 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 - } Consideration of these issues will promote the Council's aim to be a well-managed Council.
- Other Considerations - }

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, and clarification that one letter submitted on behalf of multiple addresses will be counted as one objection;
- 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

HEAD OF LEGAL AND DEMOCRATIC SERVICES

NICOLA HOPKINS

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

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DELEGATION SCHEME OCTOBER 2018



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

- 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**

APRIL 2024

**(DRAFT VERSION FOR
P&D COMMITTEE APPROVAL)**

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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 Samesbury 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. For the avoidance of doubt one letter submitted on behalf of multiple addresses will be counted as one objection:

- 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

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.

- An acknowledgement email will be sent to the ward member's council email address;
 - 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

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2	Basic Principles
3	Pre-application Discussions
4	Lobbying
5	Site Visits
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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

www.ribblevalley.gov.uk

CODE OF CONDUCT FOR PLANNING

MARCH 2024

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1 Introduction

- 1.1 This Code sets out the practices and procedures that should be followed in respect to all planning matters. The aim of the code is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.
- 1.2 One of the key purposes of the planning system is to regulate the development and use of land in the public interest. The role of a Member of the Planning Authority is to make decisions openly, impartially, with sound judgement and for justifiable reasons. Members are also democratically accountable decision-takers who have been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with their political views and policies **provided** that they have considered all material considerations and have given fair consideration to the relevant points raised.

2 When the Code Applies

- 2.1 This code applies to Members at all times when involving themselves in the planning process. This includes when taking part in the decision-making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings. It applies equally to planning enforcement matters or site-specific policy issues as it does to planning applications.
- 2.2 **If Members have any questions about the application of this Code to a particular situation, you should contact the Monitoring Officer for advice as soon as possible and in any event before any meeting takes place.**

3 Relationship with the Members' Code of Conduct (standards)

- 3.1 Members must apply the rules of the Members' Code of Conduct in the first instance. The rules in this Code seek to explain and supplement those rules for the purposes of planning. It is important that Members comply with both, and a failure to do so may result in:
- (a) A risk of proceedings on the legality or maladministration of a planning decision; and
 - (b) A standards complaint/finding against you, or if the matter relates to a Disclosable Pecuniary Interest ("DPI"), a complaint being made to the police to consider criminal proceedings.
- 3.2 **If Members are in any doubt about the provisions of this Code or their application they should contact the Monitoring Officer for advice.**

Declaration of Interests

- 3.3 Members must declare the existence and type of interest they have in any planning application and act as required by the Code of Conduct for Members in

respect of any planning matter.

3.4 The principle of integrity as defined by the Committee for Standards in Public Life is that “*Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships*”. It is therefore advisable with regard to any application where a Member has an interest that they:

- (a) Do not seek or accept any preferential treatment or place yourself in a position that could lead the public to think they are receiving preferential treatment, because of their position as a councillor. This would include where they have a DPI or other interest in a proposal, using their position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.
- (b) Note that whilst they are not prevented from seeking to explain or justify a proposal in which they may have a conflict of interest, to an officer (in writing or in person) the Code of Conduct may place additional limitations on them in representing that proposal.
- (c) Notify the Monitoring Officer in writing where it is clear that they have a DPI or other personal conflict of interest and note that:
 - Where possible, they should send that notification letter no later than submission of the relevant application.
 - The application will always, (as set out in the Planning and Development Scheme of Delegation), be determined by Committee and not by an officer under delegated powers.
 - They must not get involved in the processing of the application; and
 - It is advisable that they employ an agent to act on their behalf in respect of the application when dealing with officers and in public speaking at Committee.

4 Fettering Discretion in the Planning Process (natural justice, predisposition and predetermination)

4.1 It is important that Members do not fetter their discretion and your ability to participate in planning decision making at this Council by approaching the decision with a closed mind. Fettering of discretion in this way and taking part in the decision would put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of bias, pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

- 4.2 Whilst Members are not expected to have an “empty mind”, and elected Members are entitled, and often expected to have expressed views on planning issues, they must keep at the forefront of their mind that, when they come to make the decision, they:
- (a) Must keep an open mind and hear all the evidence before them, including the officers’ presentation of the facts, their advice and the arguments from all sides;
 - (b) Are not required to cast aside views on planning policy they held when seeking election or when otherwise acting as a Member, in giving fair consideration to points raised;
 - (c) Are only entitled to take into account a material consideration and must disregard considerations irrelevant to the question and legal context at hand; and
 - (d) Are to come to the decision after giving what they feel is the right weight to those material considerations.
- 4.3 Members should ensure they explain when they do not intend to speak and/or vote as a member of the Committee because they will be perceived as having judged (or reserved the right to judge) the matter elsewhere, so that this can be recorded in the minutes.
- 4.4 Members may exercise their speaking rights as a Ward Councillor where they have represented their views or those of local electors and fettered their discretion, but they do not have a DPI or other personal conflict of interest. Where they choose to do so they must:
- (a) Advise the Democratic Services Officer or the Chair of the committee that they wish to speak in this capacity before commencement of the item; and
 - (b) Remove themselves from the meeting for the duration of that item.

The above will be recorded in the minutes of the meeting.

5 Contact with Applicants Developers and Objectors

- 5.1 If Members are approached by any person with regard to a proposal, they should refer them to officers on procedural or technical matters, or encourage them to make an application for pre-application advice.
- 5.2 Members should avoid, where possible, meeting with applicants (or their agents), developers or groups of objectors. Where a member feels that a formal meeting would be useful in clarifying the issues, this should be done, through a request to the Head of Development Management and Building Control. Officers will then

be able to ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and that the record of the meeting is disclosed when it is considered at committee.

- 5.3 With regard to any other contact with Applicants, Developers and/or Objectors, Members should ensure that they:
- (a) Follow the rules in respect to lobbying set out in section 6 below.
 - (b) Consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - (c) Report to the Head of Development Management and Building Control any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and their involvement in them, and ensure that this is recorded on the planning file.

Presentations by applicants/developers

- 5.4 Members should not attend a planning presentation by an applicant (their agent) or a developer without having requested and ensured that an officer will attend with them.
- 5.5 If a member does attend a presentation in accordance with 5.4 above, they can ask relevant questions for the purpose of clarifying your understanding of the proposals.
- 5.6 Members should remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be at any subsequent meeting of committee.
- 5.7 Members should always be live to the fact that a presentation is a form of lobbying and, whilst they may express any view on the merits or otherwise of the proposal presented, they should never state how they or other Members would intend to vote at committee.

6 Lobbying of Councillors

- 6.1 Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, will often seek to influence the decision by an approach to the Ward Member or to a Member(s) of the Planning Committee. However, such lobbying can lead to the impartiality and integrity of a member being called into question and Members should be aware that the information provided may represent a selective and incomplete picture of the relevant considerations in respect of a planning matter. It is important that care and common sense are exercised by all parties involved.

Members should:

- (a) explain to those lobbying or attempting to lobby them that, whilst they can listen to what is said, it may subsequently prejudice their impartiality and therefore their ability to participate in the Committee's decision-making, to express an intention to vote one way or the other, or such a firm point of view that it amounts to the same thing.
- (b) remember that their overriding duty is to the whole community not just to the people in their Ward and, taking account of the need to make decisions impartially, they should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- (c) not accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is kept to a minimum, its acceptance is declared as soon as possible, including its addition to their register of interests where relevant.
- (d) pass on any lobbying correspondence received, to the Head of Development Management and Building Control, as soon as possible following receipt.
- (e) promptly refer to the Head of Development Management and Building Control any offers made to them of planning gain or constraint of development, through a proposed Section 106 planning obligation or otherwise.
- (f) Inform the Monitoring Officer, if they consider they have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.

6.2 Unless a Member has a DPI or other personal conflict of interest, they will not have fettered their discretion or breached this Code by:

- (a) Listening or receiving viewpoints from residents or other interested parties;
- (b) Making comments to residents, interested parties, other Members or appropriate officers (making clear that they must keep an open mind);
- (c) Seeking information through appropriate channels; or
- (d) Being a vehicle for the expression of opinion of others in their role as Ward councillor.

7 Lobbying by Councillors

7.1 Members should not:

- (a) become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If they do, they will be seen to have fettered their discretion on the grounds of bias.

- (b) excessively lobby fellow councillors regarding their concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- (c) decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. **Political group meetings should never dictate how Members should vote on a planning issue.**

7.2 Members may wish to join general interest groups which reflect their areas of interest, and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE The Countryside Charity, Ramblers Association or a local civic society. If they do so they should register and disclose the interest in accordance with the Code of Conduct.

7.3 Members should be aware of the power of social media and be careful not to do anything which would give the impression that they will definitely vote in a certain way or act with a closed mind if they intend to participate in the decision making on behalf of the authority.

8 Officers

8.1 Members must:

- (a) Not put pressure on officers to put forward a particular recommendation. (This does not prevent them from asking questions or submitting views to the Head of Development Management and Building Control or the case officer, which may be incorporated into any committee report);
- (b) Recognise that officers are part of a management structure and only discuss a proposal outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at Member level; and
- (c) Recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' view, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

9 Site Visits

9.1 The majority of application sites can be viewed from the public highway or other public vantage points and Committee Members are encouraged to view the site this way prior to any committee meeting where they are unfamiliar with the site context. In exceptional cases, it may be necessary to go into the site or

neighbouring land. When this is the case the following rules apply:

Members should not request an organised site visit unless they consider it strictly necessary because:

- (a) Particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
- (b) There are significant policy or precedent implications and specific site factors which need to be carefully addressed.

Any such request must be made to the Head of Development Management and Building Control and a record of why the visit was requested will be kept. The Director of Economic Development and Planning and/or the Head of Development Management and Building Control will consult with the Chair of Planning and Development Committee before determining whether the request should be authorised. They will then make arrangements for that visit.

- 9.2 Where a site visit has been organised Members should endeavour to attend.
- 9.3 Members should not enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation from applicants, agents or other third parties, as this may give the impression of bias. In instances where committee members are asked to visit a site, before attending they must email or speak to the Head of Development Management and Building Control about their intention to do so and why they feel it is essential to visit the site. This will be recorded on the planning file. Members must ensure that they comply with the good practice rules on the visit. Members should note that they do not have any individual rights to enter private property.
- 9.4 In all instances, Members should:
 - (a) Report back to the Committee any information gained from the site visit that they consider would benefit all Members of the committee;
 - (b) Ensure that they treat the site visit only as an opportunity to seek information and to observe the site; and/or
 - (c) Ask officers at the organised site visit questions or clarification from them on matters which are relevant to the site inspection.
- 9.5 In all instances, Members should not:
 - (a) Hear representations from any other party. Where a Member is approached by the applicant, third party and/or the Ward member, they should advise them that they should make their representations in writing to the local planning authority and, in the case of an organised site visit, direct them to or inform the officer present.

- (b) Express opinions or views

10 Decision making

- 10.1 The delegation of appropriate powers and functions by the Planning and Development Committee to designated officers has long been regarded as an essential element for the delivery of an efficient planning service. The Council's Scheme of Delegation [[a link to be added here](#)] forms part of the Constitution.
- 10.2 The Scheme of Delegation contains provision for a Ward member to call in a decision to be considered by committee which would ordinarily be determined by officers. If a Ward Councillor wishes to exercise this right, they may do so to the extent permitted by the Scheme of Delegation and subject to the procedures therein, including recording their material planning reasons on the request form. Those reasons will be recorded in the officer's report to committee as prescribed by the Scheme of Delegation.

Committee Reports

- 10.3 Reports to Planning and Development Committee will normally be available at least five working days prior to the meeting.
- 10.4 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.
- 10.5 Any oral presentations raising new matters and updates by officers to the committee will be minuted.

Members decision making at committee meetings

- 10.6 When making decisions at committee meetings Members should:
 - (a) Come to the meeting with an open mind and demonstrate that they are open-minded.
 - (b) Comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
 - (c) Come to their decision only after due consideration of all of the information reasonably required upon which to base a decision. If Members feel there is insufficient time to digest new information or that there is simply insufficient information before them they should request that the application is deferred or refused. The reasons for deferral or refusal should be recorded.
 - (d) Ensure that if they are proposing, seconding or supporting a decision

contrary to officer recommendations or the development plan that they clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Members can and should take advice from officers prior to a meeting to explore potential material planning considerations and should note that to do so will not be taken as having predetermined a matter, so long as they ensure they approach the eventual decision making with an open mind. Members should be aware that they may have to justify the resulting decision by giving evidence in the event of a challenge.

- 10.7 Where Members are minded to approve or refuse 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 or refusal reasons forming part of the full report, which will also include details of the original recommendation if appropriate.
- 10.8 Members should not vote or take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including the officers' introduction to the matter.

Public Speaking at Meetings of Planning and Development Committee

- 10.9 Members should not:
- (a) Allow members of the public to communicate with them during the Committee's proceedings (verbally, in writing or by social media) other than through speaking in public participation or through the chair, as this may give the appearance of bias.
 - (b) Participate in social media exchanges by texting as a member of the committee during the committee proceedings as this may give the impression of undue external influence and may give the appearance of bias.
- 10.10 Members should ensure that they comply with the Council's standing orders with regard to speaking at meetings.

Requests by Members for information

- 10.11 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

- 10.12 In order to give greater opportunity to applicants and objectors to express their respective points of view, the Planning and Development Committee operates a scheme of public participation [\[a link will be added here\]](#).

11 Issue of Decisions

- 11.8 Where an application is approved or refused by Committee the planning permission or notice of refusal will normally be issued to the agent (or applicant in the absence of an agent) within 48 hours of the date of the Committee Meeting.
- 11.9 Where an application is approved subject to a legal agreement, the decision notice will not be issued until the agreement has been completed.

12 Member Training

- 12.8 Members should not participate in decision making at meetings dealing with planning matters if they have not attended the mandatory planning training prescribed by the Council.
- 12.9 Members should endeavour to attend any other specialist training provided (which may include a review of a sample of planning decisions) by the Council as these will extend their knowledge of planning law, regulations, procedures, Code of Practice and Development Plans beyond the minimum provided in the mandatory training and thus assist them in carrying out their role properly and effectively and ensure robust decision making.

Agenda Item 8

APPEALS UPDATE P & D Committee 18 April 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
3/2023/0246 R	Awaiting start date from PINS	Land adj Southport House, Hollins Syke, Sawley BB7 4LE	WR (to be confirmed by PINS)			
3/2022/1176 R	28/11/2023	Flat 3 Hodder Court Knowles Brow Hurst Green BB7 9PP	WR			Appeal Dismissed 12/03/2024
3/2022/0650 R	01/03/2024	Mill House Chipping Road Chaigley BB7 3LS	WR			Awaiting Decision
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			Appeal Allowed 13/03/2024
3/2022/0945 R	19/02/2024	Hackings Caravan Park, Elker Lane, Billington BB7 9HZ	WR			Awaiting Decision
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	Awaiting Hearing
3/2023/0498 R	21/02/2024	Buckley Hall Farm, Preston Road, Ribchester PR3 3YD	WR			Awaiting Decision
3/2023/0687 R	21/02/2024	Healings Farm West Bradford Road, Waddington, BB7 3JE	WR	yes		Awaiting Decision
3/2023/0321 R	29/02/2024	Land adj 110 Ribchester Road Clayton le Dale BB1 9EE	WR			Awaiting Decision
3/2023/0216 U	13/03/2024	Kitchens, Cross Lane, Bashall Eaves BB7 3NA	WR	Yes		Statement due 17/04/2024
3/2023/0517 R	29/02/2024	Quarry Bank, Abbott Brow, Mellor BB2 7HU	Hearing		16/05/2024 1 day	Awaiting Hearing

R = Refusal C = Condition U = Undetermined

Enforcement Appeal Appeal ground c	14/03/2024	9 Old Road, Chatburn BB7 4AB	WR			Statement due 25/04/2024
3/2023/0928 R	01/03/2024	9 Birtwistle Terrace Langho BB6 8BT	WR			Awaiting Decision
3/2023/0777 R	Awaiting start date from PINS	23 Elswick Gardens BB2 7JD	WR (to be confirmed by PINS)			
3/2023/0778 R	Awaiting start date from PINS	Melrose 2 Goosebutts Lane Clitheroe BB7 1JT	Hearing (to be confirmed by PINS)			
3/2023/0682 R	Awaiting start date from PINS	White Hill Stud, Trapp Lane, Simonstone, BB12 7QW	WR (to be confirmed by PINS)			
3/2023/0944 R	22/03/2024	Woodfold Park Stud, Woodfold Park, Mellor BB2 7QA	WR			Statement due 03/05/2024
3/2023/0576 R	Awaiting start date from PINS	29 Church Street Ribchester PR3 3YE	WR (to be confirmed by PINS)			
Enforcement Appeal Appeal ground a c g	19/03/24	Thorneyholme Hall Dunsop Bridge BB7 3BB	Hearing		TBA	Statement due 30/04/2024
3/2023/0927 R	Awaiting start date from PINS	2 Sunnyside Avenue, Wilpshire BB1 9LW				