

Minutes of Planning and Development

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

Councillors:

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

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

Also in attendance: Councillor D Birtwhistle

507 APOLOGIES FOR ABSENCE

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

508 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

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

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

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

510 PUBLIC PARTICIPATION

The Chairman welcomed several speakers.

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

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

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

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990

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

RESOLVED THAT COMMITTEE:

Refuse planning permission for the following reasons:

1. The development is considered to have an adverse visual impact on the landscape and locality, and a detrimental effect on the character of the local area, by virtue of the removal of a significant number of trees and the substantial earthworks that have been undertaken including the formation of the ditch and mound (bund) which is considered to be over-bearing and out of scale and character in a rural setting. This is in conflict with key statement EN1, EN2, EN3 and EN4 and policies DMG1, DMG2, DME2 and DME3 of the Ribble Valley Core Strategy.

2. The development involves excavating a trench immediately adjacent to Martholme Viaduct, a Grade II Listed Building, resulting in removal of fill material abutting the viaduct and exposure of stonework at risk of deterioration. Insufficient information (such as an engineering report) has been submitted to demonstrate that the development would preserve the structural integrity of the designated heritage asset, as such the proposal is in conflict with key statement EN5 and policy DME4 of the Ribble Valley Core Strategy.

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

RESOLVED THAT COMMITTEE:

Grant planning permission subject to the following conditions

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

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

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

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

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

3. The materials to be used on the external surfaces of the development as indicated on the Application Form and as shown on the approved plans shall be implemented in accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality and respond positively to the inherent

character of the area.

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

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

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

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

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

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

RESOLVED THAT COMMITTEE:

Grant planning permission subject to the following conditions:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councillors noted the late item report.

RESOLVED THAT COMMITTEE:

Grant planning permission subject to the following conditions:-

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

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

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

6718-L01: Location Plan

6718-S02B: Proposed Site Plan

6718-S03B: Proposed Site Plan

6718-P11C: Proposed Floor Plan Layouts and Streetscene

6718-P12B: Proposed Elevations

6718-P13A: Proposed Visibility Splay

6718-P14A: Proposed Swept Path Plan

6718-P15A: Proposed Demolition Plan

6718-P16: Proposed Non-Residential Floorspace

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

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

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality and respond positively to the inherent character of the area.

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

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

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

Monday to Friday: 07:00hrs – 17:30hrs

Saturdays: 07:00hrs – 13:30hrs

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

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

6. All construction and demolition works/activities associated with the development hereby approved shall be undertaken in strict accordance with the submitted Construction Method Statement (Ref: 6718 Version 1.01).

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

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

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

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

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

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

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

10. Prior to the commencement of any new construction works (save that for demolition), details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

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

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

INFORMATIVE NOTE:

The grant of planning permission will require the applicant to enter into a S278 Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council for further information by emailing the Highway Development Control Section at developeras@lancashire.gov.uk

(v)

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

Mr Neil Molyneux spoke in support of the application.

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

RESOLVED THAT COMMITTEE:

Refuse planning permission for the following reasons:

1. The proposal is considered to be in direct conflict with Policies DMG2 and DMH3 of the Ribble Valley Core Strategy insofar that approval would lead to the creation of new residential dwellings, located outside of a defined settlement boundary, without sufficient justification, in that it has not been adequately demonstrated that the proposal is for that of local needs housing that meets a current identified and evidenced outstanding need or that the proposal would meet any of the exception criterion inherently contained within either policy.

2. The proposal is considered to be in direct conflict with Key Statement EN2 and Policy DMG1 of the Adopted Ribble Valley Core Strategy insofar that the introduction of built form and resultant quantum of development in this location, would result in a level of development that would appear both anomalous and incongruous, undermining the character and visual amenities of the immediate area and that of the Forest of Bowland Area of Outstanding natural beauty.

512

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

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

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

RESOLVED THAT COMMITTEE:

TPO not confirmed.

513

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

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

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

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

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

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

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

RESOLVED THAT COMMITTEE:

TPO not confirmed.

Councillor S Brunskill returned to the meeting.

514

BIODIVERSITY NET GAIN - SPENDING GRANT MONIES

The Director of Economic Planning and Development submitted a report seeking Member authority to enter into a 12 month contract with Greater Manchester Ecology Unit (GMEU) to assist the Council in meeting its BNG responsibility from January 2024.

The Head of Development Management and Building Control advised that since the agenda was published, the Government had published further information on this issue. It was noted that secondary legislation and guidance is still required to enact the mandatory requirement, however it is still expected that the latest timetable will remain in place i.e. developers of large sites in England would be required to deliver 10% (minimum) "Biodiversity Net Gain" from January 2024 onwards when building new housing, industrial or commercial developments. BNG for small sites would be applicable from April 2024, and implementation for Nationally Significant Infrastructure Project is planned for 2025.

RESOLVED THAT COMMITTEE:

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

515

BARROW PLANNING OBLIGATION

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

The school footpath leads from the car park at the rear of Old Row, (which is leased by the Parish Council from RVBC), is used by children and adults as they start and finish the school day and by the residents whose houses back on to the path.

RESOLVED THAT COMMITTEE:

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

516

PLANNING FEE INCREASES

The Director of Economic Development and Planning submitted an information report updating Committee on the notification letter issued by Government on 14th

November 2023 that planning fees will increase on 6th December 2023. The last time that planning fees were set was 17 January 2018.

Members noted the contents of the report.

517 PLANNING STATISTICS REPORT

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

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

518 APPEALS (IF ANY)

Members noted the contents of the Appeals report.

519 MINUTES OF WORKING GROUPS

There were no minutes from working groups.

520 REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES

There were no reports from representatives on outside bodies.

521 EXCLUSION OF PRESS AND PUBLIC

There were no items under this heading.

The meeting closed at 8.33 pm

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