

Planning history

Non material amemdments	3/2018/0241
Variations	3/2016/0282
Renewal	3/2013/0306
Original	3/2002/0627

Materials

All Retaining walls built using Marshalls "Ash" split face, to match other walling on the site.

If you have any queries at all, then please don't hesitate to contact me,

Yours faithfully

Mark Harrison

History

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

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Town and Country Planning Act 1990

PLANNING PERMISSION

APPLICATION NO: 3/2013/0306

DECISION DATE: 24 July 2013

DATE RECEIVED: 08/04/2013

APPLICANT:

Mr J A M Ormerod
Ormwood Homes Ltd
1 -9 Straits
Oswaldtwistle
Lancs
BB5 3LU

AGENT:

DEVELOPMENT PROPOSED: Application for the renewal of planning permission 3/2010/0180P, for the demolition of existing commercial premises/site clearance and erection of 9no. apartments plus access improvement and re-aligned stream to open culvert. (Amendment of permission 3/2002/0627P).

AT: Pack Horse Garage Mellor Brow Mellor Brook Blackburn Lancs

Ribble Valley Borough Council hereby give notice that **permission has been granted** for the carrying out of the above development in accordance with the application plans and documents submitted subject to the following condition(s):

1. The development must be begun no later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed in pursuance to Section 91 of the Town and Country Planning Act 1990

2. Precise specifications or samples of walling and roofing materials and details of any surface materials to be used including their colour and texture shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028- A Local Plan for Ribble Valley Regulation 22 Submission Draft.

3. Prior to commencement of the development precise details of the proposed slab floor level(s) and any appropriate road level shall be submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of visual amenity and safeguarding any adjacent residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028- A Local Plan for Ribble Valley Regulation 22 Submission Draft.

P.T.O.

4. The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever possible the retention of existing trees, have been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate, as appropriate, the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening. The approved landscaping scheme shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of the amenity of the area and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028- A Local Plan for Ribble Valley Regulation 22 Submission Draft.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) the building(s) shall not be altered by the insertion of any window or doorway without the formal written permission of the Local Planning Authority.

REASON: In order to safeguard nearby residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028- A Local Plan for Ribble Valley Regulation 22 Submission Draft.

6. Before any building works commence, the site access and footways shall be constructed to full adoption standards as defined in the Lancashire County Council Specification for Construction of Estate Roads and shall be used as the sole means of vehicular access for construction traffic and, thereafter, for development traffic.

REASON: In the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028- A Local Plan for Ribble Valley Regulation 22 Submission Draft.

7. All construction traffic and construction vehicles shall be parked clear of the adopted highway, Mellor Brow, at all times.

REASON: In the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028- A Local Plan for Ribble Valley Regulation 22 Submission Draft.

8. The area of the forecourt between the buildings and Mellor Brow shall be kept clear of any obstructions above road level and be available for pedestrian usage at all times.

REASON: In the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028- A Local Plan for Ribble Valley Regulation 22 Submission Draft.

P.T.O.

9. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON: To prevent pollution of the water environment in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028- A Local Plan for Ribble Valley Regulation 22 Submission Draft.

10. No development approved by this permission shall be commenced until a desk study has been undertaken and agreed by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential contamination a detailed site investigation should be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. If remediation measures are necessary they will be implemented in accordance with the assessment and to the satisfaction of the Local Planning Authority.

REASON: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or to human health in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028- A Local Plan for Ribble Valley Regulation 22 Submission Draft.

11. No lighting shall be installed in the car parking area unless a further planning permission has first been granted in respect thereof.

REASON: In the interests of general amenities of the locality and the amenities of nearby residents and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028- A Local Plan for Ribble Valley Regulation 22 Submission Draft.

12. Prior to the first occupation of Unit 9, a wall or fence shall be erected on or adjoining the western edge of the footbridge over Mellor Brook which serves that plot, in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of the privacy of an adjoining dwelling and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028- A Local Plan for Ribble Valley Regulation 22 Submission Draft.

13. No site works, including any demolition works of buildings or boundary walls, shall be commenced until a further protected species/ecological survey has been carried out during the optimum time of May to September. The updated survey shall be submitted to the Local Planning Authority for approval in writing prior to any works commencing on site. If roosting bats are detected or suspected a further survey and mitigation measures will be required for submission to and approval in writing by the Local Planning Authority prior to the demolition of any buildings or boundary walls on site, with the works to be carried out in strict accordance with any mitigation measures identified.

REASON: To comply with Policies G1 and ENV7 of the Ribble Valley Districtwide Local Plan and Policies DMG1 and DME3 of the Core Strategy 2008-2028- A Local Plan for Ribble Valley Regulation 22 Submission Draft

ensuring that no species/habitat protected by the Wildlife and Countryside Act 1981 are destroyed; and due to the passage of time since the original survey was carried out in August 2006.

P.T.O.

14. Prior to commencement of development, a scheme identifying how a minimum of 10% of the energy requirements generated by the development will be achieved by renewable energy production methods shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be provided in accordance with the approved details prior to occupation of the development and shall be retained thereafter.

REASON: In order to encourage renewable energy and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan and Policy DMG1 of the Core Strategy 2008-2028- A Local Plan for Ribble Valley Regulation 22 Submission Draft.

15. This renewal permission shall relate to the drawings originally approved for application 3/2007/0136/P (ie WRW/10a, 11, 12, 13, 14a and 15b).

REASON: For the avoidance of doubt and to ensure compliance with the submitted plans.

Relevant planning policy

Ribble Valley Districtwide Local Plan
Policy G1 - Development Control.
Policy G3 - Settlement Strategy.
Policy ENV10 - Development Affecting Nature Conservation.
Policy ENV13 - Landscape Protection.

Core Strategy Regulation 22 Submission Draft
Policy DMG1 - General Considerations.
Policy DMG2 - Strategic Considerations.
Policy DME2 - Landscape and Townscape Protection.
Policy DME3 - Site and Species Protection and Conservation.

National Planning Policy Framework.

Summary or reasons for approval

The proposal has no significant detrimental impact on visual amenity, nearby residential amenity, or highway safety; and there have been no changes in planning circumstances since the original permission was granted in 2010 that would justify refusal of this renewal application.

The Local Planning Authority operates a pre-planning application advice service which applicants are encouraged to use. Whether or not this was used, the Local Planning Authority has endeavoured to work proactively and positively to resolve issues and considered the imposition of appropriate conditions and amendments to the application to deliver a sustainable form of development .

Note(s)

1. For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes.
2. The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.

P.T.O.

3. The applicant is advised of the following comments from the Environment Agency:

1. In 2007, the Environment Agency issued three Flood Defence Consents for access bridges, a retaining wall and the removal of a culvert on the watercourse which flows through the site. These Consents are no longer valid and cannot be implemented.
 2. The applicant should be aware that the responsibility for issuing consents for works to Ordinary Watercourses no longer rests with the Environment Agency. Any works to the watercourses within or adjacent to the site which involve infilling, diversion, culverting of which may otherwise restrict flow now require the prior formal Consent of Lancashire County Council under Section 23 of the Land Drainage Act 1991.
 3. Our previous comments in relation to the removal of the culvert still applies, this mitigates for the loss of natural habitat in the watercourse. The new length of watercourse should be designed so as to have a natural bed and bank profile including pool riffle sequences and a varied bed and bank profile. Any planting in or alongside the new watercourse should consist solely of native species
 4. Tree and shrub removal from the site should be minimised. Professional tree surgery should be carried out in preference to felling wherever possible so that trees can be made safe and retained on site. Any retained tree must be protected during construction. The trees can be successfully retained on development sites by working to British Standard BS5837 "Guide for Trees in Relation to Construction". Appropriate replacement planting should be provided for any vegetation lost, disturbed or degraded during works.
4. The applicant is informed of the following advice received from United Utilities:
1. Unless otherwise agreed in writing by the Local Planning Authority, no buildings shall be erected within 3m of any existing public sewer.
 2. A scheme for the disposal of foul and surface water should be submitted to the Local Planning Authority for approval.

JOHN HEAP
DIRECTOR OF COMMUNITY SERVICES

History

DATE INSPECTED:

Ribble Valley Borough Council

DELEGATED ITEM FILE REPORT - APPROVAL

Ref: CS/CMS

Application No:	3/2013/0306/P
Development Proposed:	Application for the renewal of planning permission 3/2010/0180/P for the demolition of existing commercial premises/site clearance and erection of 9 no apartments plus access improvements and realign the stream to open culvert (amendment of permission 3/2002/0627/P) at Pack Horse Garage, Mellor Brow, Mellor Brook

CONSULTATIONS: Parish/Town Council

Parish Council – Objects to the proposal for the following reasons:

1. Mellor Brow is already a narrow land and this will exacerbate the situation at the very point where constriction becomes acute.
2. Mellor Brow/Mellor Lane has become a thoroughfare for vehicles using the BAe industrial complex, roads which were never designed for the current usage. Mellor Brow does not even enjoy the benefit of an overall footpath.
3. The proposed widening of the access is located at the most dangerous point on Mellor Brow and adjacent to a blind a difficult to negotiate bend.

CONSULTATIONS: Highway/Water Authority/Other Bodies

Environment Directorate (County Surveyor) – Commented that there did not appear to be any plans submitted with the application.

(It has been explained to the County Surveyor that this is a renewal application and that all conditions recommended by his predecessors and imposed on previous permissions will be implemented in the event that permission is granted in respect of this current renewal application.)

Environment Agency - No objections to the application in principle. The Environment Agency, however, makes a number of comments as follows:

1. In 2007, the Environment Agency issued three Flood Defence Consents for access bridges, a retaining wall and the removal of a culvert on the watercourse which flows through the site. These Consents are no longer valid and cannot be implemented.
2. The applicant should be aware that the responsibility for issuing consents for works to Ordinary Watercourses no longer rests with the Environment Agency. Any works to the watercourses within or adjacent to the site which involve infilling, diversion, culverting of which may otherwise restrict flow now require the prior formal Consent of Lancashire County Council under Section 23 of the Land Drainage Act 1991.
3. Our previous comments in relation to the removal of the culvert still applies, this mitigates for the loss of natural habitat in the watercourse. The new length of watercourse should be designed so as to have a natural bed and bank profile including pool riffle sequences and a varied bed and bank profile. Any planting in or alongside the new watercourse should consist solely of native species.

4. Tree and shrub removal from the site should be minimised. Professional tree surgery should be carried out in preference to felling wherever possible so that trees can be made safe and retained on site. Any retained tree must be protected during construction. The trees can be successfully retained on development sites by working to British Standard BS5837 "Guide for Trees in Relation to Construction". Appropriate replacement planting should be provided for any vegetation lost, disturbed or degraded during works.

United Utilities – Has no objections to the application subject to conditions relating to the following:

1. Unless otherwise agreed in writing by the Local Planning Authority, no buildings shall be erected within 3m of any existing public sewer.
2. The submission for approval of a scheme for the disposal of foul and surface water.

CONSULTATIONS: Additional Representations.

No representations have been received.

RELEVANT POLICIES:

Ribble Valley Districtwide Local Plan

Policy G1 - Development Control.

Policy G3 - Settlement Strategy.

Policy ENV10 - Development Affecting Nature Conservation.

Policy ENV13 - Landscape Protection.

Core Strategy Regulation 22 Submission Draft

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.

Policy DME2 – Landscape and Townscape Protection.

Policy DME3 – Site and Species Protection and Conservation.

National Planning Policy Framework.

COMMENTS/ENVIRONMENTAL/AONB/HUMAN RIGHTS ISSUES/RECOMMENDATION:

Planning permission was granted in 2002 for the demolition of the existing commercial building on this site and erection of 9 apartments on the cleared site (3/2002/0627/P).

In 2002, application 3/2007/0136/P was submitted which sought planning permission for the demolition of the existing commercial premises/site clearance and erection of 9 apartments plus access improvements and realign stream to open culvert as an amendment to the previous permission 3/2002/0627/P. Permission was granted but, as no works had been carried out on site, the permission would have lapsed on April 2010 and renewal application 3/2010/0180/P not been submitted prior to that date.

The originally approved development involves the demolition of the existing building and the erection of three-storey building comprising five, three-bedroom apartments, three, two-bed apartments and one, one-bed apartment. Four of the apartments would occupy the ground floor whilst the other five are all two-storey units occupying the upper two floors.

The building has two main storeys with the top floor accommodation being within the roof space. Other properties are to be split on a vertical basis which allows the elevations to reflect the traditional terraced cottages prevalent in the area and floor levels will rise to suit the levels of Mellor Brow creating a stepped roofline. All proposed external materials are to

match the traditional materials of the area with natural coursed stone to walls with some areas of spa-render and natural blue slate to the roofs. Natural stone lintels and cills will be created to all openings with uPVC windows and doors to a traditional sash window appearance.

Vehicular access to the site will be via an improved roadway created over the current substandard unmade Victoria Terrace, retaining the junction position with Mellor Brow and access to the properties of Victoria Terrace. A new turning head will be created to serve the new properties. The new access takes advantage of the applicant's ownership of 87 Mellor Brow and 2 Victoria Terrace to allow the creation of pedestrian footpaths to each side of the new junction whilst maintaining the current alignment of the main carriageway. The new access road and turning space are constructed to dimensions agreed with the County Highway Engineer, and will be to adoptable standards.

Pedestrian access from Mellor Brow is restricted to maintenance access only to avoid the possibility of parking taking place on Mellor Brow itself. All main entrances to the apartments are to the rear and accessed via the adopted road and parking areas. The parking area itself is created on a current hard standing which is to be improved with a tarmac finish to provide 20 parking spaces (ie two spaces per dwelling plus two visitor spaces). Pedestrian access to these areas will be via the adopted roadway or via a pedestrian footpath created on the opposite side of the brook which runs through the site, with new pedestrian bridges to be formed over the brook itself.

The proposal also involves the diversion of a section of Mellor Brook in order to replace an existing culverted section with an open channel at the far southern end of the site beyond the parking area. These works were agreed by the Environment Agency at the time of consideration of application 3/2007/0136/P.

The original application for a development of nine apartments on this site (3/2002/0627/P) was considered in relation to the relevant policies of the Districtwide Local Plan and was deemed to be acceptable subject to a number of conditions. That application was determined prior to the housing moratorium.

The application for an amended scheme (3/2007/0136/P) was submitted at the time when the housing moratorium was in place. However, as the original permission was still extant, the situation at the time of an over provision of housing was considered to be of no relevance to the determination of the application. Permission was therefore again granted subject to a number of conditions, the first of which required the development to be commenced before 4 April 2010. The development has not been commenced but the previous renewal application was received prior to that date.

Case Law generally indicates that applications for the renewal of existing planning permissions should be approved unless there has been a material change in planning circumstances since the original permission was granted such as a change in some relevant planning policy for the area. Case Law also indicates that the existence of an extant planning permission is a particularly important material consideration for two reasons. These are: a) natural justice as it is not considered to be fair administration to allow one thing and then to turn round and deny something similar, b) that the development for which permission has been given could be implemented should any later proposal be refused.

In this case there has been changes in planning circumstances since the application was last renewed in 2010 in that NPPF has been introduced and the Council is working towards a Core Strategy. However, as a development within the settlement of Mellor Brook and close to the facilities of the village. I consider that the proposed development complies with the

sustainability requirements of NPPF. Furthermore, the requirements of the relevant saved policies of the Local Plan are effectively carried forward in the equivalent policies of the emerging Core Strategy.

Accordingly, in consider that, when viewed in relation to the current relevant guidance, policies and planning circumstances, the proposed development remains acceptable. I therefore consider that the permission should again be renewed subject to the same conditions as previously imposed.

There are, however, a number of matters that require consideration/explanation.

Firstly, the Parish Council has expressed objections to this current application, but had not objected to the previous renewal.

The letter from the Environment Agency was copied to the applicants/agents who are therefore aware of its contents. Whilst it would be inappropriate to impose any additional conditions, the points made in the letter could legitimately be added to the Decision Notice as advisory notes. I therefore recommend the addition of such notes to the Decision Notice.

United Utilities did not make comments in relation to the original or previous renewal applications. Full planning permission has therefore been granted and renewed previously without the conditions that United Utilities now recommends. As with the comments of the Environment Agency, I consider that these matters can only be placed on any planning permission in the form of advisory notes.

I recommend accordingly that planning permission be granted subject to the same conditions as previously imposed, plus the advisory notes as described above.

SUMMARY OF REASONS FOR APPROVAL:

The proposal has no significant detrimental impact on visual amenity, nearby residential amenity, or highway safety; and there have been no changes in planning circumstances since the original permission was granted in 2010 that would justify refusal of this renewal application.

RECOMMENDATION: That conditional planning permission be granted.