

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

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Town and Country Planning Act 1990

PLANNING PERMISSION

**APPLICATION NO:** 3/2023/0107

**DECISION DATE:** 05 May 2023

**DATE RECEIVED:** 06/02/2023

**APPLICANT:**

Mr J Croak and Miss C Seal

C/o Agent

**AGENT:**

Mr Stuart Herd

Sunderland Peacock and Assoc Ltd

Hazelmere

Pimlico Road

Clitheroe

BB7 2AG

**DEVELOPMENT PROPOSED:** Proposed demolition of existing dwelling and erection of replacement dwelling with entrance gates and walls.

**AT:** Overdale York Lane Langho BB6 8DT

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 hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended 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:

1:500 Location Plan

6767 - P04F Proposed Floor Plans and Elevations

6767 - P05F Proposed Site Plan and Entrance Gates Elevations

6767 - P06B Proposed Site Section

Bat Survey & Update 210423

Reason: For the avoidance of doubt as the proposal was the subject of agreed design improvements and/or amendments and to clarify which plans are relevant to the consent.

3. Prior to their use on the dwellinghouse hereby approved, details and/or samples of all materials to be used on the external surfaces of the dwelling hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. 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.

4. The access, parking and turning areas hereby approved shall be surfaced in porous materials or drained into the site, and laid out in accordance with the submitted site plan (ref: 6767-P05F).

The site shall include provision of a universal electrical vehicle charging point with minimum output of 7kW.

The parking and turning area shall be implemented and made available for use prior to first occupation of the dwelling hereby approved and thereafter retained.

The vehicular access gates shall be set back at least 5m from the road frontage and open into the site at all times.

Reason: In order to ensure that adequate parking provision is provided in the site to serve the dwelling and enable vehicles to turn within the site and exit in forward gear and to support sustainable transport objectives and to contribute to a reduction in harmful vehicle emissions.

5. Both side facing (east and west) sections of the glazed balustrade to the first floor rear balcony of the dwellinghouse hereby approved shall be fitted with obscure glazed privacy screens (which shall have an obscurity rating of not less than 4 on the Pilkington glass obscurity rating or equivalent scale) at a height of not less than 1.5m.

The screens shall remain in strict accordance with the approved details in perpetuity.

Reason: To protect adjacent properties and future residential amenity.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (Schedule 2, Part 1, Class A - E or any subsequent re-enactment thereof) no extensions, alterations or outbuildings shall be constructed without express planning permission first being obtained.

Reason: To enable the Local Planning Authority to exercise control over development which could materially conflict with the fundamental aims of greenbelt designation or result in harm to the character and visual amenities of the area.

7. Prior to the demolition of the existing dwelling two bat surveys are required in accordance with BCT's 2016 bat survey guidelines during the optimum period of May-August. The results of the dusk and dawn emergence surveys shall be submitted to and assessed by the Local Planning Authority, and, if required, a mitigation and compensation scheme will be devised to avoid, minimise and offset any potential impacts. This will also require a licence from Natural England, if bats are present on the site.

Details of the surveys and any mitigation measures including a licence from Natural England must be submitted to and approved in writing by the Local Planning Authority prior to any demolition works commencing on site if bats are found to be present and the development shall thereafter be carried out in strict accordance with the mitigation details approved.

Reason: To ensure the protection of species/habitat protected by the Wildlife and Countryside Act 1981 (as Amended) and in the interests of biodiversity and to enhance habitat opportunities for species of conservation concern/protected species and to minimise/mitigate the potential impacts upon protected species resultant from the development

8. During the course of the development provision shall be made for 1 no. Schwegler bat tube to be installed on the western gable of the proposed dwellinghouse

The bat tube shall be incorporated into the dwelling during the construction stage of the development and made available for use before the dwelling hereby approved is first brought into use and thereafter retained in perpetuity.

Reason: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and to minimise/mitigate the potential impacts upon protected species resultant from the development

9. For the avoidance of doubt the hedgerow to the front (southern) boundary shall be retained at all times with appropriate protective fencing erected to the northern side of the hedgerow prior to any work commencing on site including demolition. No materials, spoil or soil shall be sited/stored/placed between the fence and hedgerow at any time.

Reason: To ensure that there are no adverse effects on the biodiversity of the site and limit the potential impacts of the development.

10. The development hereby approved shall be carried out in strict accordance with the finished floor levels, eaves and ridge heights indicated on submitted plan 6767-P05F.

Reason: In order for the Local Planning Authority to ensure that proposed development responds appropriately to the topography of the site and is appropriate to the locality.

11. 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 windows/dormer windows/rooflights other than those shown on the approved plans shall be inserted or constructed at any time on the west or east (side) elevations of the dwellinghouse, hereby approved.

Reason: To enable the Local Planning Authority to have control over development which could potentially result in harm to residential amenity of the existing neighbouring property.

12. No development (excluding demolition and ground clearance) shall be commenced until details of a sustainable surface water drainage scheme has been submitted and approved in writing by the Local Planning Authority. The drainage scheme must satisfy the following hierarchy as outlined in National Planning Practice Guidance:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The scheme must also demonstrate that foul water will discharge separately to surface water.

The scheme shall be completed in accordance with the approved details prior to first occupation of the dwelling 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.

#### 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.
3. 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.

*Nicola Hopkins*

**NICOLA HOPKINS**  
**DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING**

**Notes**

**Right of Appeal**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision to refuse planning permission, or approve with conditions, a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission, or approve with conditions, a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision> . If it is a householder appeal it can be made online at: <https://www.gov.uk/appeal-householder-planning-decision> . If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

**Purchase Notices**

If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council of the county borough or county district in which the land is situated a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.