

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

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

Telephone: 01200 425111 www.ribblevalley.gov.uk planning@ribblevalley.gov.uk

Town and Country Planning Act 1990

PLANNING PERMISSION

APPLICATION NO: 3/2024/0286

DECISION DATE: 20 February 2025

DATE RECEIVED: 13/06/2024

APPLICANT:

Mr and Mrs Riley
8 Walmsley Brow
Billington
Clitheroe
BB7 9TT

AGENT:

Mr Peter Hitchen
Peter Hitchen Architects
Marathon House
The Sidings Business Park
Whalley
Clitheroe
BB7 9SE

DEVELOPMENT PROPOSED: Proposed conversion and extension of existing bungalow into two two-storey, semi-detached dwellings, and construction of one new detached, two-storey dwelling.

AT: 8 Walmsley Brow Billington BB7 9TT

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 not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchasing Act 2004.

2. The development shall be carried out, except were modified by any other condition attached to this permission, in accordance with the following plans:

1:1250 Location Plan

1:100 Proposed Site Plan PHA/862 A4.1 Revision 1 dated 16/12/2024

1:50 Proposed elevations 1 Plot 1 and 2 PHA/862 A3.3 Revision 1 dated 22/10/2024

1:50 Proposed elevations 2 Plot 1 and 2 PHA/862 A3.4 Revision 1 dated 22/10/2024

1:50 Proposed First Floor and Elevations Plots 3 PHA/862 A2.7 Revision 1 dated 22/10/2024

1:35 Proposed First Floor Plan Plots 1 and 2 PHA/862 A2.5 Revision 1 dated 22/10/2024

1:50 Proposed Ground floor Plans and Elevations Plot 3 PHA/862 A2.6 Revision 1 dated 22/10/2024

1:35 Proposed Ground Floor Plans Plots 1 and 2 PHA/862 A2.2 Revision 1 dated 22/10/2024

1:100: Proposed Site Sections PHA/862 A5.1 dated 22/10/2024

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 hereby approved.

3. The development shall be carried out in strict accordance with the details of materials to be used in the construction of the external surfaces of the development submitted on the approved plans and application from.

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 adjacent dwellings.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (Schedule 2, Part1, Class A - C and E) or any subsequent re-enactment thereof, no enlargements, improvement or other alterations, addition or alteration to its roof or curtilage buildings 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 harm the character and visual amenities of the immediate area, residential amenity or established trees within the site.

5. 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 expressly authorised by this permission shall be inserted or constructed at any time in the north/south elevations of the dwelling/extensions hereby permitted on plots 1 and 2 and the north elevations of the dwelling on plot 3.

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm nearby residential amenity.

6. Notwithstanding the submitted plans no development shall take place until full details of the proposed curtilage for each plot have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include but not limited to the following: clear boundaries between the three plots and existing adjacent dwellings with appropriate boundary treatments, hard surfaced areas and materials for parking, turning and manoeuvring areas for each of the three plots.

Reason: To ensure the development can be achieved within the site with appropriate boundaries that effectively screen adjacent properties and that appropriate curtilage space and parking and turning areas are provided within the site for each plot.

7. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
- i) The parking of vehicles of site operatives and visitors
 - ii) The loading and unloading of plant and materials
 - iii) The storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) Details of working hours

Reason: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway for the duration of the construction phase of the development.

8. Prior to first occupation the car parking, manoeuvring and turning areas shown on Proposed Site Plan PHA/862 A4.1 shall be provided on the site and maintained as such thereafter.

Reason: To provide adequate car parking, manoeuvring and turning within the site.

9. Prior to commencement of works on the site, details of any proposed changes to the ground level adjacent to the road serving Bank Cottages shall be designed by a qualified structural/geotechnical engineer and submitted in writing to the Local Planning Authority for approval, with any subsequent works to be carried out in strict accordance with the approved details.

Reason: To ensure the stability of the adjacent highway is maintained and not unduly affected by the proposed development in the interests of highway safety.

10. Notwithstanding the submitted plans, prior to the commencement of development, 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 the first occupation the drainage schemes shall have been completed in strict accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: In order to ensure the development provides for appropriate sustainable drainage within the site and prevents flooding on and or off the site.

11. During the construction period, all trees and hedgerows to be retained within and adjacent to the site shall be protected in strict accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standard.

The only trees to be removed are those identified in the Tree Impact Assessment by Pennine Ecological dated March, 2024.

The exclusion zones will remain in place throughout the demolition and construction phases and fully accord with the methodology set out in BS 5837:2012 during all site preparation/construction works.

No materials, soil, spoil or other substance shall be stored within the protective areas at any time and no changes in land levels shall occur within these areas. Any no dig, hand digging and protective membranes shall only occur with the prior written approval of the Local Planning Authority.

Reason: To protect trees/hedging of landscape and visual amenity value on and adjacent to the site or those likely to be affected by the proposed development hereby approved.

12. Notwithstanding the submitted plans no development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include but not limited to the following: areas of soft landscaping, retention of trees, hedgerows and other planting, all boundary treatments, hard surfaced areas and materials, planting plans with full specifications and schedules including plant size, species and number/ densities, existing landscaping to be retained.

The landscaping works shall be carried out in accordance with the approved details prior to first occupation of the any dwelling in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 15 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure the development can be effectively screened from adjacent properties and that appropriate landscaping is provided within the site.

13. The development shall be carried out in strict accordance with all of the mitigation measures set out in Part 3 Ecological Valuation & Recommendations of the Preliminary Ecological Appraisal by Pennine Ecological dated March, 2024.

No ground clearance shall be undertaken outside of the bird breeding season (March - August inclusive) unless a pre-work nesting bird survey of the site has first been undertaken by licenced ecologist to ensure no nesting birds are present and written confirmation has been submitted to the Local Planning Authority.

The mitigation measures shall have been fully implemented prior to occupation of the first dwellinghouse hereby approved and thereafter maintained and retained as such in perpetuity.

Reason: In order to provide sufficient on-site ecological enhancement measures for species of conservation protection on, and adjacent to, the site.

14. The Biodiversity Gain Plan (as required by the 'Statutory Biodiversity Condition' - see further details below) shall be prepared in accordance with the Biodiversity Net Gain Baseline and Feasibility report submitted with the planning application.

Reason: This is not a statutory requirement but unless imposed there is no requirement that the Biodiversity Gain Plan submitted for approval shall be in accordance with the biodiversity and ecology information submitted with the planning application.

15. (a) The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan (as required by the 'Statutory Biodiversity Condition' - see further details below), has been submitted to, and approved in writing by, the local planning authority. This shall include details of:-
- (i) a non-technical summary;
 - (ii) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - (iii) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - (iv) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - (v) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.
- (b) Notice in writing shall be given to the Council when the:
- (i) HMMP has been implemented; and
 - (ii) habitat creation and enhancement works as set out in the HMMP have been completed.
- (c) First occupation of the dwellinghouses approved shall not take place until:
- (i) the habitat creation and enhancement works set out in the approved HMMP have been completed; and
 - (ii) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.
- (d) The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.
- (e) Monitoring reports shall be submitted to the local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

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.
4. This Decision Notice should be read in conjunction with the officer's report which is available to view on the website.

5. BNG Note:

Statutory Biodiversity Condition

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the planning authority has approved the plan.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed in the legislation are considered to apply.

The biodiversity gain plan must include:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development; and
- (f) such other matters as the Secretary of State may by regulations specify.

When calculating the post-development biodiversity value of a habitat, the planning authority can only take into account an increase in biodiversity value post-development where it is satisfied that the habitat creation or enhancements delivering the increase will be maintained for at least 30 years after the development is completed.

6. The applicant will need to check with LCC Flood Risk to determine if any consents are required for the works adjacent to the culvert.

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.