

PROPOSED ALTERATIONS, 27 – 29 BAWDLANDS, CLITHEROE PLANNING APPLICATION REF. 3/2024/0552

PLANNING APPLICATION DESCRIPTION

Proposed change of use of ground floor unit (Use class E) and first floor flat (Use Class C3) to House in Multiple Occupation with up to eight rooms (Use Class Sui Generis) including removal of shop front and replacement with two ground floor windows and addition of new door and window to side elevation.

RESPONSE TO WARD MEMBER REQUEST FORM, TOWN COUNCIL OBJECTIONS & 3^{RD} PARTY REPRESENTATIONS

INTRODUCTION

The information listed below is direct Without Prejudice response to the Ward Member Request Form, Town Council objection and 3rd party representations in respect of the application.

Referring to the Town and Country Planning Act I am professionally obligied to ensure that the description of the proposal and information submitted is factually correct and not misleading in any way. Section 26 of the planning application form requires that I sign a declaration to that effect.

RESPONSE

In respect of the request form I would respond as follows to each of the points raised on purely planning legislation:

1.

The current application is not a re-submission of a previously refused application. The previous application for the site, 3/2024/0269 was withdrawn before a decision was issued. I note that the planning committee members at the meeting of 30th May 2024 were unable to make a decision on how to refuse the application without overstepping their remit and identifying which planning policies were actually being contravened. The original application was not refused. I quote direct from the minutes of that meeting.

"RESOLVED THAT COMMITTEE: Minded to REFUSE planning permission on the grounds of occupancy levels being harmful to living conditions of future residents and failing to be sympathetic to the surrounding properties and land uses, in conflict with policies DMG1, DMG3 and DMB1. To be brought back to a future committee with draft refusal reason".

Material changes have been made to the original application, specifically the Design Statement. This Statement also provides a link to a presentation video. To date, it appears that none of the committee members have referred to this video presentation. This is the link to the presentation https://share.vidyard.com/watch/CcgmLMVCWkieoiPnpD8nwW

2.

It is not considered that the immediate vicinity of the application is "densely populated". The occupancy levels are not above what is expected for the types of residential properties in the area.

3.

There is no parking associated with the site. It should be noted that there was parking provision, prior to the site being partitioned into 2no parcels. This was effectively removed by a planning approval for a change of use of the garage to the rear of 27 & 29 Bawdlands in 2020 – app. no. 3/2020/0311.

4.

The transient parking is a direct result of the planning approval 3/2020/0311 referred to above. It is noted that there were no specific references for parking provision in the approval document on that particular application.

5.

This appears to be reiteration of point 3 listed above.

6.

I refer to planning approval reference 3/2013/0481 which approved the change of use of the ground floor retail space into a two bedroom flat. Inspection of the plans for this application show that 27 & 29 Bawdlands had 4no double sized bedrooms, which indicates that an occupancy level of 8no persons was acceptable. The fact that the occupants are related or un-related is irrelevant under planning legislation.

7.

This item appears to be an introduction to points 8, 9 & 10 listed below.

8.

Parking and transport issues have been dealt with in the Design Statement. The professional, Lancashire County Council Highways report on the application shows no issues with parking and transport provision for the site.

9.

Waste disposal is referred to in the Design Statement.

After consultation with Ribble Valley Borough Council Environmental Health Services, refuse bins are to be located at ground floor level in a continually mechanically ventilated services / utilities room. 4no 240L capacity bins are to be provided, 2no for general waste (burgundy) and 2no for recyclable waste (blue).

10.

Careful consideration was given in the initial design stages to acertain the most suitable use for the site, this is again supported by the contents of the Design Statement

TOWN COUNCIL OBJECTIONS

The list of Town Council objections relate directly to the Ward Member Request Form points 8, 9 & 10 listed above.

THIRD PARTY OBJECTIONS

There are currently 5no third party objections to the application, which have a similar theme running through them.

Α.

The concerns with regards to traffic are covered in my response to point 8 above.

Β.

Refuse storage issues already dealt with in point 9 above, including the bin storage capacity.

C.

Fire safety, whilst not a planning legislation concern, has been addressed at this stage of development and is compliant with Part B of the Buildung Regulations Approved Documents. A site visit earlier things week flagged up some serious fire protection problems between the application site and the adjacent gym workshop, which are being urgently addressed.

D.

The internal stripping out is also not a planning issue. The stripping out has been carried out to remove the decaying fabric of the building caused by previous water pipe leaks and the premises being empty, unmaintained and unheated for the last $2\frac{1}{2}$ years. This work has been carried out to alleviate any further deterioration of the building.

Ε.

Vermin and anit-sociable behaviour as a result of the proposed development are inadmissible, as they are not planning legislations issues. It should, however, be noted that an empty building presents a worse scenario than a fully re-furbished and occupied building

F.

The internal work replacing the walls again is not a planning issue, and is being carried out to ensure the structural integrity of the existing floors and ceilings.

SUMMARY

At the planning meeting of 30th May for the original application for the site there was a great deal of supposition as to the proposed occupancy levels of the building and some rather ill judged, thinly veiled, borderline prejudice, comments suggesting that the development would be sub-standard and not in keeping with the Ribble Valley. I would point out again that a planning application or accompanying documents cannot be misleading in any way. The preamble in the Design Statement clearly sets out the developers proposals.

It must be noted that every planning application is to be considered individually, on it's own merits, and with regards to compliance with planning policy guidance, and not on any previous developments in the vicinity.

With regards to the proposed occupancy levels, the application clearly states the the proposal is for 8no single occupancy units and details the external finishes. These items would be conditions on any approval and failure to comply would be a breach of planning law. Breach of planning conditions attracts a maximum Magistrates Court fine of £20,000. This is clearly not a route that anyone would entertain going down.

The communal kitchen and dining room is only sufficient for an 8no person occupancy in accordance with R.V.B.C. licensing regulations for Houses in Multiple Occupation. Failure to comply with the requirements of a HMO licence can carry a £30,000 fixed penalty notice or unlimited fine upon prosecution. Again a clear deterrent to flouting the law. Although the HMO regulations are not covered by planning legislation it is still a clear material consideration for the developer.

In conclusion the original application was recommended for approval by Ribble Valley Borough Council's professionally qualified planning officer, who, having given proper regard to purely planning criteria, reached a decision. The original application has been enhanced and addresses concerns raised in more detail.

I do not believe that the current application can be justifiably refused on planning legislation grounds. Refusal on anything other than planning legislation merits careful consideration.

Signed:



Dated: 14th August 2024