

RIBBLE VALLEY BOROUGH COUNCIL



Ribble Valley
Borough Council

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COMMENTS ON APPELLANT'S STATEMENT

TOWN & COUNTRY PLANNING ACT 1990

Planning Inspectorate Reference:	APP/T2350/W/25/3367686
LPA Application Reference:	3/2024/1016

Appeal by Ronnan Corporation Ltd
Against the refusal by
Ribble Valley Borough Council to grant planning permission for:

Regularisation of works including extension to rear ground floor to include internal secure residents cycle store with roller shutter door; re-instate rear boundary wall to 1.351m high maximum; alterations to rear external staircases; upvc windows and doors to front, side and rear; aluminium windows to the front dormer; screening feature to the rear balconies; ground floor bin store; central cladding to front dormer window on third floor; rooflights; external lighting scheme to rear and two electric charging points.

1 to 7 The Picture House George Street Whalley BB7 9TH

**WRITTEN REPRESENTATIONS SUBMITTED ON BEHALF OF
THE LOCAL PLANNING AUTHORITY**

Comments on Appellants Statement of Case

- 1.1 The appellant has stated at 2.7 that the proposal is a major and significant development/restoration scheme within the village and quotes the costs involved. It should be noted that in planning terms the revised scheme the subject of this appeal and the original scheme submitted and approved under 3/2021/1004 was not major development in terms of scale nor was it significant development. The costs involved in any development do not constitute a material consideration to be given any weight in the planning balance.
- 1.2 The appellant at 2.16 – 2.20 has suggested that the changes proposed to the original consent are not fundamental and do not diminish the quality of the development. The LPA disagrees with this view due to the reasons set out in the Committee Report and Decision Notice already forwarded for information. Moreover, it is clear that some of the proposed changes both individually and cumulatively result in harm to the adjacent Listed Buildings, the Whalley Conservation Area as well as the immediate residential properties and that this is evidenced within the report. This includes the complaints received by Ribble Valley Borough Council (RVBC) Environmental Health (Appendix One) regarding the on-going external lighting to the southern (rear) elevation of the building which is detrimental to residential amenity.
- 1.3 The Committee Report outlines why the development has resulted in harm to designated Heritage Assets including Whalley Conservation Area and that harm, whilst less than significant, is not outweighed by any benefits as required by National Planning Policy Framework paras 208 to 210, para 212 to 213, para 215 and para 219.
- 1.4 The appellant states at 3.5 that the Council was not willing, nor able, to consider the appellant's attempts to obtain approval for the 'as built' development. The Council's position is that these applications were rejected because:
- the details submitted were not acceptable; or
 - they did not relate to the approved development; or
 - they did not fall within the scope of a non-material or minor material amendment to the original consent.
- 1.5 The appellant states at 3.7 that a number of conditions could not be sensibly discharged because of the 'as built' development. It is this reason why the Council asked for a new planning application to be submitted for the entire development, so that if the Council was in a position

to support such an application, it would be a stand-alone permission as opposed to one which would sit alongside the original consent with conditions that cannot be satisfied. However, the appellant resisted this and instead chose to submit a new planning application for the external changes only.

1.6 The appellant states at 3.8 that the officers were unwilling to meet on site to discuss the amendments to the scheme. This is not the case as the Planning Enforcement Officer had been on site and relayed the Council's concerns with the 'as built' development. Then there were multiple emails sent which set out those concerns in more detail and advised what was required to regularise the development. This correspondence continued whilst other technical applications were submitted. Eventually a new full planning application was submitted (albeit not in the format the Council were looking for, see 1.5 above). Once this was made valid, the case officer did meet the appellant on site to discuss the application, outline what further information was required and the issues arising and offered advice.

1.7 The appellant states at 3.9 and 3.10 that they were frustrated regarding the submission of an Approval of Details by Condition application which took 22 weeks to determine. Whilst this is a technical application that does not usually require further discussion or submission of information, in this case the officer did allow further information to be submitted including a noise report which was not submitted until the 5th July. Ultimately the application was determined with conditions 1 – 13 not being discharged due to insufficient details or to the details not relating to the approved development.

1.8 The appellant states at 3.11 – 3.16 that they were contacted by the Council's Enforcement Officer regarding the information to be submitted in a new application. What the appellant has failed to mention is that email also contained advice relating to the type of application and that a full application should be submitted. The appellant did not follow this advice and submitted a Non-Material Amendment and a further Approval of Details application. These applications were valid and therefore registered. Once registered the appellant was advised by the case officer that these applications could not be approved due to the same reasons that the previous Approval of Details application was refused. These applications were withdrawn by the appellant. In line with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended) no fees were eligible to be refunded.

1.9 The appellant statement at 3.20 – 3.35 refers to further information submitted prior to the Committee Meeting. This application was first taken to Committee on the 13th March, 2025 where the further information submitted was duly assessed and referenced in the Late Items Report to Members. This information was subsequently given due consideration at the meeting with reference to the detailed officers Comments section of the Late Items Report to Members (Appendix Two) which detailed all the information received, its acceptability and reasons for that. Any further consultations at that stage were internal with comments from RVBC Environmental Health included within the late items report. A decision was made at that meeting to defer to allow the applicant another opportunity to address the officers' concerns outlined in the three suggested refusal reasons and that the application should be brought back to a future Committee meeting (Appendix Three). On the 17th April, 2025 the item was taken back before Committee where the decision was duly made to refuse planning permission.

1.10 The appellant states at 4.6 – 4.27 their position on the UPVC windows which have been installed. These comments do not alter the Committee Report assessment which outlines why the installed UPVC windows are not acceptable on this building in this location due to their design and visual appearance and resultant harm to Whalley Conservation Area and the nearby Listed Buildings. The appellant has not presented any alternatives. The appellant submitted a survey of other properties within Whalley Conservation area which have UPVC; however no specific details have been provided except for a map-based project. Whilst there may be UPVC windows evident elsewhere in the conservation area, they differ in design and impact. Not all of them have the benefit of planning permission. Photographs of the building prior to any work being undertaken (Appendix Four) clearly shows that there was timber windows installed at first floor including sash windows on the gable which have since been removed and replaced with bulky Grey upvc windows.

1.11 The appellant states at 4.28 – 4.32 their position on the Grey Aluminium Cladding which has been installed. These comments do not alter the Committee Report assessment which outlines why they are not acceptable on this building in this location due to the design and visual appearance and resultant harm to Whalley Conservation Area and the nearby Listed Buildings. The appellant has not presented any alternatives but states that aluminium has better fire resistance in terms of the central panel as well as thermal performance. However, there are other alternatives which would have less visual impact within the conservation area which have not been considered. The Committee Report also outlines the views of the Council's Building Control Team in terms of alternatives which achieve the same desired fire safety outcomes.

1.12 The appellant states at 4.33 – 4.39 their position on the First Floor Terrace which has been installed with a planting box but without any appropriate screening. These comments do not alter the Committee Report assessment which outlines why this is not acceptable on this building in this location due to the lack of visual screening provided for the existing residents in the adjacent cottages to the rear as well as the resultant harm to Whalley Conservation Area and the nearby Listed Buildings. The appellant has not presented any reasonable alternatives. No evidence has been provided that the wall planters cannot be utilised as originally intended with appropriate planting.

1.13 The appellant states at 4.40 – 4.46 their position on the Lighting Scheme which has been installed. These comments do not alter the Committee Report assessment which outlines why the scheme is not acceptable on this building in this location due to unacceptable lighting glare, visual appearance and harm to Whalley Conservation Area and the nearby Listed Buildings. The appellant has not presented any reasonable alternatives. The views of the RVBC Environmental Health on the submitted lighting assessment are made clear in the Committee Reports, Late Items Report and Decision Notice and therefore these are not reiterated here.

1.14 The appellant states at 4.47 – 4.51 their position on the Larch Cladding which has been installed. These comments do not alter the Committee Report assessment which outlines why this is not acceptable on this building in this location due to the design and visual appearance and harm to Whalley Conservation Area and the nearby Listed Buildings. The appellant has not presented any reasonable alternatives. The original staircase gable was to be fully enclosed in glazing, details of which were to be agreed. The open element of this gable has led to privacy concerns and complaints regarding the lighting scheme as installed for the nearby residents (as previously referred to in Appendix One).

1.15 The appellant states at 5.1 – 5.5 their position on the remaining built elements of the scheme to which the LPA has raised no objections. However, whilst the officer has considered these acceptable as it forms part of a much larger scheme and therefore no approval for these elements has been granted.

1.16 The appellant states at 5.6 – 5.9 their position on the remaining outstanding conditions which have not been discharged. Condition 11 of Planning Application 3/2021/1004 relates to the installation of an Electric Voltage Charging Point for each dwelling prior to first occupation in accordance with specific details. This has not been undertaken and the Appellant was advised to

vary the condition accordingly. This condition cannot be discharged as part of this appeal as the development being considered does not relate to the residential units previously approved.

1.17 At 6.1 – 7.11 the Appellant refers to National and Local Planning Policy. This is addressed in the attached Committee Report.

1.18 At 8.1 – 8.15 the Appellant refers to Third Party Comments. The LPA has no comment to make on this as it is not relevant to the material considerations of the planning merits.

1.19 On this basis, the Inspector is respectfully requested to dismiss the appeal.