

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: 3/2025/0100

DECISION DATE: 10 September 2026

DATE RECEIVED: 20/02/2025

APPLICANT:

Mr Kevin Berkins
Fence Gate Ltd
C/o Agent

AGENT:

Mr Michael Conroy
Stantec
100 Barbirolli Square
Manchester
M3 3AB

DEVELOPMENT PROPOSED: Proposed hotel development comprising two-storey building (use class C1) with associated parking and landscaping, bin store, air conditioning units and new pedestrian access.

AT: Land at The Eagle at Barrow Clitheroe Road Whalley BB7 9AQ

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 before the expiration of three years beginning with the date of this permission.

Reason: This condition is 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:

Site Location Plan - Title Number LA700292

General Arrangement Plan - Dwg UG_2650_LAN_GA_DRW_01 Rev P03

Soft Landscape Plan - Dwg UG_2650_LAN_SL_DRW_02 Rev P02

Proposed Site Plan - Dwg 2023/91/02 Rev G

Proposed Ground and First Floor General Arrangement Plan - Dwg 2023/91/03 Rev G

Proposed External Elevations and Roof Plan - Dwg 2023/91/04 Rev G

Proposed Site Section and Streetscene - Dwg 2023/91/05 Rev C

Proposed Plant External Elevations - Dwg 2023/91/06

Proposed Site Section Key Plan - Dwg 22692.01 Rev 01

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent hereby approved.

3. Notwithstanding the submitted details, details or specifications of all materials to be used on the external surfaces of the development hereby approved (including the building and timber fencing enclosure) shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed development. 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 and respond positively to the inherent character of the area.

4. The landscaping proposals hereby approved (Dwg UG_2650_LAN_SL_DRW_02 Rev P02) shall be implemented in the first planting season following first use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 15 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.

All trees/hedgerow shown as being retained within the approved details shall be retained as such in perpetuity.

Reason: To ensure the proposal is satisfactorily landscaped and trees/hedgerow of landscape/visual amenity value are retained as part of the development.

5. Notwithstanding the submitted details, prior to any above ground works, a landscape/habitat management and monitoring plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority.

The landscape shall thereafter be managed and maintained in accordance with the approved plan.

Reason: To ensure the proper long-term management and maintenance of the landscaped areas in the interests of visual amenity and biodiversity enhancement.

6. Prior to the commencement of development, a Biodiversity Gain Plan shall be submitted to and approved in writing by the Local Planning Authority (see further details below at #5 of the Notes Section) and implemented in accordance with the approved details.

The biodiversity gain plan shall be prepared in accordance with the principles of the submitted 'Biodiversity Net Gain Design Stage Assessment dated January 2025 by Urban Green.

Reason: To ensure the development delivers a net gain on site which satisfies paragraph 14 (2) of Schedule 7A of the Town and Country Planning Act 1990 and which is in accordance with the biodiversity information submitted with the planning application.

7. All tree works/tree protection shall be carried out in strict accordance with the submitted Arboricultural Impact Assessment and Tree Protection Plan (drawing ref: UG_2650_ARB_TPP_01).

The specified tree protection measures shall remain in place throughout the construction phase of the development and the methodology hereby approved shall be adhered to during all site preparation/construction works.

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.

8. (a) Prior to any above ground works, details of bird and bat boxes to be installed on the new building / retained trees, including a plan to show the locations and the specifications, shall be submitted to and approved in writing by the Local Planning Authority. The bird and bat boxes shall be installed in accordance with the approved details prior to first use of the hotel development hereby approved, and shall thereafter be retained in perpetuity.

(b) The development shall be carried out in strict accordance with the Recommended Mitigation outlined in Section 5 of the Preliminary Ecological Appraisal dated October 2024 (Rev - 03) by Urban Green.

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.

9. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (as amended or re-enacted) the use of the building hereby approved shall only be used for the purposes of a Hotel (Class C1 - Use Classes Order) and for no other use.

Reason: To define the scope of the permission hereby approved and to ensure that the development remains compatible with the character of the area.

10. No external building or ground mounted lighting/illumination shall be erected or placed anywhere within the site to which this consent relates unless details for any additional external building or ground mounted lighting/illumination, shall have been submitted to and approved in writing by the local planning authority prior to their installation.

The lighting schemes(s) shall be implemented in accordance with the approved details and retained as approved.

Reason: To enable the Local Planning Authority to exercise control over development which could prove materially harmful the character and visual amenities of the immediate area.

11. No extract vents, means of extract, air conditioning, ventilation or any other associated externally mounted/located plant or HVAC shall be installed upon the building unless details of the design, specification, noise ratings, fixing and finish has first been submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the approved details.

Reason: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality and that any externally mounted equipment is not of detriment to the residential amenities of nearby occupiers or visual amenities of the area.

12. The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details shown on Dwg 2023/91/05 Rev C.

Reason: In the interest of visual impact and neighbouring residential amenity

13. No development shall commence in any phase until a detailed and final Surface Water Sustainable Drainage Strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The strategy shall be based on the indicative Surface Water Sustainable Drainage Strategy, and shall demonstrate compliance with the principles and requirements of the National Planning Policy Framework, Planning Practice Guidance, and the latest published version of the National Standards for Sustainable Drainage Systems (or any successor Standards in force at the time of submission). It shall also demonstrate how sustainable drainage system features have been designed to deliver multifunctional benefits in relation to water quality, amenity, and biodiversity.

Surface water and foul water drainage shall be drained on separate systems. No surface water runoff from the development shall be discharged to a foul sewer(s), either directly or indirectly.

The strategy shall confirm and evidence the final allowable peak discharge rates and runoff volumes, following completion of all detailed design work and site investigations to confirm and refine early design assumptions.

The submitted strategy shall include, as a minimum:

- a) Sustainable drainage calculations for peak flow control and volume control for the following events:
 - i. The 100% (1 in 1-year) annual exceedance probability event
 - ii. The 3.3% (1 in 30-year) annual exceedance probability event, including a 40% climate change allowance
 - iii. The 1% (1 in 100-year) annual exceedance probability event, including a 50% climate change allowance

Calculations must cover the entire development area, including all existing and proposed surface water drainage systems up to and including the final discharge location(s).

- b) Final sustainable drainage plans, appropriately labelled to include:
 - i. Site plans showing all permeable and impermeable areas contributing to the surface water drainage network, either directly or indirectly, including the entire development area and any off-site flows where relevant.
 - ii. Drainage layout plans showing all pipe and structure references, dimensions, and design levels, including all existing and proposed surface water drainage systems up to and including the final discharge location.
 - iii. Details of all sustainable drainage features, including landscape drawings showing topography and slope gradients.
 - iv. Site plans showing modelled flood water depths, volumes and exceedance flow routes and flow velocities for rainfall events exceeding the 1% (1 in 100-year) annual exceedance probability event, or due to a blockage or pump failure. The strategy shall demonstrate that flood risk is not increased on-site or elsewhere, informed by a blockage assessment for all flow controls.
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels. The strategy shall confirm that FFLs have been set to provide a minimum 150mm freeboard above adjacent ground levels.

vi. Final details of proposals to manage surface water runoff to and from the development boundary, including measures to manage surface water runoff from adjacent land that could flow onto the site during storm events, and to ensure runoff leaving the site does not occur in an uncontrolled manner.

vii. Measures to manage the quality of the surface water runoff to prevent pollution and, protect groundwater and surface water bodies. The strategy shall include a robust water quality risk assessment, proportionate to the pollution hazard and sensitivity of receiving waters, and shall inform the design of an appropriate SuDS management train.

c) Evidence of an assessment of the receiving watercourse to confirm its condition and capacity to accept surface water runoff from the development at the proposed discharge rate and runoff volume.

d) Evidence that a free- flowing outfall can be achieved. Where this is not possible, the strategy shall demonstrate that the drainage system has been assessed for performance under surcharged outfall conditions and will continue to function without increasing flood risk.

e) Pumping of surface water shall only be utilised for parts of the development that cannot be drained by gravity.

The sustainable drainage strategy shall be fully implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided in accordance with the National Planning Policy Framework, Planning Practice Guidance and the National Standards for Sustainable Drainage Systems.

14. No development shall commence in any phase until a Construction Surface Water Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall detail how surface water and stormwater will be managed on site during all construction activities, including demolition, site clearance, earthworks, and temporary drainage installation, to prevent uncontrolled runoff and pollution.

The submitted details shall include, as a minimum:

- a) A timetable for implementation of any surface water management proposals;
- b) A method statement of the surface water management proposals for each construction phase, including temporary drainage arrangements and contingency measures for extreme weather events;
- c) Evidence of how surface water flows will be discharged, demonstrating that discharge rates will be restricted to no greater than the equivalent greenfield runoff rate.
- d) Measures to prevent siltation and pollutants from entering any receiving groundwater and/or surface water bodies, including watercourses, with reference to published guidance.
- e) A site plan of the proposed surface water management proposals and pollution prevention measures, including locations of temporary drainage features, bunds, silt fences, settlement tanks, and spill response equipment;

The plan shall be implemented in full and thereafter managed and maintained in accordance with the approved plan for the duration of the construction works.

Reasons: To ensure the development is served by satisfactory arrangements for the disposal of surface water during all construction phases, so that it does not pose an undue surface water flood risk on-site or elsewhere, and to prevent pollution of receiving waters, in accordance with the National Planning Policy Framework and the principles of the National Standards for Sustainable Drainage Systems.

15. The commencement of use of the development shall not be permitted until a site-specific Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include, as a minimum:

- a) A timetable for its implementation
- b) Site-specific details of the operation, maintenance, and access requirements for all sustainable drainage system features and connecting drainage structures. This shall include any automated monitoring of motorised equipment (such as pumps and proprietary drainage features for flow control or water quality improvement), their functionality, and transmission of failure warnings to the responsible maintenance body
- c) The arrangements for adoption by any public body or statutory undertaker, or identification of named parties responsible for the management and maintenance of each surface water drainage system feature throughout the lifetime of the development
- d) Details of financial management, including arrangements for the replacement of major components at the end of the manufacturer's recommended design life
- e) Instructions on necessary steps to be taken in the event of a pollution incident, including matters that should be reported to the adopting authorities or the Environment Agency
- f) Details of land ownership and access rights for all parts of the surface water drainage system, including watercourses, sustainable drainage system features, and associated easements required for inspection and maintenance.

Thereafter, the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water flood risks to future users of the land and neighbouring land are minimised, together with risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system provided as part of the development have appropriate maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development, in accordance with the National Planning Policy Framework and Standard 7 of the National Standards for Sustainable Drainage Systems.

16. The commencement of use of the development shall not be permitted until a site-specific Verification Report, pertaining to the surface water sustainable drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report shall include, as a minimum:

- a) Evidence that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) and specifications, or details any minor variations, with evidence demonstrating that the system remains fit for purpose and compliant with the approved surface water drainage strategy
- b) Photographic and written evidence confirming the location and details of all critical drainage infrastructure. Locations shall be referenced using national grid coordinates
- c) As-built drawings of the constructed drainage system, including all SuDS features, pipework, control structures, and discharge points, with levels and dimensions clearly annotated.

Thereafter, the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water flood risks from development to future users of the land and neighbouring land are minimised, together with risks to controlled waters, property, and ecological systems, and to confirm that the development as constructed is compliant with the requirements of the National Planning Policy Framework and Standard 7 of the National Standards for Sustainable Drainage Systems.

17. 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
 - ix) Routing of delivery vehicles to/from site

Reason: To mitigate the impact of the construction traffic on the highway network.

18. Within 3 months of commencement a scheme for the site access and off-site highway works shall be submitted to the Local Planning Authority for approval. The works shall include the following and be implemented prior to the first use of the development hereby permitted.
- a. Dropped kerb/tactile paving at the site access
 - b. Cycle access on Clitheroe Road to Hotel entrance
 - c. Upgrade of 2 bus stops on Clitheroe Road to quality bus stop standard
 - d. A new central pedestrian refuge on Clitheroe Road and associated signing and lining

Reason: To mitigate the impact of the development traffic on the highway network.

19. Prior to the first use of the Hotel development hereby approved, the parking and service areas shall be constructed in a bound porous material and marked out and made available for use and maintained for that purpose for as long as the development is trading.

Reason: To ensure adequate parking provision is provided.

20. Prior to first use of the Hotel development hereby approved, a secure and covered cycle store for at least 4 bicycles shall be provided and maintained thereafter for as long as the development is trading.

Reason: To support sustainable travel.

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. 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 Under Section 23 of the Land Drainage Act 1991, as amended by the Flood and Water Management Act 2010, there is a legal requirement to obtain consent from Lancashire County Council, as Lead Local Flood Authority, prior to undertaking certain works on ordinary watercourses.

This applies to permanent and temporary works, including repairs and maintenance, whether the watercourse is open or culverted (piped or enclosed). This requirement applies regardless of any planning permission.

Important Information:

- The applicant is expected to avoid crossing, diverting, or culverting an ordinary watercourse in line with Lancashire County Council's Ordinary Watercourse Regulation Policies.
- Written consent must be obtained before works start. There is no legal mechanism for retrospective consent.
- Carrying out works without the required consent constitutes a nuisance in law and may lead to enforcement action under Section 24 of the Land Drainage Act 1991 (as amended).
- Consent applications can take two months to determine once valid and paid in full.
- Applications may be refused if insufficient evidence is provided to demonstrate compliance with Lancashire County Council's Ordinary Watercourse Regulation Policies.
- If works include adoption of new assets, such as roads or sewers, adoption may be refused by the adopting body without the appropriate consent.
- Sites may be inspected before, during, and after consent is issued.
- Planning permission does not guarantee Ordinary Watercourse Consent.

Applicants are strongly advised to apply for consent before or at the same time as planning permission to avoid delays.

Further guidance, policies, application checklist, and pro-forma are available at:
<https://www.lancashire.gov.uk/environment-and-planning/flooding/ordinary-watercourseregulation/>

- 7 The proposed outfall may require a legal agreement with a third party to access and construct the outfall, in addition to any permissions from flood risk management authorities.

Evidence of an in-principle agreement should be submitted to the Local Planning Authority.

- 8 Where permeable paving is included in the hydrological calculations of a development proposal, the Local Planning Authority is advised to consider the removal of permitted development rights for permeable paving.

If permitted development rights are not removed for permeable paving on privately owned land, the Lead Local Flood Authority may consider the need to designate such areas under Schedule 1 of the Flood and Water Management Act 2010. The District Council, as a flood risk management authority, also has these designation powers.

- 9 The off-site highway works will require a S278 agreement with Lancashire County Council.

Nicola Hopkins

NICOLA HOPKINS

DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

Notes

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 unless the following apply:

- If this is a decision to refuse planning permission for a householder application or 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.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], 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 this notice.
- 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.

Appeals should be made online via <https://appeal-planning-decision.service.gov.uk/before-you-start>. If someone does not have access to the internet and needs help completing the appeal digitally, they should contact the Planning Inspectorate customer service team on 0303 444 5000 who will provide details of support options available.

Before making an appeal, you may find it helpful to review guidance and watch a video explaining the appeals process at <https://www.gov.uk/government/collections/make-an-appeal-to-the-planning-inspectorate-and-associated-guidance>.

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.