

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

APPROVAL

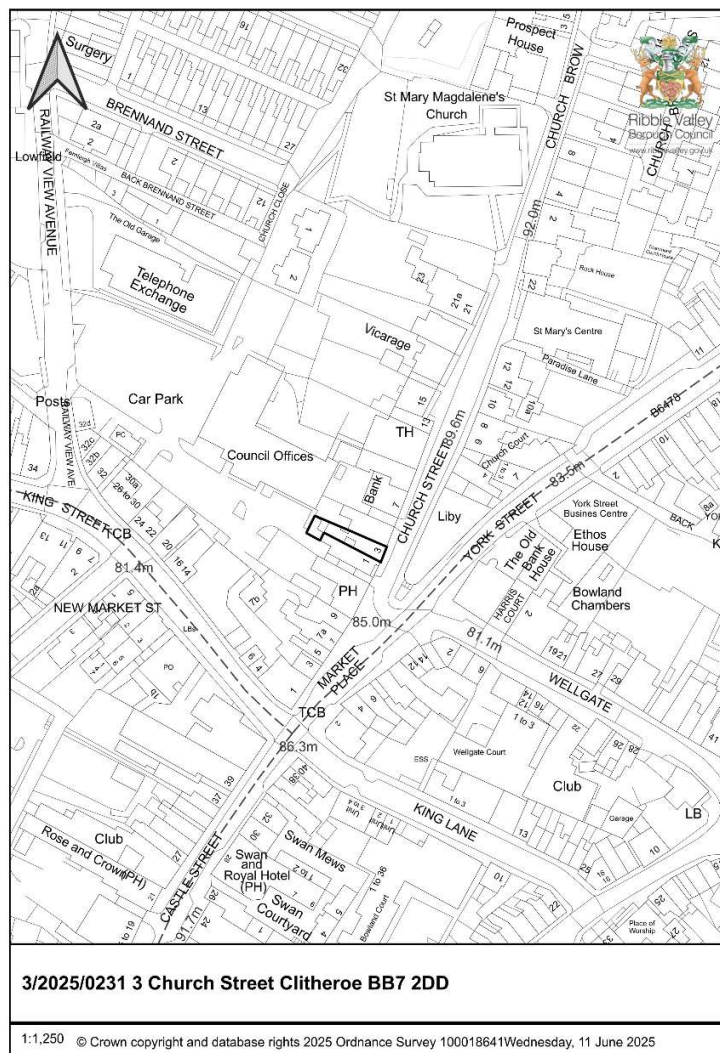
DATE: 18<sup>TH</sup> SEPTEMBER 2025  
REF: EP  
CHECKED BY: LH

APPLICATION REF: 3/2025/0231

GRID REF: SD 374397 441941

**DEVELOPMENT DESCRIPTION:**

CHANGE OF USE FROM HOT FOOD TAKEAWAY (SUI GENERIS) TO TWO GROUND FLOOR COMMERCIAL UNITS (USE CLASS E) AND A HMO ON THE GROUND, FIRST, SECOND AND THIRD FLOORS (USE CLASS C4). INSTALLATION OF NEW SHOP FRONT IN CONVERTED GARAGE TO REAR OPENING INTO THE COUNCIL CAR PARK. BUILDING WORKS TO REAR TO INCLUDE PARTIAL DEMOLITION AND REBUILD OF EXISTING REAR SINGLE-STORY EXTENSION, CONVERSION OF GARAGE TO REAR, INSERTION OF ROOFLIGHTS AND NEW DOOR TO MAIN BUILDING. 3 CHURCH STREET CLITHEROE BB7 2DD



## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

**TOWN / PARISH COUNCIL:** Clitheroe Town Council have objected for the following reasons.

- Concerns over classification and occupancy numbers.
- Concerns over bathroom provisions.
- The need for development to be sympathetic to its conservation area surroundings.

**LCC HIGHWAYS:** No objection subject to condition.

**LANCASHIRE FIRE AND RESCUE SERVICE:** Standard advice in respect of fire service access and water supplies.

## **ADDITIONAL REPRESENTATIONS:**

10 letters of representation have been received raising the following concerns:

- Concerns over increased anti-social behaviour.
- Reduced town appeal and negative financial impact.
- Noise impact.
- Parking implications.
- Impact on access ginnel and undivided rear curtilage.
- Sets precedent for similar development.

### **1. Introduction, Site Description and Surrounding Area**

- 1.1 Councillor J Hill has requested that this application is determined by Planning and Development committee as it is similar to a previous application that has been refused due to it being contrary to (Core Strategy) policy DMG1 and DME4.
- 1.2 The application relates to a mid-terrace property within the defined settlement limits of Clitheroe. The property fronts Church Street in the town centre and is currently a mixed use residential and commercial property. The application property itself is Grade II Listed, as is the adjoining No.1 Church Street. The property is also within the Clitheroe Conservation area.

### **2. Proposed Development for which consent is sought**

- 2.1 The application seeks consent for the change of use of the building to comprise an extended commercial premises on the ground floor, accommodating two separate commercial units (Use Class E). This change of use will involve the conversion (and extension) of the existing garage structure to the rear of the site. The application also seeks consent for the introduction of HMO accommodation across all 4 floors of the building.
- 2.2 Additionally, the application seeks consent for various external alterations as follows:
  - Demolition of the existing timber framed, flat roof extension and replacement with a brick-built extension, also with a flat roof design.
  - Roof flights in the rear roof slope of the garage structure.
  - Altered front entrance to the existing garage structure.

### 3. **Relevant Planning History**

**2024/0586** – Listed Building Consent for replacement timber framed windows to front and rear elevations and internal alterations. (Approved with conditions).

**2024/0585** - Change of use from hot food takeaway (sui generis) to two ground-floor commercial units (Use Class E) and a HMO on the first, second and third floors (Use Class C4). Installation of new shop front in converted garage to rear opening into the council car park. Building works to rear to include partial demolition and infill extensions, conversion of garage to rear and roof alteration, insertion of rooflights and new door to main building. Replacement timber windows to front. (Refused).

### 4. **Relevant Policies**

#### **Ribble Valley Core Strategy**

Key Statement DS1: Development Strategy

Key Statement DS2: Sustainable Development

Key Statement EN5: Heritage Assets

Key Statement EC2: Development of Retail, Shops and Community Facilities

Key Statement EC3: Visitor Economy

Policy DMG1: General Considerations

Policy DMG2: Strategic Considerations

Policy DME2: Landscape & Townscape Protection

Policy DME3: Site and Species Protection and Conservation

Policy DME4: Protecting Heritage Assets

Policy DMB1: Supporting Business Growth and the Local Economy

Policy DMR1: Retail Development in Clitheroe

Planning (Listed Buildings and Conservation Areas) Act

National Planning Policy Framework (NPPF)

### 5. **Assessment of Proposed Development**

#### 5.1 **Principle of Development:**

##### **HMO**

5.1.1 In the previous (refused) application, it was proposed to use the existing ground floor access to the rear of the building to access the upper floors which were to change use from a class C3 (dwelling) to a class C4 (small-scale house in multiple occupation (HMO) for between 3 and 6 non-related individuals). This change of use was assessed to have been permitted development not requiring the submission of a planning application, as per the allowances of Part 3 Class L of the Town and Country Planning (General Permitted Development Order) 2015 (as amended).

5.1.2 This application seeks consent for change of use of the upper floors from a C3 (dwelling) to a class C4 (small-scale HMO), with the HMO being proposed to be accessed via an existing access door to the rear. Also, this application now proposes one additional HMO bedroom on the ground floor. Given this part of the existing ground floor is commercial in nature, the scheme before Committee does not benefit from a permitted change of use to C4. As the HMO needs to be

considered as one planning unit, the changes proposed now mean that the whole HMO requires planning permission, despite remaining within the realm of a small-scale HMO (5 total occupants).

5.1.3 As such, consideration must be given in respect of the compatibility of the proposal with that of the locational and spatial aspirations for new residential housing growth within the Borough as embodied within the currently adopted development strategy. As such, Key Statement DS1 and Policy DMG2 are primarily engaged for assessing the acceptability / suitability of the principle of residential development.

5.1.4 In this respect, with regards to the creation of new residential planning units within principal and Tier 1 settlements, Policy DMG2 (Strategic Considerations) states that:

*Development should be in accordance with the core strategy development strategy and should support the spatial vision:*

*1. Development proposals in the principal settlements of Clitheroe, Longridge and Whalley and the tier 1 villages should consolidate, expand or round-off development so that it is closely related to the main built-up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement*

5.1.5 In addition, Key Statement DS1 (Development Strategy) reads as follows:

*The majority of new housing development will be:*

- *Concentrated within an identified strategic site located to the south of Clitheroe towards the A59; and the principal settlements of:*
- *Clitheroe;*
- *Longridge; and*
- *Whalley*

5.1.6 In respect of the above policy considerations / criterion, the application site is located wholly within the defined settlement limits of Clitheroe (Principal Settlement). As such, the principle of the development of the site for residential purposes would fully align with the inherent criterion of Policy DMG2(1), particularly insofar that it would represent development that it is closely related to the main built-up area of the settlement to which it relates.

5.1.7 The proposed HMO would result in the loss of ancillary ground floor commercial floorspace to the rear of the main building as a result of the development, however the floor plans suggest the remaining ground floor commercial unit in the main building (proposed for use class E) could still feasibly operate, as such there would be no loss of employment opportunities and this would not be a policy conflict.

5.1.8 As such and taking account of the above matters, it is considered that the principle of the redevelopment of the site for residential purposes, notwithstanding other development management considerations, would be compliant with Key Statement DS1 and Policy DMG2 of the Ribble Valley Core Strategy.

### Commercial Units

5.1.9 The ground floor currently accommodates one singular commercial unit. The proposal is to provide two separate commercial units to the ground floor. This

would be created by a change of use of the existing ground floor commercial unit in the main building from use class Sui Generis (Hot Food Takeaway) to use class E, as well as a change of use and alterations and extensions of existing ancillary space (garage store) to the rear to create another use class E unit.

5.1.10 Key Statement EC2 states that *Development that supports and enhances the vibrancy, consumer choice and vitality and unique character of the area's important retail and service centres of Clitheroe, Longridge and Whalley will be supported in principle.*

5.1.11 In addition, Policy DMR1 of the core strategy states that *proposals for shopping developments within the main shopping centre of Clitheroe, as defined on the proposals map, will be approved subject to the other policies of the LDF special regard will be had to the likely contribution of the proposals to the vitality and viability of the centre and their effect on the character and appearance of the area as well as the arrangements for vehicular movement and parking.*

5.1.12 On this basis, the proposed commercial units to the ground floor are acceptable in principle subject to other material planning considerations.

## 5.2 Impact upon Residential Amenity:

5.2.1 The application site is surrounded primarily by commercial units with some having residential accommodation to the upper floors. As such, consideration must be given to the impact that the proposed change of use may have on neighbouring receptors.

5.2.2 The existing use of the application property is mixed, being hot food takeaway to the ground floor and residential to the upper floors. The proposed change of use will reflect a largely similar arrangement. The two commercial units to the ground floor, given the existing commercial use of the site and surrounding properties, will not adversely impact residential amenity. Similarly, the HMO element of the proposal, being small scale to accommodate just five occupants, will reflect what could already be afforded by the C3 use that exists.

5.2.3 As such, it is not expected that the proposed change of use would result in any additional increase in activity that would be of harm to neighbouring receptors, particularly when compared with the existing arrangement at the site and the town centre location. Whilst Environmental Health suggest noise insulation be installed and odour assessments be undertaken to protect future residents of the HMO from the new Class E uses, given the previous use of the property as a takeaway with residential accommodation above, this is not considered to be justified in this case.

5.2.4 In respect to new built form, the proposed extensions and alterations at the rear of the application property are a sufficient distance from residential receptors to mitigate any potential loss of light or sense of overbearing.

5.2.5 In terms of the amenity of future occupants of the proposed HMO analysis shows that all bedrooms within the proposed HMO as well as the communal area would each be served by a minimum of one window opening therefore future users of these areas would receive an adequate provision of natural light and outlook.

- 5.2.6 Whilst future residents would not have any outdoor space, this is not uncommon in HMOs or flatted accommodation, particularly those in town centre locations and in close proximity to public open spaces.
- 5.2.7 Having regard to internal living space, the proposed development would be compliant with national described space standards (NDSS) with respect to gross internal floor areas, storage, bedroom sizes and number of bathrooms. This is on the basis that the bedrooms each provide one bedspace (single bed), which can be secured by condition. Whilst the plans suggest that the 5 bedrooms would have 2 bedspaces, having double occupancy would result in over-intensification of use of the property. Additionally, the NDSS require a double bedroom to have a minimum floorspace of 11.5m<sup>2</sup> which 2 of the bedrooms just fall short of (they all achieve the NDSS requirement of 7.5m<sup>2</sup> for single bedrooms) which would be another reason to impose a one bedspace only condition.

### 5.3 Impact upon Listed Building(s) and Character/Appearance of Conservation Area:

- 5.3.1 The application property is located within Clitheroe Conservation Area and is also a Grade II Listed building. As such, careful consideration must be given into the impact of the proposed development upon the significance of the listed building and wider conservation area.
- 5.3.2 In assessing the proposal, regard must be given to the statutory duties imposed on the authority in respect of the preservation and enhancement of such assets. In this respect, at a local level, Key Statement EN5 and Policy DME4 are primarily, but not solely, engaged for the purposes of assessing likely impacts upon designated heritage assets resultant from the proposed development.
- 5.3.3 In this respect Key Statement EN5 states that:

*There will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings. The Historic Environment and its Heritage Assets and their settings will be conserved and enhanced in a manner appropriate to their significance for their heritage value; their important contribution to local character, distinctiveness and sense of place; and to wider social, cultural and environmental benefits.*

*This will be achieved through:*

- *Recognising that the best way of ensuring the long term protection of heritage assets is to ensure a viable use that optimises opportunities for sustaining and enhancing its significance.*
- *Keeping Conservation Area Appraisals under review to ensure that any development proposals respect and safeguard the character, appearance and significance of the area.*
- *Considering any development proposals which may impact on a heritage asset or their setting through seeking benefits that conserve and enhance their significance and avoids any substantial harm to the heritage asset.*
- *Requiring all development proposals to make a positive contribution to local distinctiveness/sense of place.*
- *The consideration of Article 4 Directions to restrict permitted development rights where the exercise of such rights would harm the historic environment.*

- 5.3.4 With Policy DME4 stating, in respect of development within conservation areas or those affecting the listed buildings or their setting, that development will be assessed on the following basis:

**1: CONSERVATION AREAS**

*Proposals within, or affecting views into and out of, or affecting the setting of a conservation area will be required to conserve and where appropriate enhance its character and appearance and those elements which contribute towards its significance. This should include considerations as to whether it conserves and enhances the special architectural and historic character of the area as set out in the relevant conservation area appraisal. development which makes a positive contribution and conserves and enhances the character, appearance and significance of the area in terms of its location, scale, size, design and materials and existing buildings, structures, trees and open spaces will be supported.*

*In the conservation areas there will be a presumption in favour of the conservation and enhancement of elements that make a positive contribution to the character or appearance of the conservation area.*

**2: LISTED BUILDINGS AND OTHER BUILDINGS OF SIGNIFICANT HERITAGE INTEREST**

*Alterations or extensions to listed buildings or buildings of local heritage interest, or development proposals on sites within their setting which cause harm to the significance of the heritage asset will not be supported. Any proposals involving the demolition or loss of important historic fabric from listed buildings will be refused unless it can be demonstrated that exceptional circumstances exist.*

- 5.3.5 Policy DMG1 is also engaged in concert with Key Statement EN5 and Policy DME4 insofar that the policy sets out general Development Management considerations, with the policy having a number of inherent criterion that are relevant to the assessment of the current proposal, which state:

*In determining planning applications, all development must:*

**DESIGN**

- 1. Be of a high standard of building design which considers the 8 building in context principles (from the CABE/English Heritage building on context toolkit.*
- 2. Be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials.*
- 3. Consider the density, layout and relationship between buildings, which is of major importance. particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character, as well as the effects of development on existing amenities.*

- 5.3.6 Paragraph 215 of the NPPF stipulates that:

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

- 5.3.7 The property itself is an early 19th Century townhouse that forms part of a row of continuous Georgian Buildings fronting Church Street. Church Street itself is characterised by its distinctive Georgian frontages. The property makes a significant contribution to the Conservation Area and is of interest as a Georgian considered design demonstrating the move towards Classical architecture in the late C18 – early C19.
- 5.3.8 Firstly, it is proposed that the existing, timber framed flat roof extension connecting the main building to the lean-to extension will be demolished and re-built on a similar footprint. It is not considered that this existing extension contributes positively to the character of the building, and it would benefit from being re-built in materials consistent with the host building. Whilst this element is acceptable in principle, it was observed on the site visit that there are a number of historic stone flags laid immediately adjacent to the existing extension. Details of how these would be retained and re-laid would need to be provided as these are considered to contribute to the character of the listed building and are likely of historical value. This can be achieved via suitable planning condition.
- 5.3.9 Secondly, it is proposed that the existing garage structure at the rear of the property will be altered to accommodate the second commercial unit. The garage forms part of a collection of outbuildings located at the rear of the property which have contrasting functional character but ultimately contribute to the significance of the C19 townhouse reflecting service areas. Historical plans suggest that the garage was originally a lean-to structure which was extended in the 70s to comprise a garage. As a result, the structure currently comprises an asymmetrical roof slope but maintains a relatively low overall eaves height and although it shows signs of alteration its simple, utilitarian character has been retained.
- 5.3.10 The proposed alterations to the garage structure itself are modest. The existing timber garage doors will be partially replaced with an access door for the commercial unit. The overall design of said door is considered to be sympathetic, and the overall visual appearance will not significantly alter as a result of this, by virtue of the limited amount of glazing and timber construction.
- 5.3.11 In addition, the existing door opening to the front of the structure will be blocked up in matching materials. It is not considered that these alterations will result in the loss of the utilitarian character of the structure or significantly alter its appearance, subject to samples/details of materials provided prior to their use.
- 5.3.12 There are two rooflights proposed in the rear roof slope of the garage structure. This will be the main source of light to the new commercial unit. Given this option is preferable to creating new window openings elsewhere on the structure, is considered acceptable subject to the rooflights being conservation style as noted on the plans. It will not significantly alter the character of the structure to an unacceptable degree.
- 5.3.13 Based on the above observations, the development is modest with minimal alterations to the listed building/listed structures historic fabric proposed. It can therefore be argued that the development would result in a low level of less than substantial harm to the designated heritage asset. Given the proposal will result in the creation of an additional commercial unit which improves the function of the building and creates employment opportunities, these public benefits are considered to outweigh the low level of harm identified. Therefore, the development is, on balance, acceptable in this instance.



#### 5.4 Highway Safety and Accessibility:

- 5.4.1 Lancashire County Council acting as the Local Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site subject to conditions relating to the submission of a construction management plan and cycle storage. A construction management plan has since been submitted by the application, so this condition is not required. Details of cycle storage have also been provided which demonstrate there is adequate external space for the required number of cycles to the rear. However, the design at present is not considered acceptable as the proposal is uncovered. Further details seeking an alternative design have been requested and will be reported as a late item.
- 5.4.2 The site does not provide any off-highway parking; however, it is located within a highly sustainable location within the centre of Clitheroe, which is well served by regular bus and train services within walking distance of the site. The site is also located close to local amenities and facilities. There is a comprehensive package of Transport Regulation Orders in the area, which should prevent inappropriate parking.
- 5.4.3 The LHA note that concerns have been raised regarding demand for on street parking provisions within the local area however the LHA are of the opinion that Houses in Multiple Occupation tend to have lower car ownership rates compared to single-family households, and the development is also located within a sustainable area, as such the LHA does not expect the development to have a significant impact on nearby on street parking provision. The proposal therefore would not conflict with policy DMG1 and DMG3 of the Core Strategy in respect of highway safety and parking.

#### 5.5 Ecology:

- 5.5.1 A preliminary roost assessment has been conducted at the application site on 20<sup>th</sup> August 2024. The survey concluded that the building offers negligible roosting potential, and no evidence of bats was recorded. The proposal therefore satisfies policy DME3 of the Core Strategy. The development is exempt from the mandatory biodiversity net gain (BNG) requirement due to meeting the 'de minimis' exemption.

#### 5.6 Bin Storage/Waste Management.

- 5.6.1 A waste management plan has been provided which outlines the proposed bin storage and collection arrangements. The bins for the HMO will be located within the rear forecourt of the site and will be collected via the access ginnel by a private waste company, organised by the landlord. The statement suggest that the waste for the commercial unit will be collected from the front of the building and sited adjacent to the shop front. However, following discussion it has been agreed that the bin storage would also be located to the rear of the site as demonstrated by an amended site plan. An updated management statement to reflect these changes is awaited and will be reported as a late item.

#### 6. Observations/Consideration of Matters Raised/Conclusion

- 6.1 Based on the above observations and considerations, it is not considered that the proposed development will result in a significant amount of harm to the character of the conservation area or listed building. There is a low level of less than substantial harm identified, however, this is justified given the public benefit. As such, the proposal complies with Policy DME4 and Key Statement EN5 of the Core Strategy and Paragraph 215 of the NPPF. No other policy conflicts are identified.

RECOMMENDATION: That the application be APPROVED subject to the imposition of conditions as follows:

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 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:

Location Plan  
Proposed Site Plan 03-205 Rev P7  
Proposed Floor Plans 03-203 Rev P8  
Proposed Elevations 03-204 Rev P7  
Proposed Commercial Unit 03-209 Rev P3  
Construction Phase Plan 10/08/2025

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

3. The materials to be used on the external surfaces of the development as indicated on the Application Form 3/2025/0231 hereby approved and as contained within the submitted information shall be implemented in 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. Notwithstanding the submitted details, precise specifications and samples of walling and roofing materials shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed development.

The development shall be carried out 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.

5. Notwithstanding the details shown upon the approved plans, the proposed roof lights shall be of the Conservation Type, recessed with a flush fitting, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal does not undermine the character and appearance of the area.

6. Elevational and section details of the proposed windows and doors including details of framing materials shall have been submitted and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design and external appearance of the proposal is appropriate to the locality and responds positively to the inherent character of the area.

7. Notwithstanding the submitted details, no removal of the stone flags to the rear of the site shall be undertaken unless details including a methodology for the removal, repair and relaying has been first submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To preserve and protect fabric that is considered to be of heritage and visual amenity value.

8. The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

REASON: In the interests of the safe operation of the adopted highway during the demolition and construction phases.

9. The house in multiple occupation hereby approved shall have no more than five bedrooms as marked on approved plan 'Proposed Floor Plans 03-203 Rev P3', with each bedroom occupied as single rooms only and not exceeding one bedspace. The area hereby approved as shared kitchen / dining space shall not be laid out with bed-space provision.

REASON: Occupation above that listed above would result in overly intensive use of the property to the detriment of the amenity of future occupiers and nearby neighbours as well as the character and function of the immediate area.

10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent re-enactment, the approved use shall only be used as a small house in multiple occupation (Use Class C4) for up to five occupants.

REASON: To clarify the permitted use of the property. Occupation above that listed above would result in overly intensive use of the property to the detriment of the amenity of future occupiers and nearby neighbours as well as the character and function of the immediate area.

#### INFORMATIVES:

1. There must be no storage of materials in the public highway at any time.

2. There must be no standing or waiting of machinery or vehicles in the public highway at any time.
3. A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary, this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing [lhsstreetworks@lancashire.gov.uk](mailto:lhsstreetworks@lancashire.gov.uk)
4. All references to public highway include footway, carriageway, and verge.
5. The HMO will require a license from Ribble Valley Borough Council.

#### BACKGROUND PAPERS

[Planning Application - Ribble Valley Borough Council](#)