


Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	BT	Date:	23/10/25	Manager:	LH	Date:	23/10/25
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Application Ref:	3/2025/0597			 Ribble Valley Borough Council www.ribblevalley.gov.uk				
Date Inspected:	12/9/25	Site Notice:	12/9/25					
Officer:	BT							
DELEGATED ITEM FILE REPORT:					APPROVAL			

Development Description:	Retrospective application for change of use of ground floor from hot food takeaway (sui generis) to additional living accommodation for the existing dwelling (C3).
Site Address/Location:	70-74 Bawdlands, Clitheroe, BB7 2LA.

CONSULTATIONS:	Parish/Town Council
Clitheroe Town Council:	No objections.

CONSULTATIONS:	Highways/Water Authority/Other Bodies
LCC Highways:	No objections subject to condition.

RVBC Environmental Health:	No objections subject to conditions.
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CONSULTATIONS:	Additional Representations.
None.	

RELEVANT POLICIES AND SITE PLANNING HISTORY:

Ribble Valley Core Strategy:

- Key Statement DS1: Development Strategy
- Key Statement DS2: Sustainable Development
- Key Statement EC1: Business and Employment Development
- Key Statement DMI2: Transport Considerations
- Policy DMG1: General Considerations
- Policy DMG2: Strategic Considerations
- Policy DMG3: Transport & Mobility
- Policy DMB1: Supporting Business Growth and the Local Economy

National Planning Policy Framework (NPPF)

Relevant Planning History:

No recent planning history relevant to the determination of the application.

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application relates to a double width end terraced two storey property in Clitheroe known as No. 70-74 Bawdlands. The property comprises stone and rendered elevations, composite doors, UPVC windows and a slated gabled roof and has previously been extended by way of a historic single storey lean-to extension on its rear North-western elevation. The property's domestic curtilage also accommodates a rear yard area and single storey flat roof garage. The application property occupies a corner plot location with its South-eastern and North-eastern elevations facing towards the Horseshoe Inn and No. 60 – 64 Bawdlands respectively and with the commercial property of No. 76 – 78 Bawdlands (currently in use as a mobile phone repair shop) adjoining the South-western side of the property. The application property is sited within the defined settlement area of Clitheroe within a predominantly residential area largely comprised of terraced properties with Clitheroe town centre lying within walking distance (approximately 10 mins) of the application site.

Proposed Development for which consent is sought:

The application property historically accommodated a mixed use, with the ground and first floor components of the property comprising a hot food takeaway (use class Sui Generis) and domestic accommodation (use class C3) respectively. The ground floor component of the application property has since been adapted for residential use to supplement the property's existing first floor level residential accommodation, with the application's supporting information stating that the works of conversion began and were completed in March and July of 2022 respectively. As such, retrospective planning consent is sought to regularise an unauthorised change of use of the application property's ground floor component from a hot food takeaway (use class Sui Generis) to residential use (use class C3).

Principle of Development:

The proposal seeks to regularise the unauthorised change of use of the application property's ground floor component from a hot food takeaway (use class Sui Generis) to residential use (use class C3), with the application property lying within the settlement limits of Clitheroe. 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.

In relation to matters regarding the locational and spatial aspirations for new housing within the Borough, both Key Statement DS1 and Policy DMG2 are primarily engaged for assessing the acceptability / suitability of the principle of residential development. 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.*

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*

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 redevelopment of the application property for sole residential use 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. With the proposed development further aligning with the aims and objectives of Key Statement DS1 insofar that it would result in residential development 'focused towards' and being within a designated Principal Settlement.

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

The ground floor component of the application property previously accommodated a hot food takeaway (fish and chip shop). As such, regularisation of the unauthorised change of use would result in the loss of floorspace with employment generating potential. Accordingly, consideration must be given to the aims, objectives and requirements of Key Statement EC1 and Policy DMB1.

In this respect Key Statement EC1 states that '*proposals that result in the loss of existing employment sites to other forms of development will need to demonstrate that there will be no adverse impact upon the local economy*'.

Furthermore, Policy DMB1 states:

Proposals for the development, redevelopment or conversion of sites with employment generating potential in the plan area for alternative uses will be assessed with regard to the following criteria:

1. *The provisions of Policy DMG1, and*
2. *The compatibility of the proposal with other plan policies of the LDF, and*
3. *The environmental benefits to be gained by the community, and*
4. *The economic and social impact caused by loss of employment opportunities to the borough, and*
5. *Any attempts that have been made to secure an alternative employment generating use for the site (must be supported by evidence (such as property agents details including periods of marketing and response) that the property/ business has been marketed for business use for a minimum period of six months or information that demonstrates to the council's satisfaction that the current use is not viable for employment purposes.)*

Having regard to criteria points 1 and 2, it is not considered that regularisation of the unauthorised development would result in any measurable conflict with the provisions of Policy DMG1 or any other plan policies (as outlined earlier in this section and within the remaining sections of this report).

Having regard to criteria point 3, a sole residential use of the application property would likely give rise to less noise, comings and goings and odour omissions in comparison with the previous hot food takeaway use which in turn would be of benefit to the amenity of neighbouring receptors. As such, the proposal raises no conflict with criteria point 3.

Turning to criteria point 4, the application property is located outside of the Main Centre Boundary for Clitheroe and does not form part of the 'primary shopping frontage'. In addition, the previous business that utilised the application property did not utilise all of the property's floorspace for employment opportunities in light of the first floor component of the property having always been in residential use. Accordingly, the loss of potential employment opportunities arising from a sole residential use of the application property and the subsequent impacts on the economy would be negligible, particularly taking account of the small-scale nature of the business operation the application property previously accommodated or could accommodate. In this respect the loss of an employment generating use of this size is extremely unlikely to yield significant impact to the local economy to the extent that this alone would endanger the support for a sole residential use of the application property.

In respect of criterion 5, Policy DMB1 requires that the proposed development should also be assessed with regard to any attempts that have been made to secure an alternative employment generating use for the site. In cases / locations where the retention of an employment generating use within a site is preferable, the policy requires the marketing of the site for business use for a minimum of 6 months in order to support / justify the potential loss of the employment generating use. In this instance, no attempts have been made to secure an alternative employment generating use for the ground floor component of the application property however as conveyed above, the loss of potential employment opportunities arising from a sole residential use of the application property is not considered to be of such a scale and quantum to warrant significant concerns in respect of loss. The introduction of a sole residential use to the application property is therefore considered to represent a benefit which outweighs the conflict with criterion 5 in this instance.

As such, taking account of the above matters, notwithstanding other development management considerations, the principle of retaining the application property for sole residential use raises no significant measurable direct conflict(s) with Key Statements EC1 or Policies DMB1 of the Ribble Valley Core Strategy that would warrant the refusal to grant planning permission in relation to matters regarding the loss of 'employment generating' floorspace.

Impact Upon Residential Amenity:

Paragraph 135 (f) of the National Planning Policy Framework states:

'Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'.

Furthermore, Policy DMG1 of the Core Strategy requires all proposals for development to consider the effects of development upon existing amenities.

In this instance, the application property is located within a predominantly residential area with the first floor component of the property already being in residential use. In light of this, it is not anticipated that the residential use of the property's ground floor component would give rise to noise, disturbances and activity levels that would exceed those emanating from neighbouring properties within the immediate vicinity of the site. Furthermore, it is not anticipated a residential use of the property's ground floor component would give rise to noise, disturbances and activity levels that would exceed those associated with the previous (hot food takeaway) use.

The South-western side of the application property adjoins to No. 76 – 78 Bawdlands which is currently in commercial use as a mobile phone repair shop. As such, future occupants utilising the ground floor component of the application property could potentially be subjected to noise and disturbances from the adjoining commercial property with respect to noise arising from repair works and comings and goings from customers. In light of this a noise assessment has been provided in support of the application which demonstrates that the party wall construction between the application property and No. 76 – 78

Bawdlands would provide a suitable level of sound insulation to support a residential use of the application property's ground floor component. Furthermore, the aforementioned noise assessment has been subject to review from RVBC Environmental Health who concur with its findings.

Taking account of all of the above, it is not considered that regularisation of the unauthorised change of use would be unduly harmful to the amenity of any neighbouring residents or future occupants of the application property and would therefore be compliant with the aims and objectives of Paragraph 135 (f) of the NPPF and Policy DMG1.

Visual Amenity/External Appearance:

Paragraph 135 (c) of the NPPF states:

'Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.'

In addition, Policy DMG1 of the Ribble Valley Core Strategy states:

'All development must be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing and style...particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character.'

In this instance, the unauthorised change of use of the property's ground floor component has largely been facilitated through internal works however some minor external works have been undertaken to the property's frontage including the replacement of two doors and the removal of a 'fish and chips' sign associated with the previous use of the property's ground floor component. The two doors previously in place on the property's frontage comprised a timber based design and these have been replaced with two doors which appear to comprise a composite based design (referred to as both composite / UPVC doors in the application's supporting information). The existing frontages of properties along Bawdlands are characterised by an array of door designs of varying materials therefore it is not considered that retention of the two existing doors on the property's frontage would be harmful to the existing street scene. Furthermore, the removal of the former signage has resulted in a minor visual enhancement to the property's frontage.

Consequently, it is not considered that regularisation of the external works associated with the unauthorised change of use would be harmful to the visual amenities of the area. The proposal would therefore satisfy the requirements of Paragraph 135 (c) of the NPPF and Policy DMG1 of the Core Strategy.

Highways and Parking:

The proposed development has been subject to review by Lancashire County Council Highways who have raised no objections to the proposed development with respect to access, parking or general highway safety. The response from the LHA acknowledges an absence of off-highway parking at the application site however no objections have been raised with respect to this in light of the application site occupying a sustainable location which is well served by regular bus and train services within walking distance of the site. In addition, it is further acknowledged that the site is located close to local amenities and facilities and that there are also Transport Regulation Orders in the area to prevent inappropriate parking. The application site accommodates an existing garage however the garage does not meet the recommended internal dimensions of 3 x 6 metres to be considered an acceptable size to accommodate off street parking. Notwithstanding this, the LHA response acknowledges that the property's garage could provide covered and secure cycle parking which in turn would support sustainable transport use. Whilst the LHA have recommended the imposition of a condition to submit details of secure cycle storage for the site, given the presence of this garage such a condition is not considered reasonable. On this basis, it is not considered that the proposed development would have

any undue impacts upon highway safety as such the proposal satisfies Policy DMG1 of the Core Strategy (highways).

Landscape/Ecology:

BNG

The development is exempt from having to achieve the mandatory Biodiversity Net Gain requirement as it is subject to the de minimis exception and forms the basis of retrospective development.

Observations/Consideration of Matters Raised/Conclusion:

The redevelopment of the application property solely for residential use would accord with Key Statement DS1 and Policy DMG2 of the Ribble Valley Core Strategy in relation to the locational and spatial aspirations for housing. Furthermore, the development sought for retention raises no significant measurable direct conflict(s) with Key Statements EC1 or Policies DMB1 of the Core Strategy that would warrant the refusal to grant planning permission in relation to matters regarding the potential loss of 'employment generating' floorspace. The principle of the development is therefore secured.

Moreover, it is not considered that regularisation of the unauthorised development would have any undue impacts upon neighbouring amenity, highway safety or upon the visual amenities or ecology of the area.

As such, for the above reasons and having regard to all material considerations and matters raised that the application is recommended for approval.

RECOMMENDATION:	That planning consent be granted subject to the imposition of conditions.
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