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| 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:** | 3/2021/0076 | |  |  |  |
| **DECISION DATE:** | 11 February 2022 | |  |  |  |
| **DATE RECEIVED:** | 29/01/2021 | |  |  |  |
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| **APPLICANT:** |  |  | **AGENT:** |  |  |
| Mr Richard Dimisianos  Prospect (GB) Ltd  Unit 5 Meridian Business Village  Hansby Drive  Liverpool  L24 9LG | |  | Miss Ann Daniels  Pegasus Group  Queens House  Queen Street  Manchester  M2 5HT | | |
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| Proposed demolition of 34 existing dwellings and the erection of 50 new dwellings with vehicular accesses, landscaping and other associated works. | |
| **AT:** | Queen Mary Terrace and Bridge Terrace Mitton Road Whalley BB7 9JS | |
|  | The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  Reason: 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.  P.T.O. | |
| 2. | Plans:  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:  MR/W-SJS-PL01 Rev F - Planning Layout  MR/W-SJS-ML01 Rev E - Materials Layout  MR/W-SJS-FFL01 Rev C - Indicative Finished Floor Level Layout  MR/W-SJS-BT01 Rev E - Boundary Treatment Layout  Landscape Plans Sheets 1,2,3&4 18544B  House Types -  NDSS-22-32A Rev - - The Barton ES2  HT21-1-41D Rev G - The Barley ES1  HT21-41DE Rev G - The Barley Plus ES2  HT21-2-42D Rev D - The Cleveley ES2  HT21-1-31D Rev E - The Croston ES1  HT21-2-31D Rev E - The Croston ES2  HT21-1-T2D Rev B The Mawdesley ES1  HT21-2-T2D Rev B - The Mawdesley ES2  HT21-1-44D Rev G - The Whalley ES1  HT21-2-44D Rev G - The Whalley ES2  HT21-1-46D Rev F - The Keighley ES1  HT21-2-46D Rev F - The Keighley ES2  HT21-2-33D Rev D - The Edmonton ES2  HT21-2-47D Rev F - The Pattersley ES1  HT21-2-47D Rev F - The Pattersley ES2  Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent hereby approved. | |
| 3. | Materials:  The materials to be used on the external surfaces of the development hereby approved as indicated on drawing ML-101 Rev E shall be implemented as indicated.  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.  P.T.O. | |
| 4. | Highways:  No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway mitigation has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.  Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site. | |
| 5. | The new estate roads and accesses between the site and Mitton Road shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.  Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative. | |
| 6. | All garage facilities on off street parking shall include provision of an electrical supply suitable for charging an electric motor vehicle as shown on plan MR/W-SJS-PL01 Rev F .  Reason: To support sustainable transport objectives and to contribute to a reduction in harmful vehicle emissions. | |
| 7. | No part of the development hereby approved shall be occupied or opened for trading until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.  Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.  P.T.O. | |
| 8. | No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority.  The approved plan / statement shall provide:  o 24 Hour emergency contact number.  o Details of the parking of vehicles of site operatives and visitors.  o Details of loading and unloading of plant and materials.  o Arrangements for turning of vehicles within the site.  o Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.  o Measures to protect vulnerable road users (pedestrians and cyclists).  o The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.  o Wheel washing facilities.  o Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction.  o Measures to control the emission of dust and dirt during construction.  o Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.  o Construction vehicle routing.  o Delivery, demolition and construction working hours.  The approved Construction Management Plan or Construction Method Statement 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. | Drainage:  The development permitted by this planning permission shall be carried out in accordance with the principles set out within the submitted flood risk assessment and outline surface water drainage strategy (ref: 200903-EDGE-XX-XX-RP-C0001\_FLOOD RISK ASSESSMENT[P01], by: EDGE Consulting Engineers, dated: 22 March 2021).  The measures shall be fully implemented prior to first occupation of any building and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the Lead Local Flood Authority.  Reason: To ensure satisfactory drainage of the site.  P.T.O. | |
| 10. | No development shall commence until a final, detailed surface water sustainable drainage scheme for the site has been submitted to, and approved in writing by, the local planning authority. The detailed sustainable drainage scheme shall be based upon the site-specific flood risk assessment submitted and the sustainable drainage principles set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), either directly or indirectly. The detailed sustainable drainage scheme shall include, as a minimum: a) Final sustainable drainage plans, appropriately labelled to include:  i. A final surface water drainage layout plan showing all pipe and structure references, dimensions and design levels;  ii. A plan identifying the areas contributing to the surface water drainage network, including surface water flows from outside the curtilage as necessary;  iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;  iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;  v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building;  vi. Details of proposals to collect and mitigate surface water runoff from the development boundary; and vii.  vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and deliver suitably clean water to sustainable drainage components;  b) A full set of sustainable drainage flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period, plus an additional 40% allowance for climate change and a 10% allowance for urban creep. Surface water run-off must not exceed the existing pre-development surface water runoff rates and volumes for the corresponding rainfall intensity. The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings.  Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.  P.T.O. | |
| 11. | No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.  Those details shall include, as a minimum:  a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.  b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.  The development shall be constructed in accordance with the approved details.  Reasons:  1. To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere;  2. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies. | |
| 12. | No building hereby permitted shall be occupied until a Verification Report and 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 by the Local Planning Authority.  The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final ‘operation and maintenance manual’ for the sustainable drainage scheme as constructed.  Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.  Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.  P.T.O. | |
| 13. | Ecology:  No removal of vegetation including trees or hedges shall be undertaken within the nesting bird season (1st March - 31st August inclusive) unless a pre-clearance check on the day of removal, by a licenced ecologist, confirms the absence of nesting birds. A letter from the ecologist confirming the absence of nesting birds shall be submitted to the Council within one month of the pre-clearance check being undertaken.  Any removal of vegetation outside the nesting bird season shall be preceded by a pre-clearance check by a licensed ecologist on the day of removal to ensure that removal does not result in unacceptable impacts upon nesting birds or other species of conservation concern.  Reason: To ensure that there are no adverse effects on the favourable conservation status of birds, to protect the bird population and species of importance or conservation concern from the potential impacts of the development. | |
| 14. | The development shall be carried out in strict accordance with the recommendations and timings set out within the Bat Mitigation Strategy by Biora dated December 2020 and in accordance with the details of roosting provision specified on the approved drawings .  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 | |
| 15. | Landscaping:  The landscaping proposals hereby approved shall be implemented in the first planting season following occupation or use of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 10 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.  P.T.O. | |
| 16. | During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standard.  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. | |

**Note(s)**

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|  | For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes. |
|  | 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. |
|  | 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. |
|  | This decision shall be read in conjunction with the Section 106 agreement dated 10 February 2022. |

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| John Macholc  **pp NICOLA HOPKINS**  **DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING** |

**Notes**

**Right of Appeal**

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.

· If this is a decision to refuse planning permission, or approve with conditions, a householder 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 to refuse planning permission, or approve with conditions, 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.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. 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. 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. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

**Purchase Notices**

If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council of the county borough or county district in which the land is situated a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.