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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:** | 3/2022/0400 | |  |  |  |
| **DECISION DATE:** | 19 July 2022 | |  |  |  |
| **DATE RECEIVED:** | 19/04/2022 | |  |  |  |
|  | | | | | |
| **APPLICANT:** |  |  | **AGENT:** |  |  |
| Mr Michael Mercer  Lovell and Mosscare St Vincent  Lovell  St Johns Houses  Barrington Road  Altrincham  WA14 1JY | |  | Miss Karen O'Reilly  JDA Architects  Unit 400 Vanilla Factory  39 Fleet Street  Liverpool  L1 4AR | | |
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| **DEVELOPMENT PROPOSED:** | | Variation of Conditions 2 (Plans) and 17 (Flood Risk Assessment) of planning permission 3/2014/0801. Owing to post completion issues with ponding and standing water, a section of swale has been replaced with pipework as a remediation solution. |
| **AT:** | Land off Elker Lane Billington BB7 9YB | |
| 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): | | |
|  | This permission shall be implemented in accordance with the proposal as detailed on drawings:    ELKER/01Dwg03 REVA - proposed plans and elevations  ELKER/01Dwg05 REVA - proposed car parking  805/A/000 - site location plan  805/A/001 REV1 (received on 29 October 2014) - proposed site plan  805/A/002 REVB - ground floor plan  805/A/003 REVB - first floor plan  805/A/005 REVA - proposed roof plan  805/A/006 REVA 2B3P - apartment type 1  805/A/007 REVA 2B3P - apartment type 2  805/A/008 REVC - proposed elevations  805/A/009 REVB - proposed elevations /Continued………….  P.T.O. | |
|  | /Continued…………..  805/A/010 REVC - proposed elevations  805/A/011 - proposed street elevations  805/A/012 - apartment car park layout  805/A/013 - 2B3P apartment type 3  805/A/014 - existing site plan  310403 - planting plan one of three  3104/04 - planting plan two of three  3104/05 - planting one three of three  3104/01 - landscape layout.  Drainage Works Review (6421-WML-00-XX-RP-C-0001: March 2022)  Proposed Private Drainage Layout (6421 E01 R3) | |
|  | The residential units hereby permitted shall only be used for the purpose of providing affordable housing accommodation as defined in the Housing and Regeneration Act 2008 to be occupied by households or individual in housing need and in accordance with the submitted 'Affordable Housing Condition Terms'. The accommodation is for over 55s or such other persons approved by the HCA in need of 'Care and Support' accommodation.  This condition and the terms described in the 'Affordable Housing Condition Terms' dated 2/10/2014 shall not be binding upon any of the following:  a. A mortgagee or chargee (or any receiver appointed by such mortgagee or chargee) of the development or any part thereof (including any individual residential unit or group of residential units) together with the successors in title to such mortgagee, chargee or receiver;  b. A tenant of a residential unit who exercises any statutory right to buy or right to acquire (or equivalent right) such residential unit together with the mortgagee or chargee (or any receiver appointed by such mortgagee or chargee) of such tenant and successors title;  c. A lessee of a residential unit held under a shared ownership lease who acquires 100% of the interest held under that lease together with the mortgagee or chargee (or any receiver appointed by such mortgagee or charge) of such lessee and successors in title.  REASON: for the avoidance of doubt as the application is for a development of 100% affordable housing units | |
|  | The use of the children's day nursery in accordance with this permission shall be restricted to the hours between 0700 to 1800 Monday to Friday.  REASON: The use of the premises outside these hours could prove injurious to the character of the area and in order to safeguard residential amenities.  P.T.O. | |
|  | The approved landscaping scheme as detailed on drawings 3104/03, 3104/04 and 3104/05 (planting plans 1 - 3) shall be implemented in the first planting season following occupation or use of the development and shall be maintained thereafter for a period of not less than 5 years in accordance with the submitted 5 year Landscape Management Plan 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.  REASON: In the interests of the amenity of the area | |
|  | All existing tress identified within the Arboricultural Protection Report (March 2015) shall be protected in accordance with the approved measures during the full period of construction.  REASON: In the interests of the visual amenity of the area and to safeguard the retained trees | |
|  | No removal of vegetation including trees or hedges shall be undertaken) unless a pre-clearance check on the day of removal, by a licenced ecologist, confirms the absence of bats. A letter from the ecologist confirming the absence of bats shall be submitted to the Council within one month of the pre-clearance check being undertaken.  REASON: To ensure that there are no adverse effects on the favourable conservation status of bats, to protect the bat population and species of importance or conservation concern from the potential impacts of the development. | |
|  | The new estate road/access between the site and Elker Lane shall be constructed in accordance with the Lancashire County Council 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 | |
|  | Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level.  The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Elker Lane to points measured 43m in each direction along the nearer edge of the carriageway of Elker Lane, from the centre line of the access and shall be maintained at footway/verge level in accordance with a scheme to be agreed in writing by the Local Planning Authority.  REASON: To ensure adequate visibility at the street junction or site access  P.T.O. | |
|  | The car park shall be surfaced or paved in accordance with a scheme to be approved in writing by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.  REASON: To allow for the effective use of the parking areas | |
|  | The cycling facilities to be provided in accordance with a scheme to be approved in writing by the Local Planning Authority and the cycling facilities to be provided in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.  REASON: To allow for the effective use of the parking areas | |
|  | The motorbike facilities to be provided in accordance with a scheme to be approved in writing by the Local Planning Authority and the motorbike facilities to be provided in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.  REASON: To allow for the effective use of the parking areas | |
|  | Prior to the first use of the development hereby permitted, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Business Travel Plan shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out.  REASON: To promote and provide access to sustainable transport options | |
|  | The acoustic barriers shall thereafter be constructed in accordance with the approved details (General Arrangements SVHA - 3104 02 Rev:G) and thereafter retained in perpetuity.  REASON: In the interests of amenity | |
|  | The development shall be carried out in accordance with the construction method statement submitted on 12 November 2014. The approved statement shall be adhered to throughout the construction period.  REASON: In the interests of amenity | |
|  | The off-site highway works associated with the creation of the lay-by on the easterly side of Elker Lane shall be fully implemented and available for use prior to the occupation of the first apartments or the Children's Day Nursery whichever is the earlier  REASON: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users in the interests of highway safety  P.T.O. | |
|  | The development permitted by this planning permission shall only be carried out in accordance with the approved FRA (Ref: B1586 Version 2, dated 11 September 2014) and the mitigation measures detailed within the FRA and Drainage Works Review (6421-WML-00-XX-RP-C-0001: March 2022). The mitigation measures shall be fully implemented in accordance with the timing/phasing arrangements embodied within the scheme.  REASON: To ensure the development is not at an unacceptable risk of flooding or exacerbate flood risk elsewhere | |
|  | Foul water shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building(s) in accordance with the approved details. This development shall be completed, maintained and managed in accordance with the approved scheme.  REASON To prevent the increased risk of flooding, both on and off site | |
|  | The surface water drainage scheme must be restricted to existing run-off rates, no surface water shall discharge to the public sewage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.  REASON: To prevent the increased risk of flooding, both on and off site | |
|  | The development hereby approved shall be constructed in accordance with the approved materials namely:  Facing stonework - Vawhags Cromwell spgt faced Weathered.  Contrasting facing stonework - Mamba ss cromwas spst faced Ash Musd  Marley Modem rooftiles  Grey powder coated aluminium windows and doors  Grey PVCu windows  Grey Trespa Meteon cladding panels  Though coloured render  Glass balustrading with stainless steel support posts and handrails  Black fascias, Guttering and rainwater goods  REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality. | |

**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. P.T.O. |
| 4.  5.  6.  7.  8. | |  | | --- | | The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the contact the Environment Directorate for further information by telephoning the Developer Support Section. | | Before proceeding with the scheme preparation the Developer should consult with the Environment Director for detailed requirements relating to land arrangements, design, assessment, construction and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme. For this purpose the term highway structure shall include: -  " any bridge or culvert having a span of 1.5 metres or greater, or having a waterway opening cross sectional area exceeding 2.2 square metres {Note: span refers to the distance between centre of supports and not the clear distance between supports},  " any retaining wall supporting the highway (including and supporting land which provides support to the highway),  " Any retaining wall supporting land or property alongside the highway.  The term 'highway' shall include footpaths and bridleways | | Any works to the watercourses within or adjacent to the site which involve infilling, diversion, culverting or which may otherwise restrict flow, may require the prior formal Consent of the Lead Local Flood Authority (Lancashire County Council) under Section 23 of the Land Drainage Act 1991. | | Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking/servicing areas should be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. | | A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999. | |

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| Nicola Hopkins  **NICOLA HOPKINS**  **DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING** |

P.T.O.

**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.