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| **Report to be read in conjunction with the Decision Notice.** |
| **Signed:** | **Officer:** | SK | **Date:** | 23.08.22 | **Manager:** | **NH** | **Date:** | **23.08.22** |
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| **Application Ref:** | 3/2022/0682 |  |
| **Date Inspected:** | N/A |
| **Officer:** | SK |
| **DELEGATED ITEM FILE REPORT:**  | **REFUSAL** |
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| **Development Description:** | Variation of conditions 9 (Parking) and 10 (Bins) from planning permission 3/2017/0920 changing a shared bin store building to storage of bins at each dwelling and to redesign the turning area. Following refusal of 3/2022/0105. |
| **Site Address/Location:** | **1-5 Back St Pauls Street Low Moor Clitheroe BB7 2LS** |
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| **CONSULTATIONS:**  | **Parish/Town Council** |
| No representations have been received in respect of the proposed development. |
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| **CONSULTATIONS:**  | **Highways/Water Authority/Other Bodies** |
| **LCC Highways:** |  |
| LCC Highways Development Control section have objected to the variation of condition 09 but have raised no objection to the variation of condition 10 offering the following observations:*The LHA have reviewed APB drawing number DWG/Site/01B Rev A1 titled "Revised Turning Area and Bin Storage" and are aware that the turning area for the site, adjacent to Plot 5 will be reduced in size.**The LHA did, in an email sent to the Agent, support the reduction in size of the turning head. This was because the LHA believed that refuse vehicles would not use the access track to service the development due to the narrowness of the track which is 3.65m wide. Therefore, the LHA believed that the size of the turning head, as approved following 3/2017/0920, was over engineered with large vehicles, such as refuse vehicles not using the access track and instead servicing the site by the occupants placing the bins on St Pauls Terrace during bin collection day.**However, following correspondence with the Refuse Operations Manager and Refuse Planning Officer at Ribble Valley Borough Council, they informed the LHA that refuse vehicles are able to travel down the access track to serve the development in question as well as to serve numbers 3- 31 St Pauls Street, with these dwellings placing the bins at the rear of the dwelling during bin collection day. The refuse vehicles were then able to turn around in the provided turning head, as approved following application reference 3/2017/0920.**It has only been since the turning head has been reduced in size that bins for the development are collected on the footway of St Pauls Terrace, while the bins for numbers 3-31 St Pauls Street are collected at the front of each dwelling along the footway.**As a result of the reduction on size of the turning head preventing refuse vehicles from using the access track to service the development and numbers 3-31 St Pauls Street, the LHA object to the variation of condition. Furthermore, since refuse vehicles are able to use the access track to serve the development, other large delivery vehicles are also able to do the same. This further adds weight to the need to object to the application.* |
| **CONSULTATIONS:**  | **Additional Representations.** |
| Five letters of representation have been received objecting on the following grounds:* Inadequate parking and manoeuvring
* Detrimental to pedestrian safety
* No provision for emergency vehicles
* Inadequate bin collection provision
* Unsafe for pedestrians
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** |
| **Ribble Valley Core Strategy:**Policy DMG1 – General ConsiderationsPolicy DMG3 – Transport & MobilityNational Planning Policy Framework (NPPF) |
| **Relevant Planning History:****3/2022/0105:**Variation of conditions 9 (Parking) and 10 (Bins) from planning permission 3/2017/0920 changing a shared bin store building to storage of bins at each dwelling and to reduce the size of the turning area. (Refused)**3/2018/0183:**Discharge of condition 1 (time constraint), 2 (approved plans), 3 (materials), 4 (boundary treatments), 5 (ground levels and floor levels), 6 (obscure glazing), 7 (landscaping), 8 (dedicated garaging), 9 (parking scheme), 10 (refuse storage area), 11 (garage doors), 12 (bird and bat boxes), 13 (construction method statement), 14 (land contamination report), 15 (drainage), 16 (surface water drainage), 17 (restriction of use of garages) and 18 (removal of permitted development rights) from planning permission 3/2017/0920. (Approved with conditions)**3/2017/0920:**Revised application for five town-houses following outline approval 3/2015/0312 including garage block on St Pauls Terrace. (Approved)**3/2015/0312:**Proposed demolition of existing commercial property and the creation of 5 new dwellings with associated car parking. (Approved) |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** |
| **Site Description and Surrounding Area:**The application sites relate to a recently constructed housing development (pursuant to consent 3/2017/0920) located to the rear of a row of terrace properties located on the southern side of St. Pauls Street, Low Moor, Clitheroe.The previous application proposed that the area of land to the rear of St Pauls Street will accommodate five dwellings (and associated parking) with the remaining area of land on St Pauls Terrace proposed to accommodate five lock-up garages and two visitor parking bays. The plot of land that is proposed to accommodate the five dwellings is bounded to the south by playing fields with the Low Moor Social Club being located to the west. The site is also bounded to the north and east by two-storey terrace properties that front St Pauls Street and St Pauls Terrace respectively.The primary vehicular and pedestrian access to the land which will accommodate the proposed dwellings is provided at the eastern extents of the site adjacent number 2 St Pauls Terrace. The secondary access is located to the west of the site directly adjacent number 31 St Pauls Street.The area of land to accommodate the proposed garaging is located on the southern side of St Pauls Street on the eastern side of St Pauls Terrace. This area is currently used as informal parking for a number of residents in the area.The area is predominantly residential in character, being located within the defined settlement limits of Clitheroe, typified by two-storey terraced dwellings, the majority of which are constructed in red brick with a number of dwellings on the northern side of St Pauls Terrace benefitting from being faced in render or stone. |
| **Proposed Development for which consent is sought:**Retrospective consent is sought for the variation of conditions 09 and 10 of planning consent 3/2017/0920 to vary both the approved parking arrangement (condition 09) and the arrangement of the refuse storage receptacles (condition 10) Conditions 9 and 10 read as follows:**Condition 09:** *The parking areas hereby approved shall be surfaced and marked out in accordance with a scheme that shall first have been submitted to and agreed in writing by the Local Planning Authority. The agreed parking scheme shall be implemented and made available for use prior to first occupation of any of the dwellings hereby approved.***Condition 10:***Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of the revised siting for the refuse storage area, including precise details of the nature of the storage have been submitted to and agreed in writing by the Local Planning Authority. The agreed refuse storage area/provision shall be constructed and made available for use prior to first occupation of any of the dwellings hereby approved. The refuse storage provision shall be retained as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.*Relevant to the application is also condition 02 which sets out the approved details including the overall site arrangement and design of the approved residential dwellings.The submitted variation of condition application seeks to omit and replace the previously approved communal bin storage area (Housing Development Revision C (21 November 2017)) to that of an arrangement whereby the provision for the storage of refuse receptacles are now stored ‘on-plot’ in the front garden area of the approved dwellings. The application has been necessitated by a deviation from the approved details which has been undertaken on-site whereby the vehicular manoeuvring and turning area located at the north-eastern extents of the site has not been provided, with the area having been incorporated into the residential curtilage of Plot 05. |
| **Impact Upon Residential Amenity:**Given the nature of the proposal it is not considered that the proposal would result in any measurable detrimental impact upon the residential amenities of nearby future or existing occupiers. |
| **Highways:**Lancashire County Council Highways Development Control have objected to the proposal stating that the reduced turning area at the north-eastern extents of the site would preclude the ability for large vehicles to adequately manoeuvre within the site and leave in forward gear, it would also require such vehicles to reverse for the entirety of the site to the adopted highway.As such the proposal is considered to be in direct conflict with Policy DMG3 of the Ribble Valley Core Strategy in that it would result in an unacceptable internal highways arrangement that would fail to allow for adequate provision for the safe manoeuvring of a range of vehicles within the site, being of detriment to the safe operation of the highways arrangement both within and outwith the site.  |
| **Observations/Consideration of Matters Raised/Conclusion:**It is for the above reasons and having regard to all material considerations and matters raised that the application to vary conditions 09 and 10 is refused. |
| **RECOMMENDATION**: | That planning consent be refused for the variation of conditions 09 and 10 for the following reason(s): |
| **01** | The proposal is considered to be in direct conflict with Policy DMG3 of the Ribble Valley Core Strategy in that it would result in an unacceptable internal highways arrangement that would fail to allow for adequate provision for the safe manoeuvring of a range of vehicles within the site, being of detriment to the safe operation of the highways arrangement both within and outwith the site.  |