|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 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:** | 3/2023/0827 | |  |  |  |
| **DECISION DATE:** | 23 February 2024 | |  |  |  |
| **DATE RECEIVED:** | 16/11/2023 | |  |  |  |
|  | | | | | |
| **APPLICANT:** |  |  | **AGENT:** |  |  |
| Mrs Debbie Gill  Rossendale House  York Street  Clitheroe  BB7 2DL | |  | Mr Allan Lloyd Haydock  ALH Design Services  Barley Cottage  Brewery Street  Longridge  Preston  PR3 3NB | | |
|  |
|  |
|  |
|  |

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |
| --- | --- | --- |
| **DEVELOPMENT PROPOSED:** | | Proposed change of use from nursery to eight flats (C3) comprising three two-bedroom units and five one-bedroom units. |
| **AT:** | Rossendale House York Street Clitheroe BB7 2DL | |
| 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): | | |
|  | 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. | |
|  | 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 Drawing No: 00  (Amended) Proposed Site Plan (1:200) Drawing No: 09C (received 20.02.2024)  (Amended) Proposed Site Plan (1:500) Drawing No: 10C (received 20.02.2024)  (Amended) Proposed Plans 1 (1:100) Drawing No: 10C (received 22.01.2024)  (Amended) Proposed Plans 2 (1:200) Drawing No: 15C (received 23.01.2024)  (Amended) Proposed Elevations Drawing No: 15D (received 20.02.2024)  Reason: For the avoidance of doubt as the proposal was the subject of agreed design improvements and/or amendments and to clarify which plans are relevant to the consent.  P.T.O. | |
|  | The materials to be used on the external surfaces of the development as indicated on the Application Form and (Amended) Proposed Elevations Drawing No: 15D (received 20.02.2024) 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. | |
|  | Details of the alignment, height, appearance and materiality of the double gates forming the pedestrian access to be installed within the development hereby approved as indicated on (Amended) Proposed Site Plan (1:200) Drawing No: 09C (received 20.02.2024) and (Amended) Proposed Site Plan (1:500) Drawing No: 10C (received 20.02.2024) shall have been submitted to and approved in writing by the Local Planning Authority prior to their installation.  The approved gates shall be installed as per the approved details prior to first occupation of any dwelling hereby approved.  Reason: To ensure a satisfactory standard of appearance in the interests of visual amenity and to preserve the character and appearance of the Conservation Area. | |
|  | Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (as amended or re-enacted) the areas within the application property marked as flat 1, flat 2, flat 3, flat 4, flat 5, flat 6, flat 7 and flat 8 as indicated on (Amended) Proposed Plans 1 (1:100) Drawing No: 10C (received 22.01.2024) and (Amended) Proposed Plans 2 (1:200) Drawing No: 15C (received 23.01.2024) shall only be used as dwellings (Use Class C3) and for no other purpose.  Reason: To define the scope of the permission hereby approved and to ensure that the development remains compatible with the character of the area. | |
|  | Construction deliveries to and from the site and construction works, shall be restricted to between 0800 and 1800hrs Monday to Friday, 0900 to 1300hrs on Saturdays, and shall not take place on Sundays and Bank Holidays, unless otherwise agreed in writing with the local planning authority prior to any change. All works will be undertaken in accordance with BS5228:2009.  Reason: To safeguard the living conditions of residents particularly with regard to the effects of noise.  P.T.O. | |
|  | No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.  Reason: To ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area. | |
|  | No part of the development hereby approved shall commence until a scheme for the site access and off-site works of highway mitigation, which includes the proposed alteration of the existing Traffic Regulation Order along the site frontage and reinstatement of full height kerbs at the redundant site access has been submitted to and approved in writing by the Local Planning 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. | |
|  | No building or use hereby permitted shall be occupied or use commenced until the footway has been reinstated to full kerb height, where any vehicle crossovers are redundant, in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.  Reason: To maintain the proper construction of the highway and in the interest of pedestrian safety. | |
|  | The proposed pedestrian/cycle access at the site shall be constructed to a minimum width of 3 metres.  Reason: To enable pedestrians and cyclists to enter and leave the premises in a safe manner. | |
|  | No building or use hereby permitted shall be occupied or the use commenced until a shared cycle storage plan providing 8 cycle stands for the residential units has been submitted to and approved in writing by the Local Planning Authority, and installed in accordance with the approved details. These cycle facilities shall thereafter be kept free of obstruction and available for the parking of bicycles only at all times.  Reason: To allow for the effective use of the parking areas and to promote sustainable transport as a travel option, encourage healthy communities and reduce carbon emissions.  P.T.O. | |
|  | Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order, no external lighting or building mounted lighting shall be erected or placed anywhere within the site to which this consent relates without express planning permission first being obtained.  Reason: To enable the Local Planning Authority to exercise control over development which could prove materially harmful to the character and visual amenities of the immediate area. | |
|  | Unless otherwise agreed in writing with the Local Planning Authority, the development hereby approved shall be carried out in complete accordance with the mitigation measures detailed/recommended within the sections titled: "Proposed Biodiversity Net Gain" and "Accidental exposure of bats - emergency advice" of the submitted Ecological Appraisal titled "Preliminary Bat Roost Assessment Report 16.11.23" and carried out by Dave Anderson Batworker.com.  Reason: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and reduce the impact of development. | |

**Note(s)**

|  |  |
| --- | --- |
|  | 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. |
| 3.  4. | 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 Notice should be read in conjunction with the officer’s report which is available to view on the website. |
| 5. | The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number. Please be aware that the demand to enter into section 278 agreements with Lancashire County Council as the highway authority is extremely high. Enquiries are being dealt with on a first come first served basis. As such all developers are advised to seek to enter into Section 278 agreements at a very early stage. |

|  |
| --- |
| Nicola Hopkins  **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/appeal-planning-decision> . If it is a householder appeal it can be made online at: <https://www.gov.uk/appeal-householder-planning-decision> . 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.