RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

# APPROVAL

**DATE: 30 MAY 2024**

**REF: BT**

**CHECKED BY: LH**

# APPLICATION REF: 3/2024/0269

GRID REF: SD 373869 441581

**DEVELOPMENT DESCRIPTION:**

PROPOSED CHANGE OF USE OF GROUND FLOOR UNIT (USE CLASS E) AND FIRST FLOOR FLAT (USE CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION WITH UP TO EIGHT RESIDENTS (USE CLASS SUI GENERIS) INCLUDING REMOVAL OF SHOP FRONT AND REPLACEMENT WITH TWO GROUND FLOOR WINDOWS AND ADDITION OF NEW DOOR AND WINDOW TO SIDE ELEVATION. GROUND FLOOR SHOP UNIT AND FIRST FLOOR FLAT 27-29 BAWDLANDS, CLITHEROE, BB7 2LA

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Description automatically generated

**CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

**PARISH COUNCIL:**

Clitheroe Town Council object to the application on the following grounds: over intensity of development, over occupancy, lack of parking provision/parking problems in the vicinity, impact on residential amenity and potential problems with siting of bins for waste disposal.

**LANCASHIRE COUNTY COUNCIL HIGHWAYS:**

No objections subject to condition.

**RVBC ENVIRONMENTAL HEALTH:**

No objections.

**ADDITIONAL REPRESENTATIONS:**

Objections have been received from fifteen households. The objections received are summarised as follows:

* Impact of the proposal upon neighbouring amenity
* Impact of the proposal upon highway safety
* Concerns raised with respect to a lack of internal / external space and natural light provision for future occupants of the proposed development
* Concerns raised with respect to insufficient refuse storage to serve the proposed development and with respect to refuse being stored outside of the confines of the application property
* Concerns raised with respect to an overdevelopment of the surrounding area
* Concerns raised with respect to the proposed loss of a commercial unit
* Concerns that the proposed development would lead to an increase in crime levels in the surrounding area

The objections received also make reference to non-planning issues which are summarised as follows:

* Concerns that the proposed development would negatively impact property value in the surrounding area

1. **Site Description and Surrounding Area**

* 1. The application relates to a double width end terraced two storey property in Clitheroe known as No. 27-29 Bawdlands. The property comprises rendered elevations, timber doors, UPVC windows and a slated gabled roof. The application property occupies a corner plot location with its North-eastern and South-eastern elevations facing towards Bawdlands and Corporation Street respectively. The neighbouring residential property of No. 31 Bawdlands and commercial property known as The Workshop (currently in use as a martial arts centre) adjoin the Eastern and Southern sides of the property respectively.
  2. 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.

2. **Proposed Development for which consent is sought**

2.1 The ground and first floor components of the application property are currently in Use Class E (commercial) and C3 (residential) respectively. Planning consent is sought for a change of use of both the ground and first floor components of the property to a large HMO (Houses In Multiple Occupation) for a minimum of eight residents (Use Class Sui Generis).

2.2 Planning consent is also sought for the removal of the property’s existing shop front which would be replaced with two new ground floor windows and for the insertion of new ground floor window and door openings within the South-eastern gable end of the property.

3. **Relevant Planning History**

3/2022/1080: Removal of condition 4 (operations) of planning permission 3/2020/0311 to allow nos. 27 and 29 Bawdlands to exist as separate units (Approved)

3/2020/0311: To develop workshop into a studio for martial arts classes and other health and fitness related activities. Resubmission of 3/2019/0200 (Approved)

3/2019/0200: To develop workshop (B1) into a studio (D2) for martial arts classes and other health and fitness related activities (Approved)

3/2013/0481: Proposed change of use of ground floor of 27 and 29 Bawdlands from commercial to residential use, to form one, two-bed unit of accommodation (Approved)

3/2013/0199: Proposed change of use of ground floor of 27-29 Bawdlands from a commercial to a residential use, to form one, two-bed unit of accommodation (Withdrawn)

4. **Relevant Policies**

*Ribble Valley Core Strategy (Adopted Version)*

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*

5. **Assessment of Proposed Development**

5.1 Principle:

5.1.1 The proposal seeks consent for the creation of a large HMO through the conversion and change of use of an existing property 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.

5.1.2 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.

5.1.3 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.*

5.1.4 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.*

5.1.5 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 site for residential purposes 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.

5.1.6 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.

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

5.1.8 The ground floor component of the application property currently accommodates a commercial use (Use Class E). As such, the proposal 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.

5.1.9 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’*.

5.1.10 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.)*

5.1.11 Having regard to criteria point 3, the application property lies within a residential area therefore the proposed development would be broadly compatible with its immediate surroundings with respect to its use. In addition, it is understood that the application property has been vacant since December 2021 whereby the property has since deteriorated and is in need of repairs. As such, the proposed development would prevent further deterioration of the application property which in turn would deliver an environmental benefit to the surrounding community.

5.1.12 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 property did not utilise all of the property’s floorspace for commercial purposes in light of the first floor component of the property having always been in residential use.

5.1.13 Accordingly, the loss of the existing commercial floorspace and the impacts on the economy would be negligible, particularly taking account of the small-scale nature of the commercial operation the application property previously accommodated or could accommodate.

5.1.14 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 the introduction of a sole residential use of the application property.

5.1.15 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 commercial uses 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.

5.1.16 In this instance, the ‘commercial’ usage of the building is not considered to be of such a scale and quantum to warrant significant concerns in respect of loss. Furthermore, the redevelopment of an unused building in a state of disrepair that would otherwise fall into further decline is considered to amount to a benefit that would outweigh any conflict(s) with Policy DMB1 in this respect. 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.

5.1.17 As such, taking account of the above matters, notwithstanding other development management considerations. The principle of the redevelopment of 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.

5.2 Residential Amenity:

5.2.1 The application property is located within a predominantly residential area with the first floor component of the property already being in residential use. The proposed conversion of the property to a HMO would intensify the existing residential use of the property however given the property’s siting within an existing residential area it is not anticipated that noise, disturbances and activity levels arising from the proposed change of use would exceed noise and activity levels emanating from the existing use of properties within the immediate vicinity.

5.2.2 New window openings are proposed for the property as part of the works of conversion however the two ground floor window openings proposed for the front elevation of the property would be sited in the same location as the property’s existing shop front windows and as such would not provide any new opportunities for overlooking into neighbouring dwellings.

5.2.3 The new ground floor window opening proposed for the South-eastern elevation of the property would interface with No. 1 and 3 Corporation Street at a distance of approximately 11 metres however the ground floor windows within No. 1 and 3 Corporation Street face directly into the existing street scene and as such are already susceptible to some loss of privacy. As such, no concerns regarding loss of privacy are raised with respect to the proposed ground floor window opening to the side elevation of the property.

5.2.4 Concerns have been raised with respect to the amenity of future occupants of the proposed development. Analysis shows that rooms 1- 8 within the proposed HMO would each be served by a minimum of one window opening (with some rooms being served by two windows) therefore future users of the development would receive an adequate provision of natural light and outlook.

5.2.5 It is noted that the kitchen / dining room component of the proposed development would not be served by any window openings. Whilst this is less than desirable for a habitable room, the lack of natural light provision to the property’s proposed kitchen / dining room area is not considered to be of detriment to future users of the development on a scale that would warrant refusal of the application.

5.2.6 Having regard to internal living space, analysis shows that the proposed development would be compliant with national described space standards with respect to gross internal floor areas, storage and bedroom sizes.

5.2.7 Having further regard to the amenity of future occupants of the proposed development, it is noted that the rear elevation of the application property adjoins to a single storey commercial unit known as The Workshop (currently in use as a martial arts centre).

5.2.8 As such, consultation has been undertaken with the Council’s Environmental Health team who recommended for the provision of a noise sound insulation scheme so as to fully assess the measures to be undertaken to safeguard future occupants from noise impacts arising from the adjoining commercial premises.

5.2.9 A noise sound insulation scheme has since been provided in support of the application which details numerous measures for soundproofing the application property against noise impacts from the adjoining commercial property. The above scheme has been subject to review from RVBC Environmental Health who have deemed the proposed soundproofing measures to be acceptable.

5.2.10 Refuse storage would be located within the confines of the application property due to the absence of any external space serving the property which in turn has potential implications for future occupants of the proposed development with respect to odour emissions.

5.2.11 In response to the concerns raised, the agent has confirmed that the property’s bin store area would be served by continuous background ventilation by means of mechanical ventilation through the installation of an extractor fan to the property’s South-eastern elevation. The proposed scheme of ventilation has been reviewed by RVBC Environmental Health Officers who have deemed this to be acceptable. Details of the proposed mechanical extraction can be secured through the imposition of a condition to ensure any external device would have an acceptable visual impact.

5.2.12 Taking account of all of the above, it is not considered that the proposed development would be unduly harmful to the amenity of any neighbouring residents or future occupants of the application property.

5.3 Visual Amenity:

5.3.1 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’.*

5.3.2 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.’*

5.3.3 In this instance, the proposed change of use would involve some external alterations to the property including the insertion of new ground floor windows to the property’s front and side elevations and the replacement of the property’s existing windows and doors. All elevations of the property are also to be re-rendered.

5.3.4 The new window openings proposed would largely reflect the existing fenestration within the application property in terms of both their alignment and proportionality and as such would read as acceptable additions to the property.

5.3.5 All replacement windows would comprise a UPVC based design which would be in keeping with the materiality of the property’s existing windows. Furthermore, removal of the existing security bars from the property’s rear first floor windows would offer a minor visual enhancement to the property.

5.3.6 Similarly, the property’s existing and largely worn timber doors would be replaced with new composite doors which again would offer a minor visual enhancement to the external appearance of the application property.

5.3.7 The existing external elevations of the property comprise of a rough cast / cream painted render which is largely worn in appearance. As such, the proposed re-rendering of the property in off white render would deliver a further visual enhancement to the property and would be largely in keeping with the existing external appearance of the building.

5.3.8 Taking account of all of the above, it is not considered that the external alterations proposed as part of the proposed change of use would be harmful to the character of the application property or 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.

5.4 Highways and Parking:

5.4.1 The proposed development would result in an intensified residential use of the application property which in turn carries potential implications with respect to increased occurrences of on-street vehicle parking within the vicinity of the application site.

5.4.2 Furthermore, concerns have been raised through the application’s public consultation process with respect to increased occurrences of on-street vehicle parking. Consequently, consideration must be given in respect of potential vehicular parking needs generated by the habitation of the property.

5.4.3 In this respect the application property is located within the defined settlement limits of Clitheroe, within close proximity to and outside of the defined ‘Main Centre Boundary’ of the settlement. As such the location of the property is afforded walkable access to a wide range of services and facilities in the town centre including access to a number of public transport options.

5.4.4 Accordingly, given the sustainable location of the proposal building, it is not considered that the proposal need bring forward dedicated vehicular parking provision to serve the occupiers of the application property given that future occupants of the proposed development would not be entirely reliant upon the use of private motor vehicles.

5.4.5 Furthermore, the ground floor component of the application property benefits from an existing commercial use and the first floor benefits from an existing residential use, which if retained, would give rise to occurrences of on-street parking that could easily exceed any occurrences of on-street parking arising from the proposed change of use of the property.

5.4.6 As such, refusal of the proposed development on the basis of on-street vehicle parking implications is not considered to be justified given the existing commercial use of the property and the sustainable location of the property.

5.4.7 Moreover, the proposed development has been subject to review from Lancashire County Council Highways who have raised no concerns with the proposed change of use with respect to highway safety on the basis of the application property being sited within a sustainable location within close proximity to local facilities and bus routes.

5.4.8 The response from the Local Highways Authority recommends for the inclusion of shed based cycle storage within the proposed development in order to promote sustainable modes of travel.

5.4.9 The application property does not comprise any external space therefore the applicant was asked to consider the feasibility of providing cycle storage within the confines of the application property.

5.4.10 Following this request, the applicant has since provided amended floor plans in support of the proposed development which denote cycle storage space at ground floor level within the property’s proposed bin / utility area. This would be easily accessible to all future occupants and is considered an acceptable solution.

5.4.11 Subsequently, the proposal raises no significant measurable conflict(s) with Key Statement DMI2 or Policy DMG3 of the Core Strategy which seek to ensure the continued safe operation of the highways network and to ensure adequate pedestrian infrastructure, parking provision and sustainable methods of travel are brought forward to accommodate and serve existing and proposed development.

5.5 Landscape/Ecology:

5.5.1 The proposal involves the reconfiguration of the property’s internal layout to accommodate eight ensuite rooms, refuse / cycle storage and a kitchen / dining area with no alterations proposed to the roof space of the property. As such the proposal does not necessitate the need for the submission of a protected species survey (bats) nor is it considered that the proposed development will result in any adverse impacts upon ecology, habitat, protected species or species of conservation concern.

5.5.2 As such and taking account of the above, the proposal does not raise any significant measurable conflict(s) with Policies DME1, DME2 nor DME3 of the Ribble Valley Core Strategy which seek to protect against adverse impacts upon habitat, biodiversity, ecology or protected species and species of conservation concern.

5.6 Other Matters:

5.6.1 Concerns have been raised through the application’s public consultation process with respect to refuse storage for the proposed development, namely that the proposed quantity of refuse bins depicted on the application’s proposed ground floor plans would be insufficient to serve the number of occupants living in the property. However, the proposed refuse storage area is considered sufficiently sized to accommodate the required number of refuse bins.

5.6.2 Additional concerns have been voiced with respect to the potential for the property’s refuse bins to be left outside of the property thus creating obstructions on the pavements adjoining the application property. These concerns are noted therefore a condition is suggested which restricts the storage of refuse and recycling solely to within the confines of the application property, save for when it needs to be presented on bin collection day.

5.6.3 Further concerns have been raised in the form of assertions that the proposed use of the application property as a HMO would lead to an increase in crime levels in the area. Concerns about public safety, anti-social behaviour and safeguarding issues are a material planning consideration, although there is no specific planning policy or guidance on these matters.

5.6.4 National Planning Practice Guidance (NPPG) provides general guidance on promoting healthy and safe communities as referred to in section 8 of the NPPF including designing out crime and disorder having regard to Section 17 of the Crime and Disorder Act 1998 (as amended)whichrequires local authorities to do all they reasonably can to prevent crime and disorder. However, in the absence of any specific risks / evidence of risks identified, it is not considered that the proposal would be in conflict with the NPPG. Therefore, there are considered insufficient grounds to refuse the application on this basis.

5.7 Observations/Consideration of Matters Raised/Conclusion:

5.7.1 The proposed 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.

5.7.2 Furthermore, the proposed redevelopment 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 proposed development is therefore secured.

5.7.3 Moreover, it is not considered that the proposed development would have any undue impacts upon neighbouring amenity, highway safety or upon the visual amenities of the area, and there are insufficient grounds to refuse the application based on third party concerns about an increase in crime levels.

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

**RECOMMENDED:** That planning consent be granted subject to the imposition of the following conditions:

1. 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.

2. The development hereby permitted shall not be carried out otherwise than in conformity with the following submitted plans and reports received by the Local Planning Authority unless prohibited by any other condition.

Plans

* Block Location Plan Drawing No: 1569 – 101
* (Amended) Proposed Ground Floor Plan Drawing No: 1569 – 08 REV B (received 20.05.2024)
* (Amended) Proposed First Floor Plan Drawing No: 1569 – 09 REV B (received 20.05.2024)
* Proposed Front Elevation Drawing No: 1569 – 10
* (Amended) Proposed Side Elevation Drawing No: 1569 – 11 REV B (received 22.05.2024)
* Proposed Rear Elevation Drawing No: 1569 – 12
* Proposed Section no. 27 Drawing No: 1569 – 13
* Proposed Section no. 29 Drawing No: 1569 – 14

Reports

* General Design Statement April 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.

3. The materials to be used on the external elevations of the dwelling hereby approved shall be implemented in accordance with the following drawings / details:

* Application form (Materials)
* Proposed Front Elevation Drawing No: 1569 – 10
* (Amended) Proposed Side Elevation Drawing No: 1569 – 11 REV B (received 22.05.2024)
* Proposed Rear Elevation Drawing No: 1569 – 12

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality.

4. The development hereby approved shall be carried out in complete accordance with the sound mitigation / attenuation measures detailed within the section titled: "Action Required to Comply with Approved Documents" of the submitted noise sound insulation scheme titled "Acoustic Insulation Assessment and Specification" received by the Council on 10 May 2024 and carried out by PD Construction Consultants. The approved sound mitigation/attenuation measures shall be installed in strict accordance with the approved details prior to the use hereby approved first becoming operative and thereafter retained.

REASON: In order that the Local Planning Authority may ensure that the activities associated with the proposal are appropriate to the locality and to protect the residential amenities of nearby residents / occupiers.

5. Refuse storage for the development hereby approved shall be provided in accordance with the details as shown on (Amended) Proposed Ground Floor Plan Drawing No: 1569 – 08 REV B (received 20.05.2024) prior to the use hereby approved first becoming operative and thereafter retained.

All refuse and recycling bins shall be stored within the confines of the application property at all times, save for when they need to be presented on the street on bin collection day(s).

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and in the interests of public safety.

6. Cycle storage for the development hereby approved shall be provided in accordance with the details as shown on (Amended) Proposed Ground Floor Plan Drawing No: 1569 – 08 REV B (received 20.05.2024) and (Amended) Proposed First Floor Plan Drawing No: 1569 – 09 REV B (received 20.05.2024) prior to the use hereby approved first becoming operative and thereafter retained.

REASON: To allow for the promotion of sustainable forms of transport and aid social inclusion.

7. Notwithstanding the submitted details, no development shall commence or be undertaken on site unless and until details of the proposed mechanical extraction to serve the property’s bin store / utility area have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality and that any externally mounted equipment is not of detriment to the residential amenities of nearby occupiers or visual amenities of the area.

*INFORMATIVE (HIGHWAYS)*

The developer should be aware that any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highway Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lanashire.gov.uk or on 01772 533433.

BACKGROUND PAPERS

[Planning Application - Ribble Valley Borough Council](https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2024%2F0269)