



RIBBLE VALLEY
BOROUGH COUNCIL

- 7 JUN 2011

FOR THE
ATTENTION OF

For office use only

Application No.

920110429P

Date received

Fee paid £

Receipt No:

Council Offices, Church Walk, Clitheroe, Lancashire. BB7 2RA Tel: 01200 425111 www.ribblevalley.gov.uk

Application for Planning Permission.
Town and Country Planning Act 1990

You can complete and submit this form electronically via the Planning Portal by visiting www.planningportal.gov.uk/apply

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Please complete using block capitals and black ink

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application

1. Applicant Name and Address

Title: First name:

Last name:

Company (optional):

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

2. Agent Name and Address

Title: First name:

Last name:

Company (optional):

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

3. Description of the Proposal

Please describe the proposed development, including any change of use:

CHANGE OF USE OF GROUND FLOOR TO A1/A3

Has the building, work or change of use already started?

☒ Yes

☐ No

If Yes, please state the date when building, work or use were started (DD/MM/YYYY):

APRIL 2011

(date must be pre-application submission)

Has the building, work or change of use been completed?

☐ Yes

☒ No

If Yes, please state the date when the building, work or change of use was completed: (DD/MM/YYYY):

(date must be pre-application submission)

4. Site Address Details

Please provide the full postal address of the application site

Unit: House number: **27-29** House suffix: House name: Address 1: **CASTLE ST.**Address 2: Address 3: Town: **CLITHEROE**County: **LANCASHIRE**Postcode (optional): **BB7 2BT**

Description of location or a grid reference (must be completed if postcode is not known):

Easting: Northing:

Description:

5. Pre-application AdviceHas assistance or prior advice been sought from the local authority about this application? ☒ Yes ☐ No

If Yes, please complete the following information about the advice you were given (This will help the authority to deal with this application more efficiently)

Please tick if the full contact details are not known, and then complete as much as possible: ☐Officer name: **CLAIRE BOOTH**Reference: Date (DD/MM/YYYY):
(must be pre-application submission)

Details of pre-application advice received?

CHANGE OF USE APPLICATION REQUESTED**6. Pedestrian and Vehicle Access, Roads and Rights of Way**Is a new or altered vehicle access proposed to or from the public highway? ☐ Yes ☒ NoIs a new or altered pedestrian access proposed to or from the public highway? ☐ Yes ☒ NoAre there any new public roads to be provided within the site? ☐ Yes ☒ NoAre there any new public rights of way to be provided within or adjacent to the site? ☐ Yes ☒ NoDo the proposals require any diversions /extinguishments and/or creation of rights of way? ☐ Yes ☒ No

If you answered Yes to any of the above questions, please show details on your plans/drawings and state the reference of the plan (s)/drawings(s)

7. Waste Storage and CollectionDo the plans incorporate areas to store and aid the collection of waste? ☒ Yes ☐ No

If Yes, please provide details:

SEE PLANS - see attached e-mail insteadHave arrangements been made for the separate storage and collection of recyclable waste? ☒ Yes ☐ No

If Yes, please provide details:

SEE PLANS - see attached e-mail instead**8. Authority Employee / Member**With respect to the Authority, I am: (a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected memberDo any of these statements apply to you? ☐ Yes ☒ No

If Yes, please provide details of the name, relationship and role

Louise Blatchford

320110429 P

From: BMadge224@aol.com
Sent: 08 July 2011 10:58
To: Louise Blatchford
Cc: aidasj@caffenero.com; iain@cobaltcommunications.co.uk; BenP@caffenero.com
Subject: Re: Out of Office AutoReply: Planning application - 27-29 Castle Street, Clit...
Attachments: CLITHERO NERO CHANGE OF USE HERITAGE STATEMENT.doc; CN469-100.pdf; CN469-12000existing.pdf

Dear Louise

Further to your email and colleagues message please find attached;

1. The ground floor plan consistent with the Cobalt LBC submission
2. The ground floor plan as previously existing
3. A revised heritage statement addressing the alleged affect of smells (already addressed in the main supporting statement) and noise on the conservation area

As regard waste it is collected privately by Green House – a waste management company. It is stored at the rear in bins as detailed below and collected as stated;

1x 240l General Waste collected Monday – Thursday.

5x 360l Mixed recycling bins collected on Tuesday.

The area of storage is the same as the previous A1 use

I trust the application can now be validated.

Regards

Brian

Brian Madge, BA, MA, MRTPI
Brian Madge Ltd
020 8642 8753 & 0797 3913025 bmadge224@aol.com

08/07/2011

9. Materials

If applicable, please state what materials are to be used externally. Include type, colour and name for each material:

	Existing (where applicable)	Proposed	Not applicable	Don't Know
Walls			☒	☐
Roof			☒	☐
Windows			☒	☐
Doors			☒	☐
Boundary treatments (e.g fences, walls)			☒	☐
Vehicle access and hard-standing			☒	☐
Lighting			☒	☐
Others (please specify)			☐	☐

Are you supplying additional information on submitted plan(s)/drawing(s)/design and access statement?

☐ Yes

☐ No

If Yes, please state references for the plan(s)/drawing(s)/design and access statement:

10. Vehicle Parking

Please provide information on the existing and proposed number of on-site parking spaces:

Type of Vehicle	Total Existing	Total proposed (including spaces retained)	Difference in spaces
Cars			
Light goods vehicles/ public carrier vehicles			
Motorcycles			
Disability spaces			
Cycle spaces			
Other (e.g Bus)			
Other (e.g Bus)			

11. Foul Sewage

Please state how foul sewage is to be disposed of:

- ☒ Mains sewer ☐ Cess pit
☐ Septic tank ☐ Other
☐ Package treatment plant

Are you proposing to connect to the existing drainage system? ☒ Yes ☐ No

If Yes, please include the details of the existing system on the application drawings and state references for the plan(s)/drawing(s):

12. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Refer to the Environment Agency's Flood Map showing flood zones 2 and 3 and consult Environment Agency standing advice and your local planning authority requirements for information as necessary.)

☐ Yes ☒ No

If Yes, you will need to submit a Flood Risk Assessment to consider the risk to the proposed site

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)? ☐ Yes ☒ No

Will the proposal increase the flood risk elsewhere? ☐ Yes ☒ No

How will surface water be disposed of?

- ☐ Sustainable drainage system ☐ Existing watercourse
☐ Soakaway ☐ Pond/lake
☒ Main sewer

13. Biodiversity and Geological Conservation

To assist in answering the following questions refer to the guidance notes for further information on when there is a reasonable likelihood that any important biodiversity or geological conservation features may be present or nearby and whether they are likely to be affected by your proposals

Having referred to the guidance notes, is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site?

a) Protected and priority species:

- ☐ Yes, on the development site
☐ Yes, on land adjacent to or near the proposed development
☒ No

b) Designated sites, important habitats or other biodiversity features:

- ☐ Yes, on the development site
☐ Yes, on land adjacent to or near the proposed development
☒ No

c) Features of geological conservation importance:

- ☐ Yes, on the development site
☐ Yes, on land adjacent to or near the proposed development
☒ No

14. Existing Use

Please describe the current use of the site:

A1 RETAIL SHOP

Is the site currently vacant? ☐ Yes ☒ No

If Yes, please describe the last use of the site:

When did this use end (if known)?

DD/MM/YYYY (date where known may be approximate)

Does the proposal involve any of the following?

If yes, you will need to submit an appropriate contamination assessment with your application

Land which is known to be contaminated? ☐ Yes ☒ No

Land where contamination is suspected for all or part of the site? ☐ Yes ☒ No

A proposed use that would be particularly vulnerable to the presence of contamination? ☐ Yes ☒ No

15. Trees and Hedges

Are there trees or hedges on the proposed development site? ☐ Yes ☒ No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character? ☐ Yes ☒ No

If Yes to either or both of the above, you may need to provide a full Tree Survey, at the discretion of your local planning authority. If a Tree Survey is required, this and the accompanying plan should be submitted alongside your application. Your local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to construction - Recommendations'.

16. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or waste? ☐ Yes ☒ No

If Yes, please describe the nature, volume and means of disposal of trade effluents or waste

320110429 P

Louise Blatchford

From: BMadge224@aol.com
Sent: 07 July 2011 09:11
To: Louise Blatchford
Cc: BenP@caffenero.com; aidasj@caffenero.com; iain@cobaltcommunications.co.uk
Subject: Re: Out of Office AutoReply: Planning application - 27-29 Castle Street, Clit...
Follow Up Flag: Follow up
Flag Status: Red
Attachments: CLITHERO NERO CHANGE OF USE HERITAGE STATEMENT.doc; existing1stfloor.pdf; existing2ndfl.pdf

dear Louise

Further to our emails please find attached the requested information (save the refuse/waste details which will follow later this morning)

I would stress this application seeks permission for use only. All the physical works are subject of companion applications submitted by Cobalt (as referred to in Heritage Statement). Attached are;

1. Upper Floor plans
2. A heritage statement as far as it applies to use issue and should be read in conjunction with the heritage statements supporting the Cobalt applications for the physical changes

The surface water disposal will remain as existing

It seems to me that the location plan submitted with the change of use application is consistent with the plan submitted by Cobalt on 1/7/11

I trust therefore that on submission of the waste details the application can be validated

Regards

Brian

Brian Madge, BA, MA, MRTPI
Brian Madge Ltd
020 8642 8753 & 0797 3913025 bmadge224@aol.com

07/07/2011

17. Residential Units (Including Conversion)

Does your proposal include the gain, loss or change of use of residential units?
 If Yes, please complete details of the changes in the tables below:

☐ Yes☒ No**Proposed Housing**

Market Housing	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐						
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a+b+c+d+e+f+g) =							

Social Rented	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐						
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a+b+c+d+e+f+g) =							

Intermediate	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐						
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a+b+c+d+e+f+g) =							

Key worker	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐						
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a+b+c+d+e+f+g) =							

Total proposed residential units (A+B+C+D) =**Existing Housing**

Market Housing	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐						
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a+b+c+d+e+f+g) =							

Social Rented	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐						
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a+b+c+d+e+f+g) =							

Intermediate	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐						
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a+b+c+d+e+f+g) =							

Key worker	Not known	Number of Bedrooms					Total
		1	2	3	4+	Unknown	
Houses	☐						
Flats and maisonettes	☐						
Live-work units	☐						
Cluster flats	☐						
Sheltered housing	☐						
Bedsit/studios	☐						
Unknown type	☐						
Totals (a+b+c+d+e+f+g) =							

Total existing residential units (E+F+G+H) =**TOTAL NET GAIN or LOSS of RESIDENTIAL UNITS (Proposed Housing Grand Total - Existing Housing Grand Total):**

18. All Types of Development: Non-residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace?

☒ Yes☐ No

If you have answered Yes to the question above please add details in the following table:

Use class/type of use	Not applicable	Existing gross internal floorspace (square metres)	Gross internal floorspace to be lost by change of use or demolition (square metres)	Total gross internal floorspace proposed (including change of use)(square metres)	Net additional gross internal floorspace following development (square metres)
A1	☐				
Shops	☐				
Net tradable area:	☐	180	180		
A2	☐				
Financial and professional services	☐				
A3	☐				
Restaurants and cafes	☐				
A4	☐				
Drinking establishments	☐				
A5	☐				
Hot food takeaways	☐				
B1 (a)	☐				
Office (other than A2)	☐				
B1 (b)	☐				
Research and development	☐				
B1 (c)	☐				
Light industrial	☐				
B2	☐				
General industrial	☐				
B8	☐				
Storage or distribution	☐				
C1	☐				
Hotels and halls of residence	☐				
C2	☐				
Residential institutions	☐				
D1	☐				
Non-residential institutions	☐				
D2	☐				
Assembly and leisure	☐				
OTHER	☐			180	0
A1/A3	☐				
Please Specify	☐				
Total		180	180	180	0

In addition, for hotels, residential institutions and hostels, please additionally indicate the loss or gain of rooms

Use class	Type of use	Not applicable	Existing rooms to be lost by change of use or demolition	Total rooms proposed (including changes of use)	Net additional rooms
C1	Hotels	☐			
C2	Residential Institutions	☐			
OTHER		☐			
Please Specify		☐			

19. Employment

Please complete the following information regarding employees:

	Full-time	Part-time	Total full-time equivalent
Existing employees			
Proposed employees	2	4	4

20. Hours of Opening

Please state the hours of opening for each non-residential use proposed:

Use	Monday to Friday	Saturday	Sunday and Bank Holidays	Not known
	7am - 6pm	7am - 6pm	9am - 6pm	

21. Site Area

Please state the site area in hectares (ha)

0.002

22. Industrial or Commercial Processes and Machinery

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Please describe the activities and processes which would be carried out on the site and the end products including plant, ventilation or air conditioning. Please include the type of machinery which may be installed on site:

Is the proposal a waste management development? ☐ Yes ☐ No

If the answer is Yes, please complete the following table:

	Not applicable	The total capacity of the void in cubic metres, including engineering surcharge and making no allowance for cover or restoration material (or tonnes if solid waste or litres if liquid waste)	Maximum annual operational throughput in tonnes (or litres if liquid waste)
Inert landfill	☐		
Non-hazardous landfill	☐		
Hazardous landfill	☐		
Energy from waste incineration	☐		
Other incineration	☐		
Landfill gas generation plant	☐		
Pyrolysis/gasification	☐		
Metal recycling site	☐		
Transfer stations	☐		
Material recovery/recycling facilities (MRFs)	☐		
Household civic amenity sites	☐		
Open windrow composting	☐		
In-vessel composting	☐		
Anaerobic digestion	☐		
Any combined mechanical, biological and/or thermal treatment (MBT)	☐		
Sewage treatment works	☐		
Other treatment	☐		
Recycling facilities construction, demolition and excavation waste	☐		
Storage of waste	☐		
Other waste management	☐		
Other developments	☐		

Please provide the maximum annual operational throughput of the following waste streams:

Municipal	
Construction, demolition and excavation	
Commercial and industrial	
Hazardous	

If this is a landfill application you will need to provide further information before your application can be determined. Your waste planning authority should make clear what information it requires on its website.

23. Hazardous Substances

Does the proposal involve the use or storage of any of the following materials in the quantities stated below? ☐ Yes ☐ No ☐ Not applicable

If Yes, please provide the amount of each substance that is involved:

Acrylonitrile (tonnes)		Ethylene oxide (tonnes)		Phosgene (tonnes)	
Ammonia (tonnes)		Hydrogen cyanide (tonnes)		Sulphur dioxide (tonnes)	
Bromine (tonnes)		Liquid oxygen (tonnes)		Flour (tonnes)	
Chlorine (tonnes)		Liquid petroleum gas (tonnes)		Refined white sugar (tonnes)	

Other:

Other:

Amount (tonnes):

Amount (tonnes):

24. Ownership Certificates

One Certificate A, B, C, or D, must be completed, together with the Agricultural Holdings Certificate with this application form

CERTIFICATE OF OWNERSHIP - CERTIFICATE A

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*) of any part of the land or building to which the application relates

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

CERTIFICATE OF OWNERSHIP - CERTIFICATE B

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/ The applicant certifies that I have/the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*) of any part of the land or building to which this application relates

Name of Owner	Address	Date Notice Served
DELTAVIEW HOMES LTD.	TURNER FOLD FARM, BIRDIE BROW, CHAIGLEY, NR. CLITHEROE, LANCs. BB7 3LW	04.06.2011

Signed Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

CERTIFICATE OF OWNERSHIP - CERTIFICATE C

Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12

I certify/ The applicant certifies that:

- Neither Certificate A or B can be issued for this application
- All reasonable steps have been taken to find out the names and addresses of the other owners (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*) of the land or building, or of a part of it, but I have/ the applicant has been unable to do so

The steps taken were:

Name of Owner	Address	Date Notice Served

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

On the following date (which must not be earlier than 21 days before the date of the application):

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

24. Ownership Certificates (continued)**CERTIFICATE OF OWNERSHIP - CERTIFICATE D****Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12**

I certify/ The applicant certifies that:

- Certificate A cannot be issued for this application
- All reasonable steps have been taken to find out the names and addresses of everyone else who, on the day 21 days before the date of this application, was the owner (*owner is a person with a freehold interest or leasehold interest with at least 7 years left to run*) of any part of the land to which this application relates, but I have/ the applicant has been unable to do so

The steps taken were:

--

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

--

On the following date (which must not be earlier than 21 days before the date of the application):

--

Signed - Applicant:

--

Or signed - Agent:

--

Date (DD/MM/YYYY):

--

25. Agricultural Land Declaration**AGRICULTURAL LAND DECLARATION****Town and Country Planning (Development Management Procedure) (England) Order 2010 Certificate under Article 12****Agricultural Land Declaration - You Must Complete Either A or B**

(A) None of the land to which the application relates is, or is part of, an agricultural holding

Signed - Applicant:

--

Or signed - Agent:

--

Date (DD/MM/YYYY):

04.06.2011

(B) I have/ The applicant has given the requisite notice to every person other than myself/ the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below:

Name of Tenant	Address	Date Notice Served

Signed - Applicant:

--

Or signed - Agent:

--

Date (DD/MM/YYYY):

--

26. Planning Application Requirements - Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted.

The original and 3 copies of a completed and dated application form:



The correct fee:



The original and 3 copies of the plan which identifies the land to which the application relates drawn to an identified scale and showing the direction of North:



The original and 3 copies of a design and access statement, if required (see help text and guidance notes for details):



The original and 3 copies of other plans and drawings or information necessary to describe the subject of the application:



The original and 3 copies of the completed, dated Ownership Certificate (A, B, C, or D - as applicable):



The original and 3 copies of the completed, dated Article 12 Certificate (Agricultural Holdings):



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27. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

04.06.2011

(date cannot be pre-application)

28. Applicant Contact Details

Telephone numbers

Country code:

National number:

Extension number:

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address (optional):

29. Agent Contact Details

Telephone numbers

Country code:

National number:

Extension number:

020 8 642 8753

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address (optional):

bmadge224@aol.com

30. Site VisitCan the site be seen from a public road, public footpath, bridleway or other public land? ☒ Yes☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

☒ Agent☐ Applicant☐ Other (if different from the agent/applicant's details)

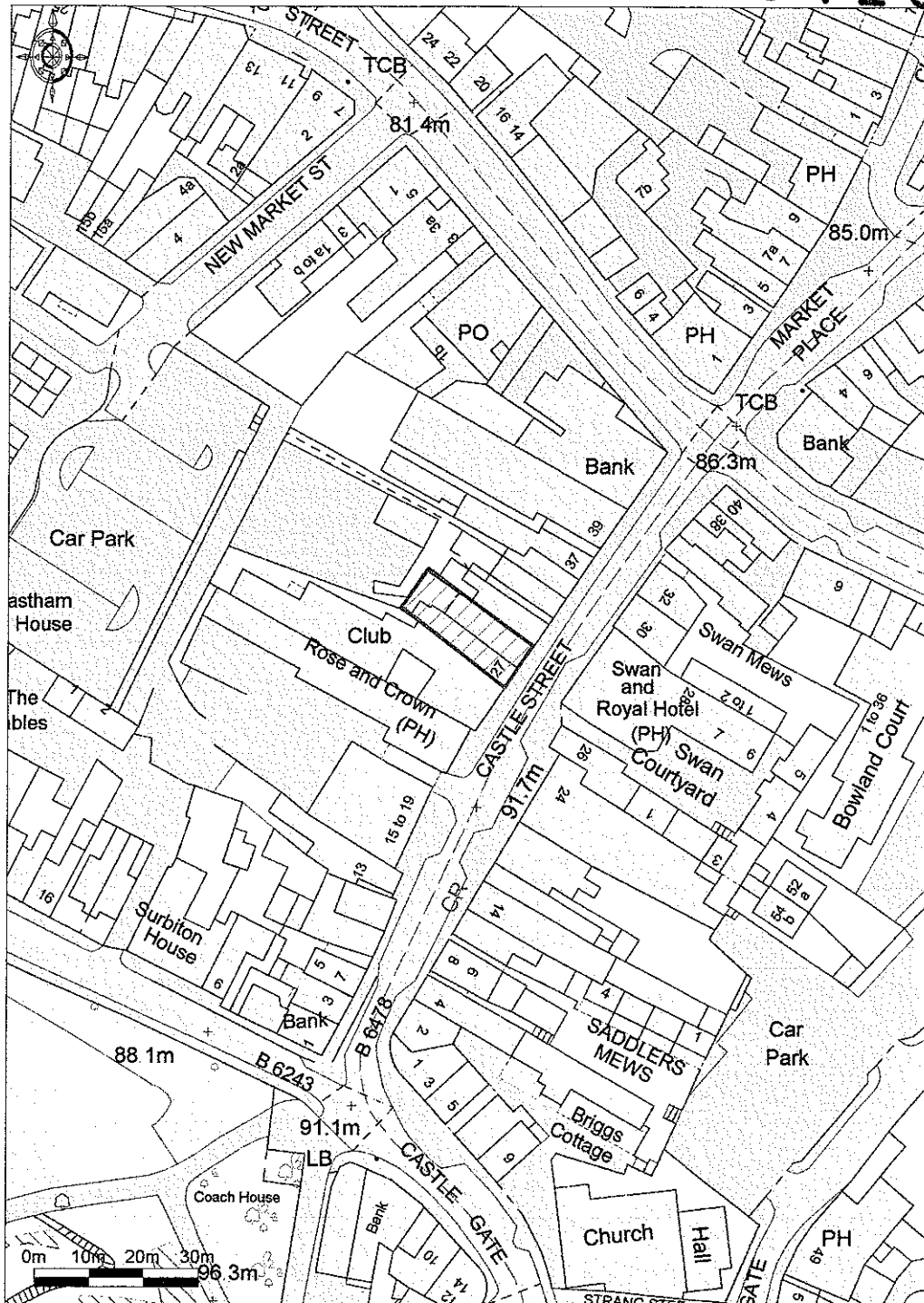
If Other has been selected, please provide:

Contact name:

Telephone number:

Email address:

320110429 P



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Licence number 100020449. Plotted Scale 1:1250

27-29 High Street, Clitheroe

Brian Madge Ltd. Chartered Town Planner

20 Westmead Road, Sutton, Surrey, SM1 4JT

Development Control
Ribbles Valley Borough Council
Council Offices,
Church Walk,
CLITHEROE,
Lancashire,
BB7 2RA

320110429P

4th June 2011

Dear Sir/Madam,

The Town and Country Planning Act 1990 (as amended)
Caffe Nero at 27-29, Castle Street, Clitheroe, Lancashire, BB7 2BT
Change of use of the ground floor to a mixed A1/A3 Use

Please find enclosed the planning application for the above. It includes:

1. The application form
2. A site plan
3. A floor plan/details of the premises prepared by Bedrock Designs Consultants Ltd
4. This letter/planning statement addressing the policy, planning, design and access issues
5. The statutory fee

The proposal is to authorise the change of use of the ground floor of the premises to a mixed A1/A3 use.

The nature of the use is both to serve coffees for consumption on the premises and for sales off the site. Hence the mixed A1/A3 use. Caffè Nero has over 400 premises operating across the country, the majority of which are accepted as either A1 or mixed A1/A3 uses. The Changes of Use of Buildings and Land; Circular 03/2005, confirms in paragraph 36 that such premises can be mixed uses.

The sale of coffee for consumption both on and off the premises accounts for 60% of the company turnover. Other cold drinks account for 10%, sandwiches 15% and cold food 15%. A small proportion of food is reheated but no primary cooking occurs.

Where it has been necessary to pursue matters related to this company and the mixed use definition through the appeal process, the Planning Inspectorate have consistently found the nature of the use to be mixed A1/A3. Moreover, the appeal decisions have also consistently found the uses to be appropriate for shopping areas irrespective of primary or secondary location.

The use operates during retail hours providing an opportunity for customers to relax without the need to resort to other alcohol related premises.

In planning terms the use being mixed A1/A3 does not fit easily into many planning policies. There is a mix between take-out (similar to a sandwich bar or bakers) and eat-in business. To retain the appropriate character for retail areas other Councils have imposed conditions regarding the use being mixed: opening hours (as may be agreed), no primary cooking on the premises and no alcohol sales. Notwithstanding the last changes to the Use Classes Order these conditions prevent the use changing to that less appropriate for a shopping area.

Turning to the specifics of Clitheroe customer visits are predicted to be likely to be up to 2000 per week. At this stage the likely split between the A1 and A3 elements is a prediction based on the performance of other similar stores. Caffè Nero anticipates that up to 25% of the trade will be A1 and 75% will be A3 although the precise figure will not be known until trading is fully established. Accordingly we anticipate up to 500 customers of the A1 element per week. A number of Inspectors have specifically noted that a pure A1 use of this floorspace in this type of town would not generate this level of activity. The use will thus attract customers to this part of the town.

The Council has yet to adopt its Core Strategy and thus the local plan remains the key planning policy document albeit it may be considered out of date having been adopted in 1998. The key policy applicable to this proposal is S3 which addresses the primary shopping frontage. It states;

POLICY S3

Within the principal shopping frontage of Clitheroe, as defined on the Proposals Map, the only new uses considered appropriate at ground floor level will be uses included in Class A1 of the Town and Country Planning (Use Classes) Order 1987 and use for the sale of food or drink for consumption on the premises other than in exceptional circumstances where there would be no material adverse effect to the character of the frontage, general amenity or highway safety.

The supporting text at paragraph 9.2.12 is clear that " *This policy allows the change of use of properties to cafes and restaurants subject to the provisions of Policy G1 of this plan, however, the sale of take-away foods is restricted.* " The proposed use is not a take away food outlet

Notwithstanding the above, the policy is not easily applied as Caffè Nero is a mixed A1/A3 use and the A1 element alone could attract around 500 customers per week. Additionally the use has consistently been found, in all studies and decisions to date, to add to the vitality and viability of the centre.

The use is non-alcohol based operating largely in normal retail hours; it would thus have no impact outside those times. Residential amenity would therefore remain unharmed. Parking in the area would remain as currently exists largely based on the existing public car parks.

The introduction of Caffè Nero to this site draws customers to this location, to the benefit of existing nearby retail premises. A mixed A1/A3 use would be

appropriate to a Primary Shopping Area by providing a continuous flow of customers. This would maintain vitality and an active frontage.

Given the character of the premises, this part of Clitheroe and that similar branches of Caffè Nero attract up to 3000 customers per week (in peak weeks), we would contend this mixed use adds significantly to the attractiveness of this part of the town centre. Both Inspectors and other Local Planning Authorities are consistently agreed this use adds to vitality and viability of the centre in question. The significant A1 element (which is likely to amount to up to 500 visits) will draw customers to this part of the street enhancing its viability. Moreover it adds to the attractiveness of the centre by encouraging customers to make longer visits to the shopping centre. Countrywide surveys of Caffè Nero premises show that over 56% of their customers visit more than once a week and 68% of customers plan to visit the premises. It has also been confirmed that more people visit that part of the relevant street after a Caffè Nero has opened, enhancing the opportunities of the neighbouring shops.

Caffè Nero combines shopping with a sit-in cafe and therefore provides an A3 use as an addition to A1 use. The site is well placed for town centre parking and does not adversely affect residential amenities. There is no need for any extract ducting related to cooking as no primary cooking is involved.

Many Councils accept the use to be A1 and thus changes of use do not arise. Indeed planning applications have been sought in only 85 of the 410 stores.

Other Councils see the use as mixed A1/A3 and appropriate to shopping areas, irrespective of their status. A few Councils have initially concluded that the use is A3. However all of these Councils have either lost this issue upon appeal or withdrawn their position in the lead-in to a public inquiry. In part the nature of the use depends upon how the particular store trades. Whilst each Caffè Nero provides the same offer in all of its stores the extent of eat-in (A3) and eat-out (A1) varies considerably

Coffee shops form a part of the jigsaw that make up people's minds to visit particular centres. Few retailers will on their own form the basis of a decision to visit a town, it is the combinations of retailers that create the strength of a centre. The increasing amount of 'shopping as leisure' requires there to be high quality places for shoppers to take a break. Additionally, the extent of take-out trade varies between units. It is particularly relevant to a town such as Clitheroe which has a strong tourist trade.

Since the Company began trading, only ten stores (less than 3%) have had planning permission refused and/or enforcement action taken. Nine of these cases have been won on appeal (Chiswick (2002), Morningside (2005), Winchester (2004), Sevenoaks (2006), Sidcup (2007), Harpenden (2007), Dulwich (2008) and most recently planning permission was granted at Rugby (9th September 2008) and Bishops Stortford (17th November 2008). I have commented upon the two most recent decisions.

At Rugby the Inspector evaluated the appeal in similar terms to those previously decided noting (decision dated 9th September 2008; ref; APP/E3715/C/07/2062333):

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The appeal premises fall within Rugby's Primary Shopping Area as defined in the Local Plan. Policy TCR1 of the Local Plan provides that, within the Primary Shopping Area, development will be permitted only where the ground-floor use is to be exclusively for retail purposes falling within Use Class A1. It is common ground between the parties that the current mixed use of the appeal premises is contrary to this policy. I also concur with that view.

The reasoned justification for Policy TCR1 explains that it is essential that retail uses should remain concentrated, as this will assist the vitality and viability of the town centre. It points out that there is a risk that the introduction of other uses into the Primary Shopping Area will weaken the attraction of Rugby as a retail centre.

However, there is no firm evidence that the introduction of Caffè Nero has had such an effect. (my underlining). This coffee bar is open for business from 08:00 hours to 18:00 hours on weekdays and Saturdays, with slightly reduced trading hours on Sundays. It is therefore open during normal shopping hours. A survey commissioned by the appellants reveals that it attracted some 598 customers during the 2-day survey period (Wednesday 18 June and Saturday 21 June 2008). This was substantially higher than the inflow of customers to any of the neighbouring shops that were surveyed.

In a questionnaire survey commissioned by the appellants, 280 customers using the Rugby Caffè Nero were asked the main purpose of their visit to the town centre. "Shopping" was the most common answer, given by 39% of respondents. A further 24% indicated that they would be shopping while in the town centre, although this was not the main purpose of their visit. This suggests that well over 60% of the respondents would be visiting shops in the town centre on their present trip. Other reasons for customers' visits to the town centre included for work purposes; to meet friends; and to use various non-retail services. Some 17% of those surveyed indicated that the main purpose of their trip to the town centre was to visit Caffè Nero itself.

This suggests to me that Caffè Nero contributes to the commercial success of Rugby's central shopping area. It attracts substantial numbers of customers during normal shopping hours, and most of those customers spend money in other town centre shops. It is clearly a popular facility. Over 1,200 people have signed a petition to the effect that it is an asset to the town centre. It appears that, for many people, Caffè Nero enhances the quality of the town centre.

The most recent appeal outcome is at Bishops Cleeve. The general thrust of that decision is entirely consistent with the other appeals. The Inspector (at Bishops Cleeve) commented that the Council's retail study, albeit quite recent (2007), was now out of date. He noted in paragraph 11;

11. However, at the Inquiry the Council were able to confirm when the study was written but not the date when the data was collected. I have no reason, given the current economic climate, to dispute the professional experience of the appellant's planning witness, whose view was that demand currently is likely to be lower. Moreover, the Council agreed that the data collected did not address what size A1 units that demand was for and there was some duplication in the data collected. Therefore, I find the Council's view on retail demand would not reflect the current position.

Copies of any of the appeal decisions and/or Caffè Nero's proofs and surveys in each of these cases can be made available to you if you wish

The one unsuccessful appeal at Epping is interesting in that the Council, following the decision, invited Caffè Nero to re-submit the planning application as they believed, on reflection, that the use enhanced the town centre and moreover its loss would be damaging to the vitality and viability. They have subsequently granted planning permission.

Caffè Nero has consistently demonstrated that the use adds to the viability and vitality of all these shopping locations. We would suggest that given the location, with particular regard to the extent of ground floor A1 emphasis, the proposal meets the policy tests in not harming the centre and indeed will add to its attractiveness.

PPS 4 promotes flexibility and it applies to retail and leisure developments. The guidance acknowledges that planning policy should be flexible, in order that it can respond to market signals. The Government therefore encourages authorities to recognise the needs of business and changing market conditions. They should be flexible enough to be responsive to a changing economy or new business requirements. To achieve this, Local Planning Authorities should, amongst other things, promote competitive town centre environments and provide consumer choice by supporting a diverse range of uses which appeal to a wide range of age and social groups, ensuring that these are distributed throughout the centre. The underlying theme is that Local Planning Authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably. Caffè Nero sustains employment which has been shown to be resistant to the fluctuations of the market in the latest recession and in all centres has become a long term feature of the retail environment. By locating in the town centre the development is accessible by a choice of transport means including walking, cycling, public transport and the car. The PPS requires attention to be given to local employment.

During the past three years national economic conditions have markedly deteriorated. It is clear that a number of financial institutions will merge creating vacancies in the High Street. Moreover a number of retailers have closed including Woolworths, some Marks and Spencer's, Zavvi, USC, Officers Club, Fads, The Pier, MK One, Adams, Winerack and Threshers. This trend continues and a number of other major and local retailers are in administration and others are likely to follow. It is widely accepted that a number of major retailers have serious financial difficulties threatening their longevity. Independent retailers have equal problems. This will create greater vacancies in the foreseeable future. Experian in January 2009 predicted 135,000 empty retail premises by the end of that year which equals one in every seven shops. It is well documented that vacancies in a High Street can decrease its attractiveness and harm its retail function. By contrast Caffè Nero is trading across the country at a consistent level and increases the attractiveness of town centres.

Further research by the Local Data Company in July 2009 shows that the above prediction is being exceeded in some towns with actual vacancies reaching one in five shops. The report notes;

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The number of vacant shops on the high street has more than doubled in the past year, according to a report, reflecting the savage effects of the recession on retailers. David Frost, director-general of the British Chambers of Commerce, said: "Vibrant town centres are at the heart of prosperous communities. The holes in the high street are knocking confidence."

The British Property Federation report of 30th July 2009 underpins the FT article. Liz Peace, BPF chief executive noted;

The number of empty shops across England and Wales has risen from 4.5% to 12% a year ago according to a comprehensive researched report by the Local Data Company that covers every area of the country.

The BPF wants the complete scrapping of empty property rates (EPR) as well as re-think on changing the planning use of buildings to enable empty shops to be more efficiently used for non-retail pursuits.

The Local Data Company survey is unequivocal evidence of how badly the property and retail sectors have been hit and demonstrates clearly how the situation has worsened since the government brought in EPR in April 2008. The report was carried out across over 700 town centres and is the most in-depth of its kind.

"We need to encourage a review of change of uses as it's pointless having shops stand empty because planners have some vision of resuscitating high streets back to the bustling 1930s. We're in a very sharp downturn and while these things do happen in cycles, this is the first time that a recession has occurred with internet sales at such a high point. It means local authorities will have to be much more flexible about building uses in high streets. It can't now all be about shopping and will have to include more services and leisure as the mix of shops declines." (my underlining)

Turning to the specifics of Clitheroe, the Ribble Valley Employment and Retail Survey 2008 notes that whilst Clitheroe has retail economy in the Ribble Valley it is showing signs of decline with retailers reporting a fall in shopper numbers and a decline in trade. This report predates the worst effects of the credit crunch and the recession. The report formed the basis of Clitheroe Town Centre Masterplan reported to the Planning and Development Committee in 2010. One of the ambitions is to trigger investment and attract new people and activities, and change the way in which people think about Clitheroe as a place to be and visit. Caffè Nero helps to achieve this ambition.

Trading conditions in 2011 remain as difficult as the preceding three years with as recently as this month recognised retailers such as HMV, Dixons, Halfords and Carpetright warning of the possible consequences of the challenging conditions. Mothercare, Oddbins, O2, Waterstones and Dixons have warned of possible store closures. On this particular site Martin's have ceased trading. By contrast Caffè Nero is trading across the country at a consistent level and increases the attractiveness of town centres. As noted above Caffè Nero have proved to be resistant to such economic down turns and has become a long asset to many towns not only providing facilities for shoppers but also local jobs.

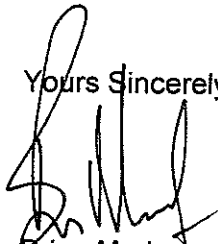
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ACCESS CONSIDERATIONS

The proposal complies with Part M of the Building regulation with level access and appropriate services on the ground floor. A disabled persons WC is provided. The access allows the buildings to have flexibility to meet future changing needs. Furniture such as tables and seating is noted not to be fixed thus allowing rearrangement to meet the needs of all sections of the community. The site is centrally located in the town centre. It is an accessible location where such uses are promoted. The centre is well served by buses.

The applicant will accept appropriate regulatory conditions. It is our view that the proposal meets the requirements of the local plan and your detailed design criteria. Accordingly we would ask you therefore to give this application your favourable recommendation. If there are any matters that you would like clarified please do not hesitate to contact me.

Yours Sincerely



Brian Madge

HERITAGE STATEMENT

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This heritage statement applies only to the change of use application. The application does not seek consent for any physical alteration just the use. The physical changes to the building are subject of separate applications submitted by Cobalt on behalf of Caffe Nero. These applications are registered under references, 11/0295, 6 and 8.

The property is located at 27-29 Castle Street (on the north-west side), Clitheroe, Lancashire, BB7 2BT. It is set within a Conservation Area and is Grade 2 Listed. It is described on the Ribble Valley website as being early 19th century Gothic style with 3 storeys, rendered and moulded eaves cornice. It has 2 windows: 1 is modern casements, and 1 hung sash with glazing bars and rectangular drip moulds. The shopfront is modern. It has most recently been used as a newsagents.

No demolition work will be undertaken. It is proposed to carefully strip out the existing ground floor fixtures and fittings and prepare for refit as a coffee shop using stud work and plasterboard. The front doors are to be replaced and the existing shop front made good, with decorating as appropriate. New signage is to be applied to the existing fascia. Condenser units are to be installed to the rear of the building and fixed to the new internal services.

There will be no alteration to the frontage of the building other than replacement of the front doors, new signage, making good and decoration as appropriate to the ground floor. The upper floors of the building have architectural interest but the proposals do not include any use of or changes to these floors. The proposal only relates to the interior of the ground floor, the rear and the frontage of the shop.

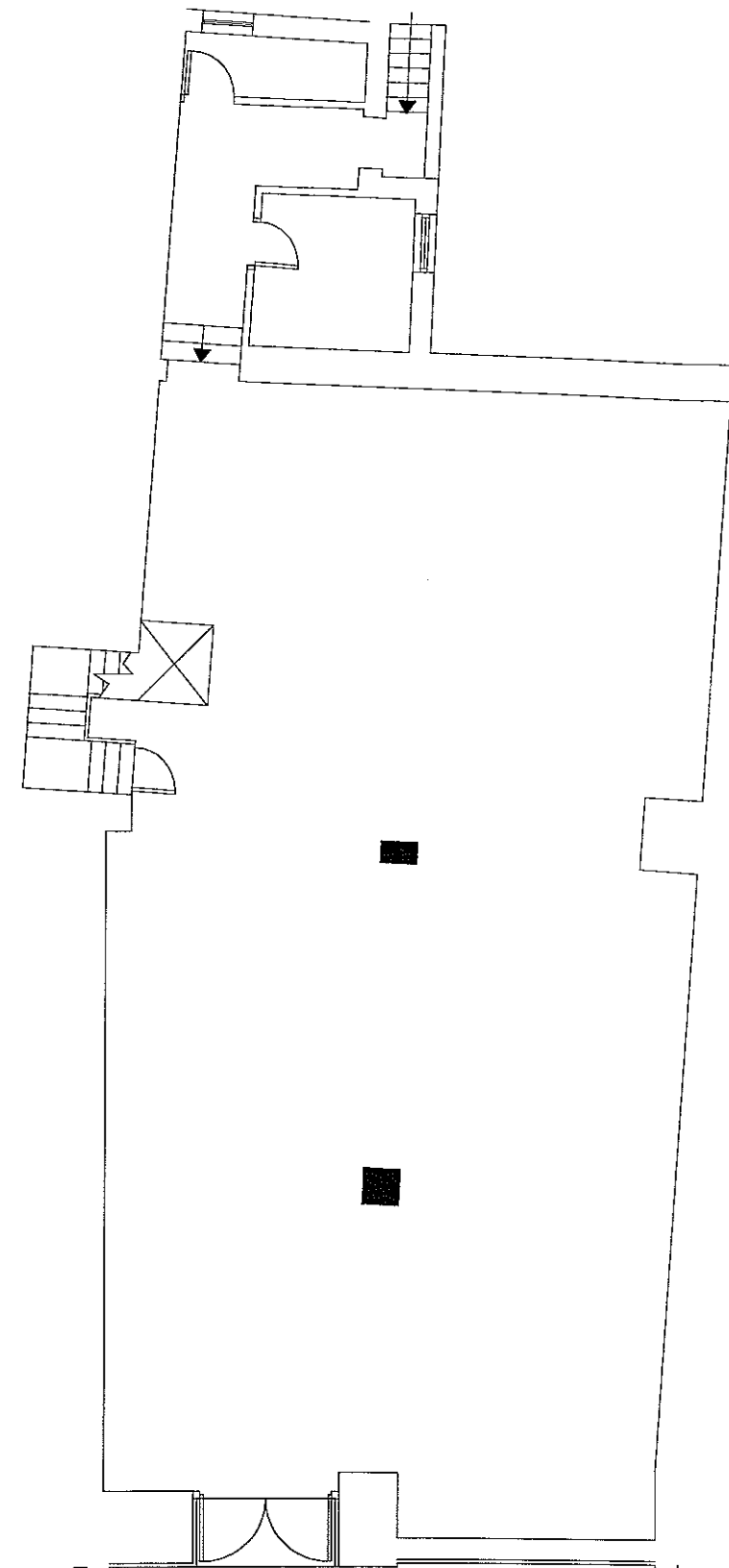
Details of architectural or historical interest in the interior of the ground floor have been removed by previous occupants. It currently has painted plasterboard, tiled flooring and boxed in pipework and ducting. The proposal does not include any structural alterations so there will be no detrimental impact on the building internally or externally, or to any features of architectural significance.

The existing shopfront is to be retained, repaired and redecorated with colours which are sympathetic to the location and reflect the company brand. The changes will have no permanent affect on the fabric of the building or its architectural or historic interest.

As noted in the supporting statement to the application the use does not involve any primary cooking and thus issues of fumes/smell do not arise and therefore this has no impact on the Conservation Area. Similarly the use operates broadly normal shop hours with no evening activity nor any sales of alcohol. As such the use will have less impact on the Conservation Area than the former retail use which was uncontrolled in terms of hours of operation.

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- 8 JUL 2011	
FOR THE ATTENTION OF	



Existing Layout

320110429P

Rev N°	Description	Drawn by	Date

Notes

This drawing represents a performance guide upon which the contractor/subcontractor must base his/her working drawings & details. Include all necessary tolerances prior to manufacture and installation

Contractor to must undertake a full survey of the area to establish all dimensions & ensure accurate setting out

Advise on suitability of all details shown to ensure structural stability, ease and economy of construction

Refer to digital master artwork in regard to all graphic work shown

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Client
Caffe Nero

Project
27-29 Casle Street, Clitheroe

Description
Existing Layout
GroundFloor

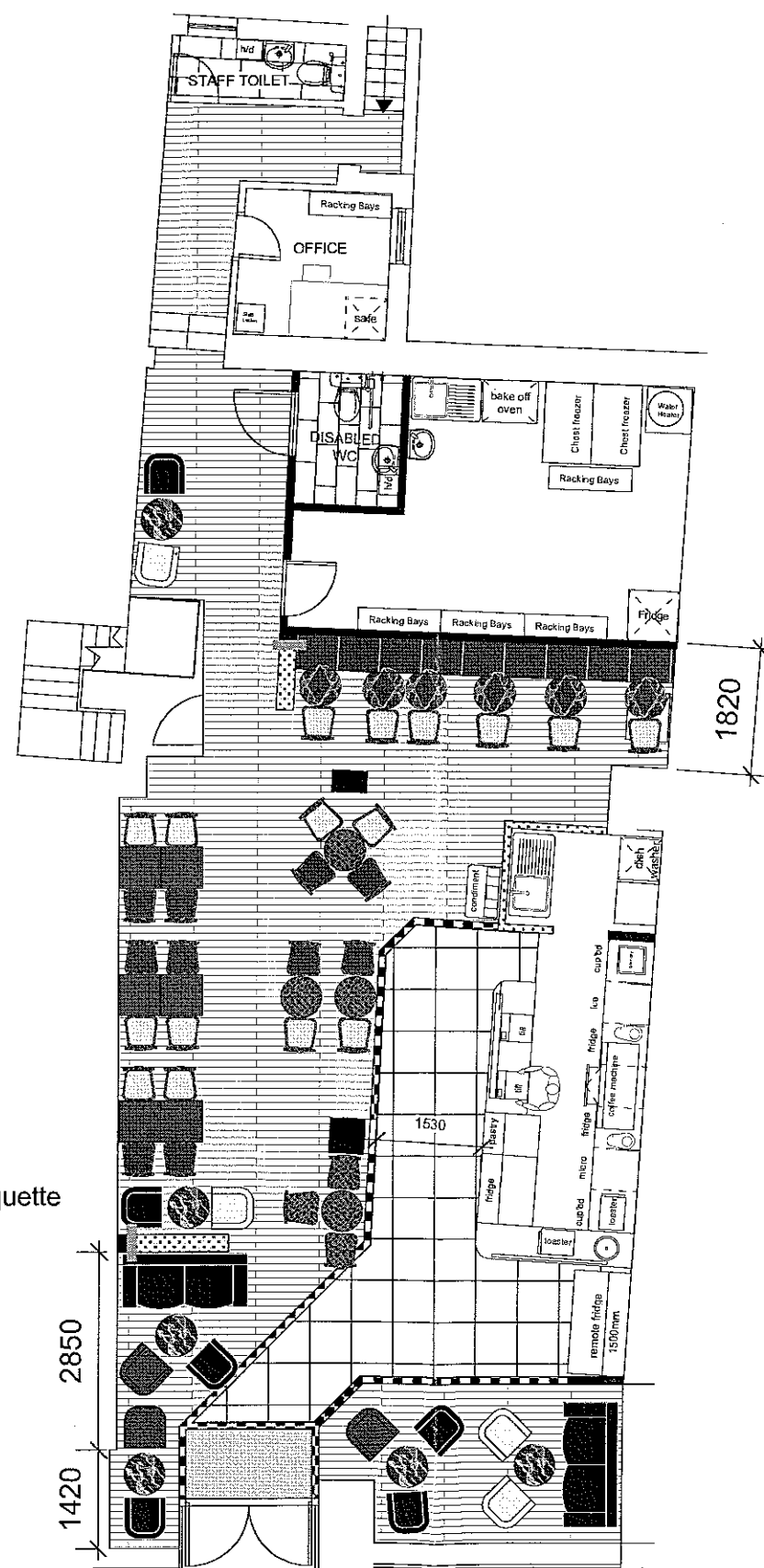
Scale	Drawn by	Date
1/100	JB	28/03/11

Drawing N°	Revision
CN469-000	

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320110429P

-  2 black sofa
-  3 Terracota dining chair
-  6 Black dining chair
-  4 Cream dining chair
-  4 Round mahogany table tops with high bases
-  6 Imperial brown marble tops on high antique bases for banquette
-  6 Black and Gold marble tops on low antique bases
-  6 Square mahogany table tops with high bases
-  3 houston chair
-  10 houston chair beige upholstered
-  16 houston chair beige upholstered



52 SEATS

Rev N°	Description	Drawn by	Date
A	Altered to suit new site conditions	JB	18/05/11
B	Altered to suit new site survey	CS	26/05/11

Notes

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Client
Caffe Nero

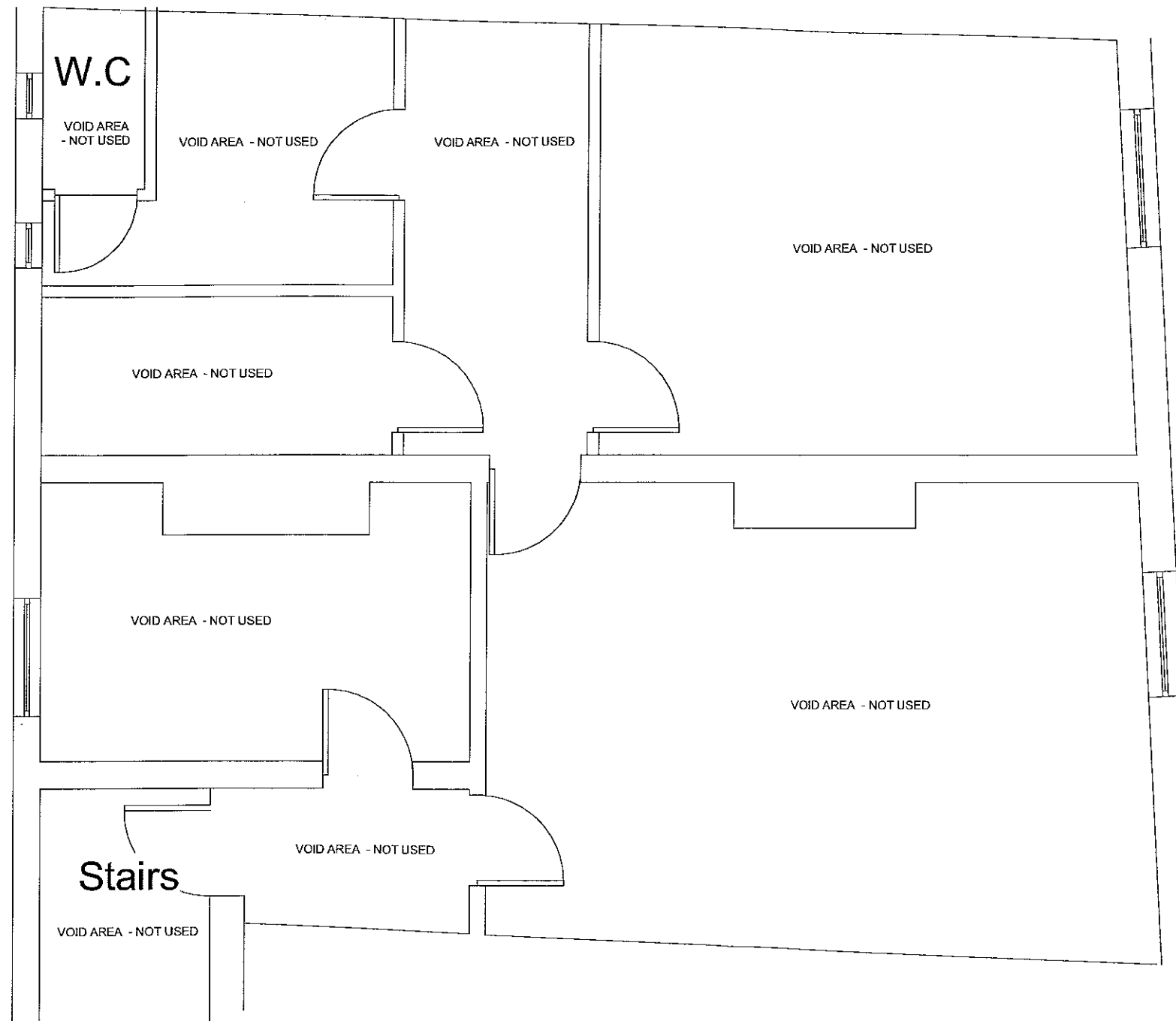
Project
27-29 Casle Street, Clitheroe

Description
Merchandise Ga
GroundFloor

Scale 1/100	Drawn by CS	Date 26/05/11
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Drawing N° CN469-100	Revision B
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Contractor to must undertake a full survey of the area to establish all dimensions & ensure accurate setting out

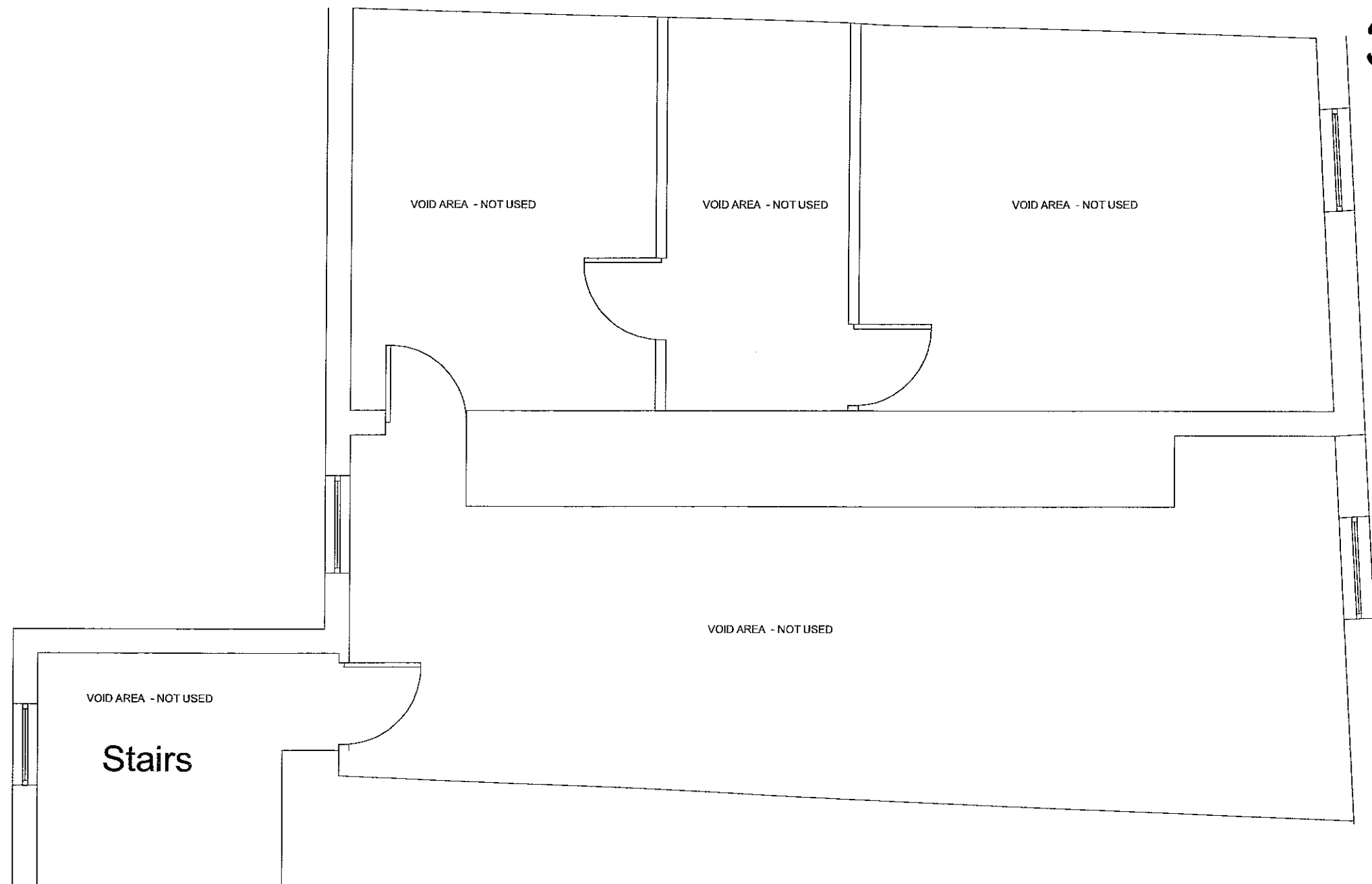
Advise on suitability of all details shown to ensure structural stability ease and economy of construction

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Client		
Caffe Nero		
Project		
27-29 Casle Street, Clitheroe		
Description		
Existing Layout First Floor		
Scale	Drawn by	Date
1/50	JB	28/03/11
Drawing N°		Revision
CN469-001		
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Rev N°	Description	Drawn by	Date

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Contractor to must undertake a full survey of the area to establish all dimensions & ensure accurate setting out

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Client
Caffe Nero

Project
27-29 Casle Street, Clitheroe

Description
Existing Layout
Second Floor

Scale 1/50	Drawn by JB	Date 28/03/11
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Drawing N° CN469-002	Revision
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