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**PLANNING SUPPORTING  
STATEMENT, JUDGE  
WALMSLEY, WHALLEY ROAD,  
BILLINGTON. BB7 9NY**

## **1 Introduction**

- 1.1 This Planning Statement has been prepared in support of a planning application made to Ribble Valley Borough Council for the change of use of vacant Use Class A4 premises (Judge Walmsley pub) to a day nursery falling within Use Class D1 (class XV).
- 1.2 In preparing this statement, reference has been made to the current Development Plan and what are considered to be the relevant policies applicable to this development. Further, reference has also been made to The National Planning Policy Framework.

## **2 Planning History**

- 2.1 The site is currently vacant and generally falling into disrepair. It is owned by The Dunkenhalgh Estate and has a long established use as a pub/restaurant. It ceased trading in approximately 2012. It is situated within a primarily residential area and occupies a sizeable plot between the built up areas of Billington and Whalley.
- 2.2 During the period that the Judge Walmsley operated as a pub/restaurant, it is understood from the agents who act on behalf of the Dunkenhalgh Estate, who own the property that it traded until 2300 daily with the exception of Friday and Saturday when it traded until 0100.
- 2.3 Having referred to the Listed Buildings register for Ribble valley and Billington in particular, it appears that the premises are not listed nor are they an unlisted building of local significance. The property is within the extended Whalley Conservation Area boundary.

## **3 Pre-Application Enquiry**

- 3.1 The applicant made a formal pre-application enquiry to the planning authority. Under reference RV/2019/ENQ/00130 the planning authority responded in general terms, positively; issues were raised with regard to noise nuisance and the impact upon the tranquillity of the Conservation Area, more particularly upon the Abbey.
- 3.2 All of the issues raised in the pre-enquiry response have been independently assessed as part of this planning application submission and the relevant supporting statements are attached hereto. They are material considerations.

## **4 The Development Plan**

- 4.1 In putting together this pre-application enquiry, reference has been made to both the Adopted Core Strategy (CS) and the National Planning Policy Framework-2018 (NPPF).
- 4.2 In regard to the Adopted Core Strategy, it is considered that the most relevant policies against which to assess the suitability of the proposed development are:

Key Statement DS1-Development Strategy

Key Statement DM12-Transport Considerations

DS2-Sustainable Development

EN2-Landscape

EN3-Sustainable development and Climate Change

EC1-Business and Employment Development

DM12-Transport Considerations

DMG1-General Considerations

DMG3-Transport and Mobility

DMB1-Supporting Business Growth and the Local Economy

- 4.3 In regard to the National Planning Policy Framework, it is considered that the most relevant policies against which to assess the suitability of the proposed development are:

Chapter 2-Achieving Sustainable development

Chapter 6-Building a Strong Competitive Economy

Chapter 7-Ensuring the Viability of Town Centres

Chapter 9-Promoting Sustainable Development

Chapter 11-Making Effective use of Land

Chapter 12-Achieving Well Designed Places

Chapter 14-Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 16-Conserving and Enhancing the Historic Environment

## **5 Appraising the Context**

- 5.1 As referred to above, The Judge Walmsley Pub has a long and established history. It ceased trading in approximately 2012. Since then it has remained vacant and generally falling into disrepair.
- 5.2 The intended purchaser of the premises is qualified in the provision of child care services having over 20 years' experience. For the past 8 years she has owned and run a day nursery in Gt Harwood. She is fully compliant with OFSTED and its requirements.
- 5.3 The proposed site is more than adequate for the intended use without any change in the footprint of the existing building. It will be necessary to make internal changes and these are clearly set down in the submitted plans prepared by Peter Hitchen Architects Ltd.
- 5.4 It is proposed to accommodate the following children at the nursery: there will be 9 (0-2 years) and they will be supervised by 3 staff; 20 toddlers (2-3 years) supervised by 5 staff; 32 pre-school (3 years+) supervised by 4 staff.

- 5.5 In total, the proposed use will generate positions for 9 full time members of staff and 6 part time staff. It is intended that the nursery will only operate Monday-Friday 0730-1800. It will be closed on Bank Holidays.
- 5.6 In terms of appraising the proposed use, it is clearly necessary to understand and accept the very long established previous use of the premises, its location along Whalley Road and its relationship with the adjoining land uses. The previous use, which can be resurrected immediately if necessary, is as a public house/restaurant. In its heyday, the premises were trading 7 days a week; Monday-Thursday until 2300 hrs whilst on Friday and Saturday it was generally until 0100hrs. During that time there would be a constant and high level of activity in an around the site as one would expect given the use. By contrast, the proposed use will only be open Monday-Friday and between 0730-1800hrs. The premises will not be open on Saturday/Sunday/Bank Holidays and a planning condition to that effect can be attached to any approval. Further, the applicant will reside permanently on the premises utilising the second floor of the premises which has always been the residential element of the premises and occupied previously by the landlord!
- 5.7 In terms of the impact of the proposed use upon the character and integrity of the area generally, which lies in a recently extended Conservation Area Boundary, it must be the case, in planning terms, that a proposal that will only be operating between 0730-1800 Monday to Friday and at no other times, must be a significant and material improvement upon those hours associated with a public house whose hours are the subject of licence control only! No harm will be caused to the character of this part of the Conservation Area or to the amenities of those residents who occupy the adjacent terrace. In terms of the impact of the proposed use upon the Conservation Area, a separate assessment forms part of this application submission.

## **6 Design Principles**

- 6.1 The property is vacant and falling into disrepair. If it remains vacant it will clearly become prominent in the local landscape and for the wrong reasons. The detailed plans have been prepared by Peter Hitchen Architects Ltd. There will be internal alterations as prescribed by the relevant regulatory authorities and building regulations. Such internal alterations would not necessarily fall under planning control. In any event, these are likely to form part of detailed plans for submission with a full application.

### **6.2 Amount**

- 6.2.1 The floorspace provision is clearly set out in the accompanying plans. The existing premises cover three storeys; the intention is to use the ground and first floor for all facilities connected with the running of the establishment as a day nursery. The top floor is given entirely over to residential accommodation. This has clearly been used in the past by the licensee and family when running the pub. The applicant will reside on the premises and occupy the whole of this floor.

### **6.3 Layout**

- 6.3.1 The intention is to utilise the floorspace available in the following way: On the ground floor there will be a baby room with 9 children and 3 staff; here will also be two toddler rooms catering for 20 children and 4 staff. The manager's office will also be on this floor. There are existing toilets on the floor and they will remain.
- 6.3.2 On the first floor will be the pre-school rooms catering for 32 children and 4 staff; there is a kitchen on this floor and this will be replaced; new toilet facilities will be installed.
- 6.3.3 There is an existing fire escape at the rear of the premises that covers all three floors and this will be retained.
- 6.3.4 Externally, what is called a "break out" area, where the children will be allowed out of the premises under strict supervision, is clearly identified in the supporting layout plans. The use of such areas can be controlled by planning condition. In assessing the potential impact of these areas upon adjoining land uses and the wider conservation area, the planning authority will have full regard to the independent acoustic assessment that forms a material part of this planning submission. It is clear from this assessment that no harm is caused thereto on either count.

### **7.4 Scale**

- 7.4.1 In the light of the information given in sections 5.2 and 5.3 above, it is clear that the ground and first floor of the premises will be used as the day nursery with the 2nd floor providing the residential accommodation for the applicant.

### **7.5 Landscaping**

- 7.5.1 There is some landscaping at the rear of the application site. It is not intended to remove any but certainly some tidying up of the site generally will be required. There is a requirement to make the front of the site secure particularly along the boundary with the public highway. The proposed boundary treatment is integral to this planning submission and is clearly set out in the accompanying plans. It will be noted that the existing frontage to the site is totally open along its full length; vehicles particularly can enter the site at any point along this frontage. It is the intention to form a single access point to the car park; there will be secure boundary treatment along the remainder of the frontage, this will not affect any visibility for vehicles entering or leaving the site to or from Whalley Road.

### **7.6 Appearance**

- 7.6.1 The submitted plans prepared by Peter Hitchen Architects Ltd, demonstrate that there will be no external alterations to the fabric of the existing building. The footprint will not change. There will be to the boundary treatment particularly where it fronts Whalley Road.

### **7.7 Access**

- 7.7.1 There are two components to the question of access: the internal arrangements and inclusivity; external access around the site and onto the surrounding highway infrastructure.

- 7.7.2 In terms of internal access throughout the building, the applicant is required to fully comply with all the requirements of the statutory authorities involved in such an activity as is proposed. The applicant will so comply so that she will be licensed to operate the use.
- 7.7.3 There is existing vehicular access to a substantial car park within the overall site curtilage. This will not alter. The car park is more than adequate to accommodate the necessary parking requirement. The submitted layout plan indicates the parking provision and the means of access thereto from Whalley Road. However, the site is in a highly sustainable location. It is situated on a major bus route (22) between Clitheroe and Blackburn which operates half hourly in both directions during the day. There is also a 280 Preston-Skipton bus which operates hourly in both directions. There is a bus stop with 100m of the site.

## **8 Design Solution**

- 8.1 The external fabric of the premises will not be altered. In the event that the proposed use does receive a formal planning consent, any such future changes that become necessary will be the subject of a planning application in any event.

## **9 Access Solution**

- 9.1 Given that the previous and long standing use of the premises and site was a public house with a completely open access arrangement along the whole of the frontage to Whalley Road, it is considered that the proposed access point serving the site is acceptable and safe and the proposed use does not prejudice or compromise highway safety.

## **10 Flood Risk**

- 10.1 There are no issues arising from the proposal that require any flood risk assessment.

## **11 Dunkenhalgh Estate-Disposal of Asset**

- 11.1 In the light of the pre-application response from the case officer, agents for the site owner, Ingham and Yorke, have been consulted. They wish to re-iterate their earlier comments in that it is not the intention to dispose of the freehold of The Judge Walmsley. The intention is to lease the property to an appropriate end user. In this regard, since the closure of the pub, they have marketed and sought a new leaseholder through the appropriate channels; a copy of these details was attached to the pre-application enquiry. The Estate fully supports the proposed application and considers it their preferred end user. Notwithstanding this, the planning case officer indicated categorically that he accepted a reasonable marketing exercise had been undertaken and that the potential loss of a public house in the locality would not be too harmful to the local community.

## **12 Summary**

- 12.1 The applicant seeks the change of use of the premises to a day nursery. It is considered that the proposed change of use would not compromise development plan policies and would bring back into use a building falling into disrepair. Further, the proposed change of use will provide a number of both full time and part time employment opportunities locally.

12.2 It is submitted that the proposal accords with the provisions of the ministerial and development plan policies.

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