

3<sup>rd</sup> September 2020

Mr Stephen Kilmartin  
RVBC Planning Office  
Church Walk  
Clitheroe  
BB7 2RA

RECEIVED BY  
CHIEF EXECUTIVE

04 SEP 2020

FAO

PLANNING

- 4 SEP 2020

FOR THE  
ATTENTION OF

Representations [REDACTED] Application 3/2020/0640  
Tom's Table Ground Floor, Lee Carter House, Lowergate Clitheroe BB7 1AD

Dear Mr Kilmartin,

### Declaration of interest

I make the following representations as a frequent visitor to Saddlers Mews and a person concerned that a restaurant has been set up without the permission needed for a listed building and without regard to the planning restriction imposed on the premises by RVBC in 2009.

### General comments

1.1. The Courtyard has hitherto been a quiet residential place surrounded on three sides by buildings 3 stories high, all residential except for the premises subject of this application. The design of the Courtyard and residential properties is excellent. The applicant is to be congratulated for creating such a lovely place close to the Town Centre over 20 years ago.

1.2. In 2009 when the Applicant applied to change the use of the building from gymnasium and retail to office and domestic with additional retail the Planning Authority must have been concerned about the character of the Courtyard being materially changed because it imposed a condition that "The café on the first floor shall be operated as an ancillary use to the retail unit on the ground floor and shall not be an independent café or restaurant use". The reason for imposing the condition was given as "in the interests of the amenities of nearby residents".

1.3 Knowing that the premises were part of a listed building and of the condition referred to above an application for change of use to a restaurant should have been made before the applicant permitted:-

- a. the premises to be marketed as premises "encompassing restaurant and cafe with extensive seating area" [see photos below]
- b. her tenant to install a new kitchen and carry out extensive refurbishment, and
- c. her tenant to open for "Bubble Parties".
- d. her tenant to advertise Tom's Table as a 'bistro and wine bar' on the internet announcing they would be opening mid August.

1.4 On making the planning order in 2009 the Planning Authority recognised that Saddlers Mews was suitable for a small upstairs café where predominantly cold snacks, soup, coffee and tea and the like could be provided. There would not be any problems created by the preparation of hot food, odour dispersal and ventilation needed for a restaurant kitchen. Furthermore, that a small café and retail would not affect the amenities of nearby residents and would not increase pedestrian activity



in the Courtyard.

1.5 Since 2009 the number of residences has increased by the extension of the maisonette and the creation of a top floor flat. There are now 4 residences on north side of the Courtyard, 1 at the top on the west side and 2 apartments on the south side ie in the premises subject of this application.

Below I have provided comments in response to each of the reports by AB Acoustics, [REDACTED] which form part of this application.

### **Comments on AB Acoustics Report commissioned by the Applicant**

#### **Preliminary points**

Although no issue is taken regarding the factual findings made on one quiet Tuesday evening with neither windows or doors of Tom's Table open for ventilation nor the arrival and departure of customers there are, however, several key points in relation to this report I wish to raise;

2.1. Although reference is made to background music within the premises, there is no comment as to live music which Tom's Table wishes to have on Thursdays, Fridays and Saturdays and what effect this may have on nearby residents

2.2. The report does not make any assessment re the opening of the entrance door entrance or the emergency exit door or windows to meet comfortable temperature needs of customers and those working in the kitchen. [There are no windows or doors that do not open onto the Courtyard].

2.3. Although the report correctly states that the fume extract system has no external inlet or outlet so there was no extract noise to consider, no consideration seems to have been given to the need to dispel heat from the small confined kitchen and admit clean air as required by the Workplace HSE Regulations 1992. This regulation requires, so far as is reasonably practicable, ventilation to create a comfortable and safe working environment. The question is where might a vent might be sited? Since the acoustic expert's visit, Tom's Table has installed a portable air conditioning unit venting via the kitchen window at the foot of the steps from the Castle St alleyway. The vent is situated about 30cms from the ground and less than 2 metres from the patio of number 5.

At 7.50pm on Saturday 15<sup>th</sup> August cooking odours were apparent as I entered the alley from Castle St. They were coming from the vent and carried on hot air. The hum of the aircon unit could be heard. The entrance door was open.

At 8pm on Friday 21<sup>st</sup> August I could smell faint cooking odour in Courtyard. Aircon emitting cooking odours noticeable in alley to Castle St. Entrance door open. Hum from aircon.

At 8.15pm on Saturday 22<sup>nd</sup> August Tom's Table not open but vent still in position at kitchen window. Air con not running.

2.4 The report takes no proper account of how the dining areas upstairs or downstairs are to be ventilated without opening windows onto Saddlers Mews. Because of the construction of the building there is no other means of ventilating the kitchen or dining areas with fresh air. Clean fresh air circulating is recommended as a means of reducing the risk of spreading Covid 19. How will this be managed whilst preventing noise spillage into the Courtyard?

2.5 All the residences in Saddlers Mews opposite the premises are between 7 and 8.5 metres from the Applicant's premises. All have their main living room on the first floor and the main bedroom on the second floor. Each living room enjoys a balcony onto the Courtyard. No 5 has a patio with patio doors from the main living room and is closest to the kitchen of Tom's Table. The patio is less than 2 metres from the kitchen window where the vent has been positioned.





2.6. A notable feature of the Courtyard is how the people's voices and footsteps are amplified and echo. No test seems to have been carried out to evaluate, for example, customers going into the Courtyard for a smoke and taking their drink with them. This aspect is most relevant in the light of the Government's temporary wish to permit the consumption of food and drink outside pubs and restaurants until closing time.

2.7. Had the acoustics expert been able to give full consideration to the matters mentioned above and endeavoured to predict what the acoustic conditions might be if the restaurant is running successfully, attracting the number of patrons hoped for and means of ventilation he might not have been so willing to conclude "that a restaurant would not have a detrimental effect on either the existing residential property in Lee Carter House or on the residential property opposite the proposed restaurant on Lowergate? [sic]." If the air conditioning unit is to be a permanent feature he may wish to give a further report and opine on the other matters mentioned above as might the RVBC environmental officer.

### **Comments on the statement of [REDACTED] on behalf of the Applicant**

#### **Preliminary points**

3.1. It is agreed that the main issues to be considered are "the principle of the development, the effect on the amenities of neighbouring residents, accessibility, employment and impact on the conservation area". It is also agreed that there is "potential for the development to affect residents within the same building and close by through cooking odour emission and noise from customers within the building and arriving and departing".

3.3 However, it is remarkable that [REDACTED] accepts that a recirculation system alone filtering cooking odours could be capable of providing a safe and comfortable working environment for those working in the kitchen especially when the kitchen only measures approximately 4.7 x 3 metres, that there will be hot cooking of fish, grilling and roasting of meat etc. over many hours of the day and evening and that much of the kitchen is below ground level. The venting by the portable air conditioning unit which is referred to above indicates that those who have been preparing small quantities of hot food for "Bubble Parties" have felt it necessary to use a portable aircon unit to expel hot stale hot air and admit clean air.

3.4 No consideration is given to the Working Places [HSE] Regulations of 1992. which require that employers provide effective and suitable ventilation in every enclosed workspace particularly when a significant part of the kitchen of Tom's Table is below ground level. A view on how ventilation might be achieved in the kitchen permanently may be welcomed by the Planning Committee. The RVBC environmental officer is invited to make her own assessment.

3.5. No consideration has been given as to the means of ventilation in the dining area and how this might be achieved without opening windows or doors onto the Courtyard. To reiterate, or there are no doors or windows available on the other side of the property.

3.6. Para 6.2 of the Applicant's Statement seeks to dispose of the condition linking the use of the café on the first floor with retail use on the ground floor as "a technicality". This condition was attached to the planning order which the Applicant herself obtained in 2009 and the material parts ought to be quoted in full:-

**"The café on the first floor shall be operated as an ancillary use to the retail on the ground floor and shall not be an independent café or restaurant use". Reason: "For the avoidance of doubt and in the interests of the amenities of nearby residents".** An official note on the back of the Planning Order reads as follows:- **"The Applicant [who is the same as the present applicant] is advised that should there be any deviation from the approved plan the Local Authority must**



**be advised. It is therefore vital that any future Building Application must comply with the approved planning application”**

3.7 It is contended this was not and was never intended to be a “technical” condition. The Planning Authority in imposing the above condition had the interests and amenities of the residents around the Saddlers Mews Courtyard very much in mind and were anxious to avoid the premises becoming anything more than an ancillary cafe to retail on the ground floor.

3.8. It is also contended that the Planning Authority had in mind that the premises were not the place for hot cooking and frying because there was no means to properly dispel the smell of cooking or ventilate a hot kitchen. The positioning of the kitchen is such that a significant part of it is below ground level [see elevation plan where it is marked by dashes in black, a green line and a legend showing part below ground level]. The contour of the rise in the land causes the Moor Lane side of the kitchen to be similarly below ground level.

3.9. Before a site for a new restaurant is chosen modern thinking is that consideration should also be given to disabled accessibility. The site of these premises is not and probably cannot be made accessible to the disabled by a ramp or chair lift [like that built at the United Reformed Church next door] due to the number of steps on each approach. Although it is in no way binding a House of Lords Select Committee on Disability (see photo below) recently expressed the view that restaurants which did not cater for the disabled should be closed. Restaurateurs and Planning Authorities are encouraged to have in mind the needs of the disabled under the Equalities Act.

**Comments on the Environmental Health Consultation Response prepared by [REDACTED]  
[REDACTED] for RVBC dated 18<sup>th</sup> August 2020.**

4.1 The report does not state whether a site visit was made or if it did when it took place nor whether any on site assessments were made and what were the conditions existing. The report states “I have reviewed the above noted planning application and associated noise and odour assessments”. This strongly suggests that [REDACTED] reported without a site visit or making any physical assessment of her own.

4.2 One would expect an environmental assessment to include a viewing internally and externally of a new restaurant to establish what provision there might be for ventilation and the circulation of fresh air especially in these Covid 19 times. To recommend a condition be imposed “that staff ensure that doors and windows remain closed as far as possible to prevent spillage of sound outdoors” is vague and probably unenforceable. Who is to decide when it is not possible to open windows and doors and when it is. Are the residents to be given a say?

4.3 No consideration is given to the health and comfort of those working in the kitchen as regards temperature of hot ovens and frying and what an approved method of expelling hot air from the kitchen might be or as to the use of the portable aircon unit or its position close to the patio of number 5.

4.4 [REDACTED] seems to have been unaware that when RVBC considered the present Applicant's application in 2009 for a change of use restrictions were imposed to prevent an independent restaurant use “in the interests of the amenities of nearby residents” and to what extent the conditions of 2009 might have changed so as to warrant her taking different view in 2020.

4.5 As an officer of environmental health [REDACTED] might be expected to give a view as to what is to be expected of a new restaurant facility as regards disabled access to and from and within the premises.



## Summary and Submission

The decision as to whether to grant or refuse this application is for the Planning Committee. My respectful submissions are:-

A. The Applicant knew or ought to have known or remembered that the premises are listed and that the Planning Authority in 2009 stipulated that the cafe on the first floor was to be ancillary to retail on the ground floor and was not to be an independent cafe or restaurant. Instead of clarifying the position first she leased the premises to Tom's Table and allowed Tom's Table to refurbish the kitchen and dining facility and start inviting customers.

B. Consideration ought to be given as to how the kitchen can be ventilated so as to create a safe and comfortable workplace without discharging cooking odours into the Courtyard and alley leading to Castle St. The present portable air conditioning unit discharging from the ground floor kitchen window is most unsatisfactory, unneighbourly and unsightly.

C. Consideration should be given to ventilation for the benefit of customers and the effect of noise escape if windows and/or doors are open with background music playing, live entertainment performing, customers arriving and then leaving after a good night out.

D Consideration should be given to whether Tom's Table as a new restaurant can be made disabled friendly as a new restaurant. This is a policy matter for RVBC to decide.

E. If the premises are permitted to be used as a restaurant the temporary government permission will allow restaurant operators to serve food and drink outside in the Courtyard until closing time. This would have a huge impact on the amenities of residents.

F. Whether the new legislation which permits and encourages change from retail to restaurant use is a sufficient reason to override the condition imposed by RVBC Planning Authority in 2009 to preserve the amenities of nearby residents the Planning Committee will have to decide. A licensed restaurant in such a confined and peaceful courtyard would perhaps be unique. [ I cannot think of any other small courtyard with licensed restaurant so close to residential property].

G. Whether the Planning Committee will feel they are setting a precedent which might encourage others to get a development done and then ask the Planning Committee to accept a fait accompli is a matter entirely for the Planning Committee.

H. The Planning Committee are invited to approach and decide this application in the way they would have done had the application to change the use to a restaurant been submitted at the proper time that is to say before the applicant leased the premises for use as a restaurant and let her tenants into occupation.

Yours sincerely,

A large, dark, irregular redacted area covering the signature of the sender.



**+ PROPERTY PARTICULARS**

**RETAIL**

**TREVOR  
DAWSON**

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BB7 2BX**

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### **LOCATION**

Situated in the heart of Clitheroe Town Centre, just off Castle Street, Lee Carter House is an established speciality retail destination. The property is accessible off Castle Street with the main entrance being off Sadlers Mews with pedestrian access onto one of the main car parks in the Town Centre off Lowergate.

### **DESCRIPTION**

Within an established mixed use complex, arranged over ground and first floor, full of character features and offering open plan accommodation on varying levels. There is the opportunity to have separate entrances to the accommodation which could be let as a ground floor unit only or incorporating the first floor elements.

The combination of potential uses offers a unique opportunity in Clitheroe, the café element could be extended and/or there is restaurant potential.

### **ACCOMMODATION**

#### **Ground floor**

Main sales	648 sq. ft.
Store	68 sq. ft.

#### **First floor**

Sales	361 sq. ft.
Café seating area	205 sq. ft.

### **EXTERNALLY**

Seating to the full frontage and side which can be extended further. Details upon request.

### **SERVICES**

All mains services are available. However, it is the ingoing tenant's responsibility to verify that all appliances, services and systems are in working order, are of adequate capacity and suitable for their purpose.

### **RATING**

No rates are currently payable as the property is assessed below the current Small Business Rate Relief threshold.

### **LEASE**

For a term of years to be agreed on an internal repairing basis.

### **RENTAL**

£2,000 per month including heating, electricity and water.

The first floor storage area could be excluded from the transaction which would reduce the current passing rental to £1,500 per month.

### **VAT**

VAT will not be payable on the rental.

### **PREMIUM**

A premium is sought for the benefit of the fixtures and fittings and goodwill that has been established at the premises.

### **LEGAL COSTS**

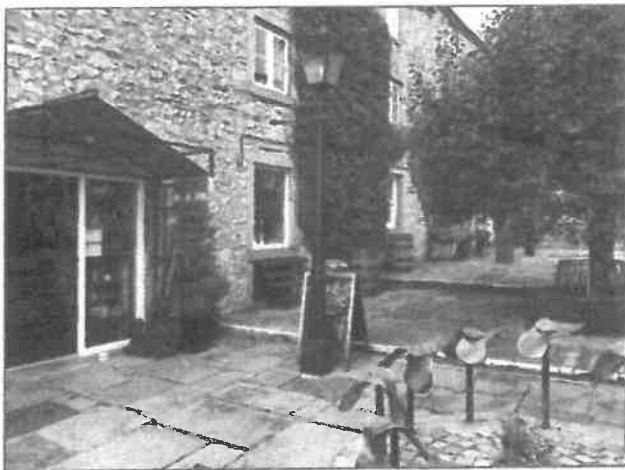
Each party to be responsible for their own legal costs incurred in the preparation and completion of the lease.

### **ENERGY PERFORMANCE CERTIFICATE**

An Energy Performance Certificate has been commissioned and is available upon request.









# How the Equality Act impacts pub refurbishments in listed buildings

The Equality Act 2010 requires any pub undergoing refurbishment to cater for disabled access. With most pubs needing at least a partial refurbishment every 5–10 years or so to stay competitive, this means all pub owners require a thorough understanding of the legislation to avoid any potential legal issues in the near future.

But given that around 20% of the 52,000 pubs in the whole of the UK (end of 2015) are listed—and acknowledging the conservation restrictions already in place for work on listed buildings—what is the impact for owners of listed pubs?

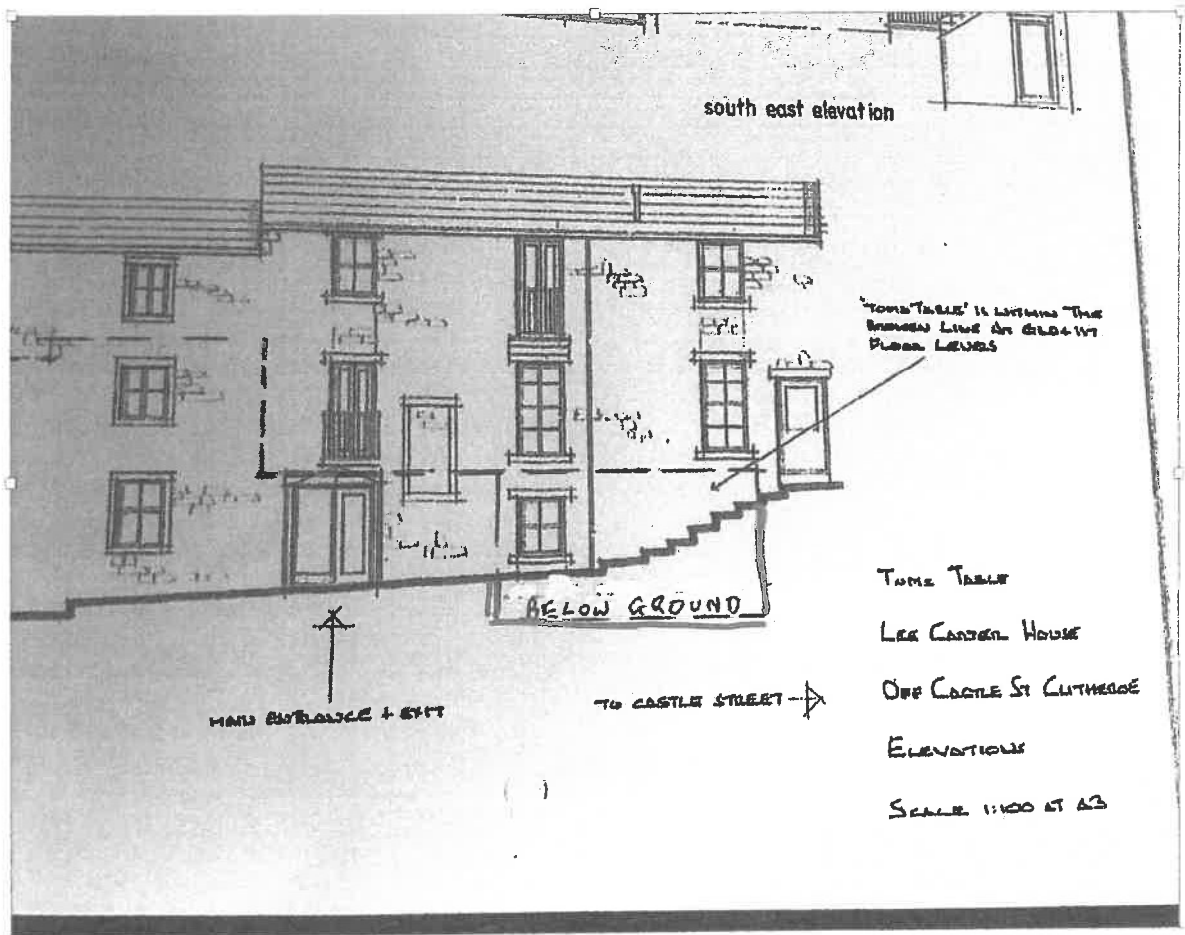
## Making the news

The last thing any pub chain needs is negative publicity, but in the last few years there have been increasing numbers of pubs facing legal action over lack of appropriate access for disabled customers and at least in one case for removing access to disabled facilities.

Last year, a House of Lords committee released 'The Equality Act 2010: the impact on disabled people' report which recommended shutting down pubs (and other venues) for breaching the act and failing to provide adequate disabled facilities. As the findings in the report state:

*"Many restaurants, pubs and clubs are difficult to access, with many not providing basic facilities such as a disabled toilet. Local authorities should be allowed to refuse to grant or renew these premises' licences until they make the necessary changes."*









**From:** Planning  
**Sent:** 01 September 2020 09:55  
**To:** Stephen Kilmartin  
**Subject:** FW: Form completion: Planning Application Comments Form

*Lynne Calver*

PA – Chief Executive

**From:** webmaster@ribblevalley.gov.uk <webmaster@ribblevalley.gov.uk>  
**Sent:** 30 August 2020 21:06  
**To:** Planning <planning@ribblevalley.gov.uk>  
**Subject:** Form completion: Planning Application Comments Form

**FORM DETAILS**

**Web Ref No:** 21609  
**Form:** Planning Application Comments Form  
**Completed:** 30/08/2020 21:05:30  
**Status:** Pending

**USER DETAILS**

**Site user email:** Unregistered user

**USER INPUTS**

**title:** [REDACTED]  
**LastName:** [REDACTED]  
**firstName:** [REDACTED]  
**numberName:** [REDACTED]  
**postAddress:** [REDACTED]  
**postCode:** [REDACTED]  
**refNo:** 3/2020/0640  
**addDev:** toms table, lee carter, lowergate, clitheroe  
**comments:** cant understand how this development can go ahead as building listed, no access for assisted users (disabled and prams) ridiculously close to residents who surely would be effected by noise, pollution, crowding. such a shame to see an idyllic courtyard being abused this way.



**From:** Sharon Craig  
**Sent:** 03 September 2020 14:10  
**To:** Stephen Kilmartin  
**Subject:** FW: Form completion: Planning Application Comments Form

**From:** [webmaster@ribblevalley.gov.uk](mailto:webmaster@ribblevalley.gov.uk) <[webmaster@ribblevalley.gov.uk](mailto:webmaster@ribblevalley.gov.uk)>  
**Sent:** 03 September 2020 11:33  
**To:** Planning <[planning@ribblevalley.gov.uk](mailto:planning@ribblevalley.gov.uk)>  
**Subject:** Form completion: Planning Application Comments Form

**FORM DETAILS**

**Web Ref No:** 21657  
**Form:** Planning Application Comments Form  
**Completed:** 03/09/2020 11:32:38  
**Status:** Pending

**USER DETAILS**

**Site user email:** Unregistered user

**USER INPUTS**

**title:** [REDACTED]  
**LastName:** [REDACTED]  
**firstName:** [REDACTED]  
**numberName:** [REDACTED]  
**postAddress:** [REDACTED]  
**postCode:** [REDACTED]  
**refNo:** 3/2020/0640  
**addDev:** Tomâ€™s Table Lee Carter Lowergate Clitheroe

**comments:** Whilst I no longer reside in Clitheroe, I spent my childhood there and attended the local schools. I return on a very frequent basis to visit family, who still live in Clitheroe. I have read with interest and dismay the planning application for a restaurant in the Lee Carter courtyard and would like to raise the following objections to the application: The courtyard has been converted in a very sympathetic way into a quiet residential area, in the heart of Clitheroe. I see from the application on the RVBC website that the building in question is listed and in a conservation area. One would therefore assume that any modifications to the building to encompass a restaurant, if planning permission is granted, will need to be done in strict accordance with the listed building consent regulations for such a building, following an application to the council. Whilst I accept that the courtyard is an ideal location for a caf   or a shop, opening during the day, does Clitheroe really need another restaurant, when there are businesses in the town struggling and closing, in particular during recent times due to the Covid pandemic? To my knowledge, Clitheroe already has a wealth of restaurants and there is indeed one in the neighbouring Swan Courtyard which, I hasten to add, is not residential. The proposed restaurant is in such close proximity to the houses opposite and it would be very hard to argue that the opening of a restaurant will not have a profound detrimental effect on the residents â€™ noise levels (acceptable during the day, but in the evenings and at

weekends?) cooking smells from the restaurant, waste and rubbish. Furthermore, whilst it is proposed that the restaurant may close at 10.30pm, there will presumably be staff working in the restaurant way past this time clearing up and cleaning after an evening of bookings, which will create noise. Again, hardly appropriate for a quiet residential courtyard and one wonders whether the applicant has taken any of this into consideration when making the application. As you will no doubt be aware, one of the entrances to the courtyard is via steps up from the Lowergate carpark. These steps are extremely steep and hazardous. It is very easy to imagine accidents happening when people are leaving the restaurant late at night, when it is dark and alcohol has been consumed. On a slightly different note, I have noted that the restaurant is displaying a sign saying "opening soon" and there are also adverts on social media, indicating the same. Is it not usual practice to apply for planning permission before the development of a new business commences " rather than retrospectively? The applicant seems to have assumed that the planning application will be approved. To summarise, I would have no objections to a cafe opening during the day, or a retail outlet, but strongly object to a restaurant opening every evening and at weekends " mainly from a noise pollution perspective for the residents of the courtyard. I would absolutely hate a restaurant to open in such close proximity to my house and am sure that the majority of reasonable minded people would take the same view. I very much hope you will take the above points into consideration when making a decision.

-----

[REDACTED]  
Lowergate  
Clitheroe  
[REDACTED]  
[REDACTED]  
[REDACTED]

RECEIVED BY  
CHIEF EXECUTIVE

03 SEP 2020

FAO [REDACTED]

2<sup>nd</sup> September 2020

The Director of Development  
Council Offices,  
Church Walk  
Clitheroe  
BB7 2RA

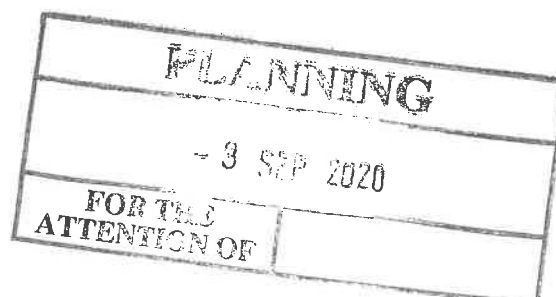
Representation from [REDACTED] regarding planning application 3/2020/0640 Tom's Table,  
Lee Carter House, Lowergate, Clitheroe

Dear Sir/Madam

Please find enclosed hard copies of my representation and documentation I refer to in it. I have already submitted electronic copies earlier today. I have also enclosed a copy of [REDACTED] representation letter [REDACTED] emailed you separately with his representation but he also wanted a hard copy to be included here with mine.

If you need any further information or copies of the documents enclosed, please don't hesitate to contact me.

[REDACTED]





[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
Tel [REDACTED]

Email [REDACTED]

31st August 2020

Mr Stephen Kilmartin  
RVBC Planning Office  
Church Walk  
Clitheroe  
BB7 2RA

Representations [REDACTED] re Application 3/2020/0640  
Tom's Table Ground Floor, Lee Carter House, Lowergate Clitheroe BB7 1AD

Dear Mr Kilmartin,

I am the owner [REDACTED]  
[REDACTED]

I wish to raise my concerns regarding the above planning application for change of use from C1 retail on the ground floor with ancillary café on the first floor only to c3 restaurant on both floors at Lee Carter house and I hereby support all the points of concern raised by [REDACTED] regarding this change of planning use in her representation.

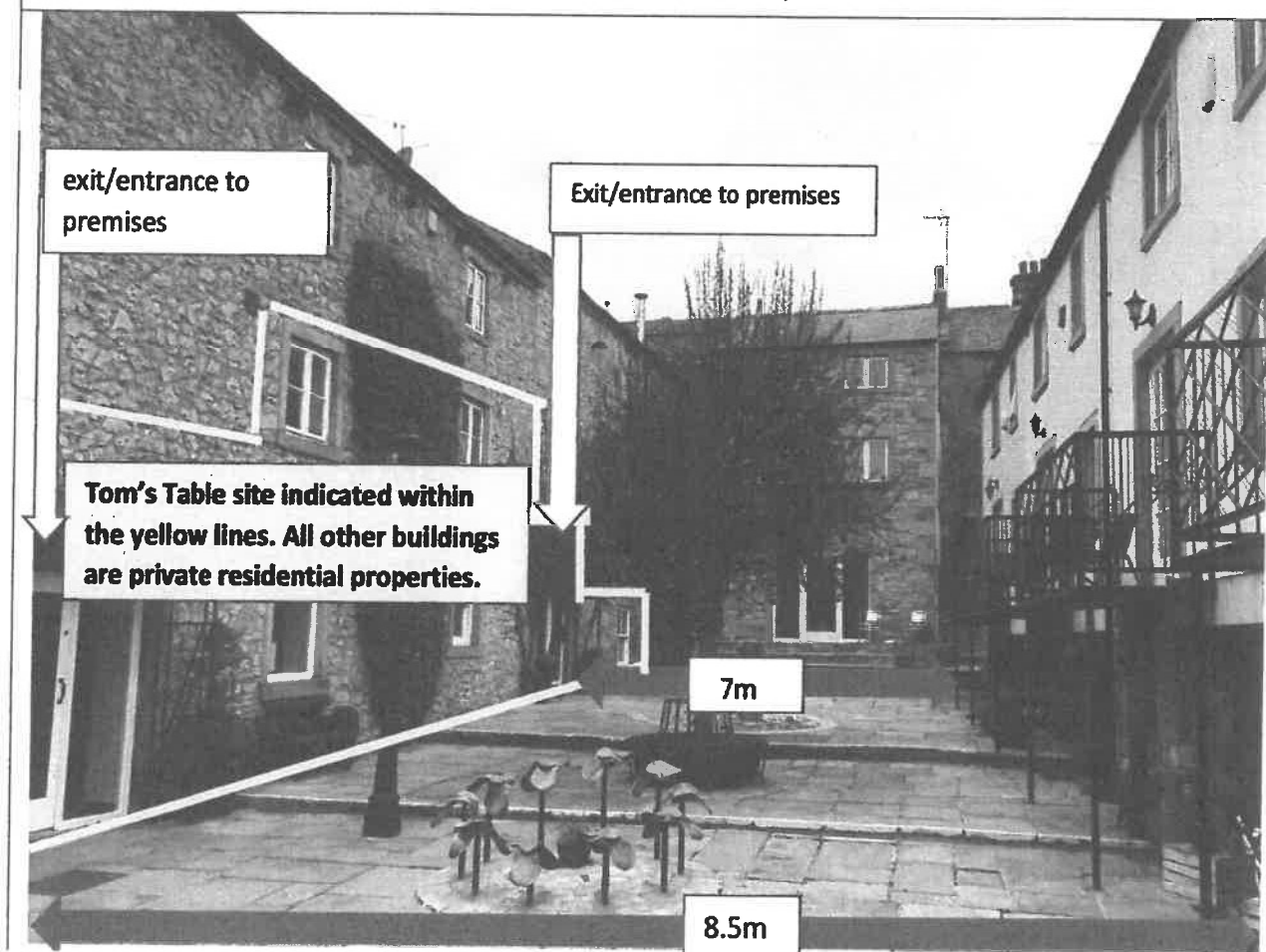
Yours sincerely  
  
[REDACTED]





Representation from [REDACTED]  
regarding planning application number 3/2020/0640 (Lee Carter House, Lowergate, Clitheroe, BB7 2BX) for change from A1 retail with ancillary café to A3 café/restaurant

Photo looking up the courtyard showing proposed location for Tom's Table, its proximity to residents and configuration of the courtyard



I wish to make the following representation regarding this application

This proposed development goes against the RVBC Core Planning Strategy 2014 DMG1 and DME4. The change of planning use from C1 with ancillary café to C3 restaurant on both floors will adversely affect the amenities of the area due to increased noise and odours and will neither enhance nor conserve (EN5) the setting of this beautiful, peaceful courtyard in a conservation area which is frequently described by visitors to the town as 'a wonderful quiet idyl', 'a welcome change' where you can 'escape the hustle and bustle of the busy high street' and 'enjoy a browse in the shop or sandwich with a cuppa'. This lovely, unique, peaceful courtyard and its listed building setting contribute greatly to the overall attractiveness of the town.

#### Reasons why the existing C1 with ancillary café should be upheld

1 In 2009 the RVBC planning officer, [REDACTED], made his decision and reasoning clear in his detailed report (see attachment 1, report 3 Feb 2009 – this report shows significantly more detail than just the summary of the outcome which was submitted by the Applicant.) The 2009 decision to grant the



change of use to C1 retail with 'small ancillary café' was made because this 'would not have any seriously detrimental effects on the amenities of the nearby residents', thus carefully balancing DMG1, amenities of nearby residents with National Planning Policy Framework, section 6, so that the existing gym could adapt and pave the way for a new retail/'small ancillary café' venture. When the decision was made in 2009 65% of the courtyard was residential. Since then, the conversion of the top floor of Lee Carter House from gymnasium into a flat and maisonette means that this has risen to >75% residential (see photo p1). It is therefore even more compelling to uphold the existing planning because the area is significantly more residential than in 2009.

It is also extremely misleading for [REDACTED] to 'gloss over' the careful consideration that the RVBC Planning Department put into the 2009 planning conditions as being a mere 'technicality' which somehow 'deprives' the Applicant of the ability to 'enjoy' more recently relaxed planning regulations. In fact, these premises never qualified for such permitted development rights not only due to the 2009 planning decision but also because the property is, as the Applicant is well aware, a listed building (see attachment 5 'listed').

2 Although the premises are well suited to the existing planning use of C1 ground floor with ancillary café on the first floor this listed building is entirely unsuitable for use as a two floor restaurant with capacity for 35 diners open until 10.30pm Tue – Sat, until 5pm Sun - Mon. Furthermore, there are many other sequentially preferable premises currently available in the Principal Shopping Frontage area of which these premises are not a part, which would be far more suitable and better help maintain and boost the vitality of the high street .

The key reasons for the unsuitability of these premises for the proposed change of use to C3 are;

- 2.1 The premises are too close in proximity to the residents (between 7-8.5m from the front of residents' properties) in a 3 storey, 3 sided stone horse-shoe shaped courtyard which acts as an echo chamber.

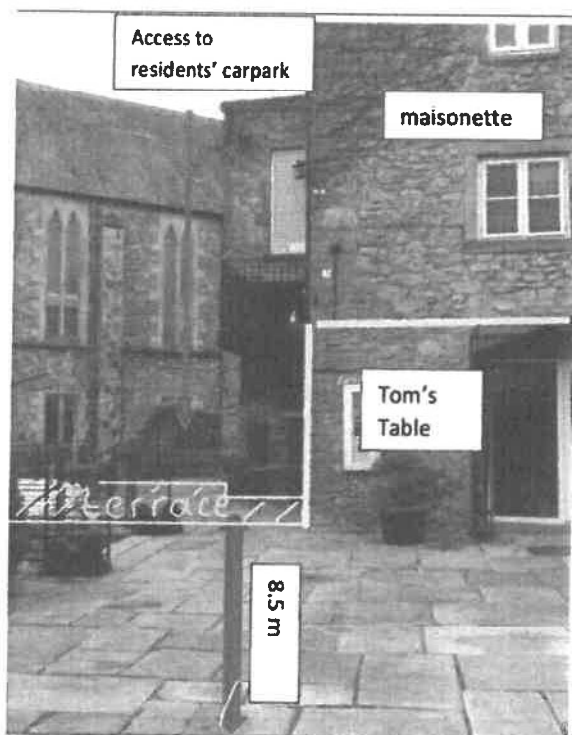
Due to the courtyard's unique shape, height and narrow width, all noise, even quiet conversations reverberate around the courtyard. Residents have long ago learnt that if you want to have a 'private word' don't do it out in the courtyard! And yet there is no reference to how easily and significantly sound reverberates around this courtyard in AB Accoustic's environment report commissioned by the Applicant [REDACTED] RVBC environment report. Puzzlingly, only standard measurements are used to calculate possible noise levels along with questionable comparisons made to other supposedly 'comparable' venues (The Forresters Arms, Fence - located on an open road). Saddlers Mews courtyard is clearly not a 'standard' location and its unique configuration would seem to require specific consideration when assessing sound. The only other comparable site in Clitheroe is the Swan and Royal Courtyard which was purpose-built retail and commercial, only two storeys high on two not three sides, significantly wider than Saddlers Mews and without any residential buildings within it. Its residential properties (Swan Mews) do not overlook The Swan and Royal Courtyard. By contrast, in Saddlers Mews, all residents' main bedrooms, lounge, kitchen, private seating area and balconies overlook the courtyard at a distance of 7-8.5m (see photograph p1). There are no back doors nor private areas to the rear of the properties. All access is via the courtyard.

With all this in mind there is a real threat of significant noise disturbance if these premises are allowed to change from C1 to C3 on both floors. The main points in this regard include;

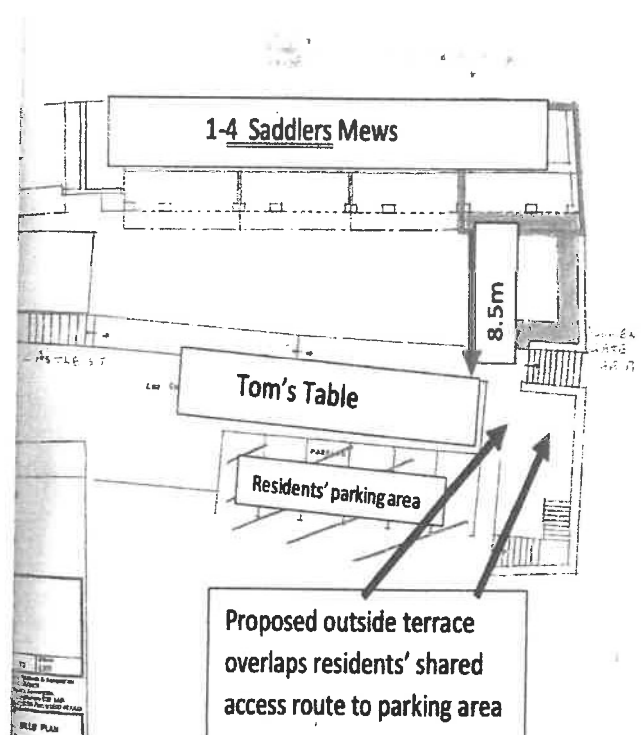


### 2.1.1 Noise disturbance from outside diners.

Although Tom's Table included an outside dining area in their licence application (see p22 in attachment 2 'plan of adjoining terrace' and diagrams below ) curiously no mention has been made of this in the Applicant's 2020 planning application. In the 2009 planning decision (see attachment 1) clarification was given by the Applicant's representative that outside tables and chairs were **not** included in the plan after residents raised this as a potential noise concern. Tom's Table's proposed outside terrace area is 8.5m from the front [REDACTED]. In addition, there would also be a conflict with residents access rights cited in the deeds (see attachment 4 'deeds' point 4) if there were to be any outside seating placed in this part of the courtyard. See photos below.



View towards Tom's Table from 1 Saddlers Mews



And yet despite all this, in the AB Accoustic report there were no measurements given for the noise generated from outside dining. Nor did the [REDACTED] environmental report make any reference to this. Irrespective of whether the Applicant has, for whatever reason, now chosen to leave out details of the Tom's Table's intention to use an outside terrace or not, this is now particularly pertinent since the 3 August temporary changes in the Business and Planning Act. If planning for C3 on the ground floor is approved, without any restrictions in respect of outside dining, residents are likely to find themselves with diners throughout the entire courtyard until closing 10.30pm Tue-Sat, 5pm Sun – Mon. Concerningly, 'extensive outside seating' with 'seating to the full frontage and side which can be extended further' was in fact how the premises was ambitiously, and potentially rather misleadingly 'sold' to prospective tenants when it was first advertised (see attachment 4 'advertisement'). Doubtless this was one of the attractive, yet unsubstantiated claims that attracted Tom's Table into taking on the premises in the first place.



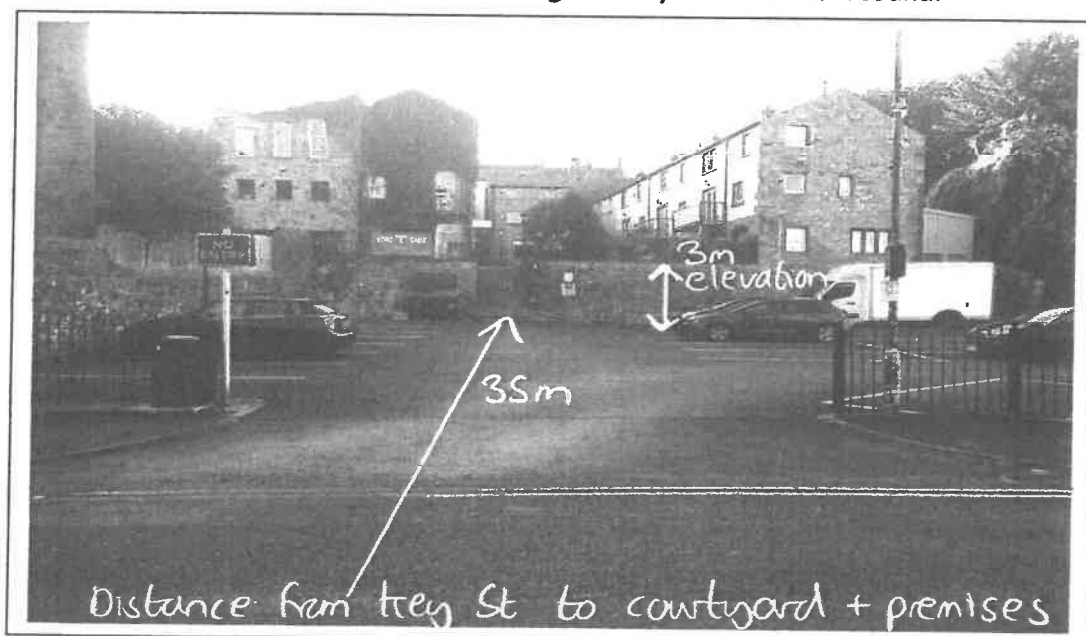
And finally, it is also somewhat ironic that the same deeds stipulate (point 6, item 3) that residents will 'not do anything or permit anything to be done' which 'causes or may cause any nuisance, annoyance, noise' to the owner of Lee Carter House, ie the Applicant.

**2.1.2 Noise disturbance from increased footfall to and from the proposed restaurant / parties of diners congregating in the courtyard before/ after dining.**

While Café culture tends to involve small groups of 2-4 gathering for a light bite, restaurants frequently have large group bookings/private functions for parties and celebrations. Café and retail usually close at 5.30pm. Restaurants stay open til 10.30pm and beyond. Then add alcohol into the mix, and whilst waiting for other members of the group to arrive at or exit from the proposed 35 seater restaurant (easily more for a private function) undoubtably few will be able to resist having a group selfie on the saddles or a photo with Pendle from the area at the end of the courtyard, just in front of my house and bedroom. Although Tom's Table have valiently outlined measures to manage this for example, moving people on, how effectively they would manage to execute and 'police' this during the middle of busy service with a limited staff of 4 is quite another matter.

It is also interesting that [REDACTED] report attempts to downplay the increased noise that changing the use from C1 to C3 will bring by citing Key St and Old School Rooms/Catholic Club on Lowergate as already creating a 'current level of activity around the site' (ie Saddlers Mews Courtyard) during the day and evening that means that any further increase in activity is 'unlikely to have any adverse impact on the amenity of the nearby residents'. Even if this were true, (which it is not as the points below i) and ii) will demonstrate), why would an expert consultant in planning such as [REDACTED] as, imply it is acceptable to 'discount' new sources of noise disturbance just because there are existing ones somewhere else in the vicinity? Surely the opposite would be what is required so as to 'cap' additional and avoidable noise, uphold DMG1 and restrict any further negative impact on residents' amenities?

- i) Both Key St and the Old School Rooms/Catholic club are at a significant distance Saddlers Mews residents (approx 35m) being located on the other side of Lowergate road and carpark and at a significantly lower elevation (3m) to Saddlers Mews. Unlike the Applicant's proposed restaurant, Key Street is only open Friday – Sunday and is fully soundproofed. The Old School Rooms are only open Thursday – Sunday. The Catholic Club is used on average once or twice a week. All these premises have internal vestibule doors and employ doormen when required in order manage activity and to contain sound.







- ii) [REDACTED] correctly states in 2.4 of her report that current activity from Key St and Old School Rooms/Catholic Club on Lowergate is currently prevented from entering the courtyard in the evening as 'the courtyard access is locked at night' and all residents have keys. And yet, should the planning be altered from C1 to C3, it is these same gates which will remain open until 10.30pm Tue – Sat to allow Tom's Table's diners to access/leave the courtyard. In contrast, the retail/café closes 5-5.30pm. Effectively, then, changing to C3 creates a 'double whammy' of noise disturbance for residents ie noise from diners added to noise from any town revellers taking the opportunity to cut through from one side of town to the other. Locking the gates came into effect when high-spirited high street drinkers increasingly took to congregating, littering and even urinating in the courtyard on their way home from a good night out. Furthermore, in 2009 the planning officer specifically concluded that he had favoured the change of use from D2/C1 leisure/retail to C1 retail with ancillary café as there would, in his opinion 'be less activity associated with the building, **especially in the evenings**' (the gym used to close 9-9.30pm) and therefore the 'proposed uses should **improve** their (ie the residents') amenities', which indeed they have. The 2020 application seeks to undo these improvements and take them to below pre 2009 standards which would seem a veritable step backwards in terms of honouring RVBC Core Strategy objectives.

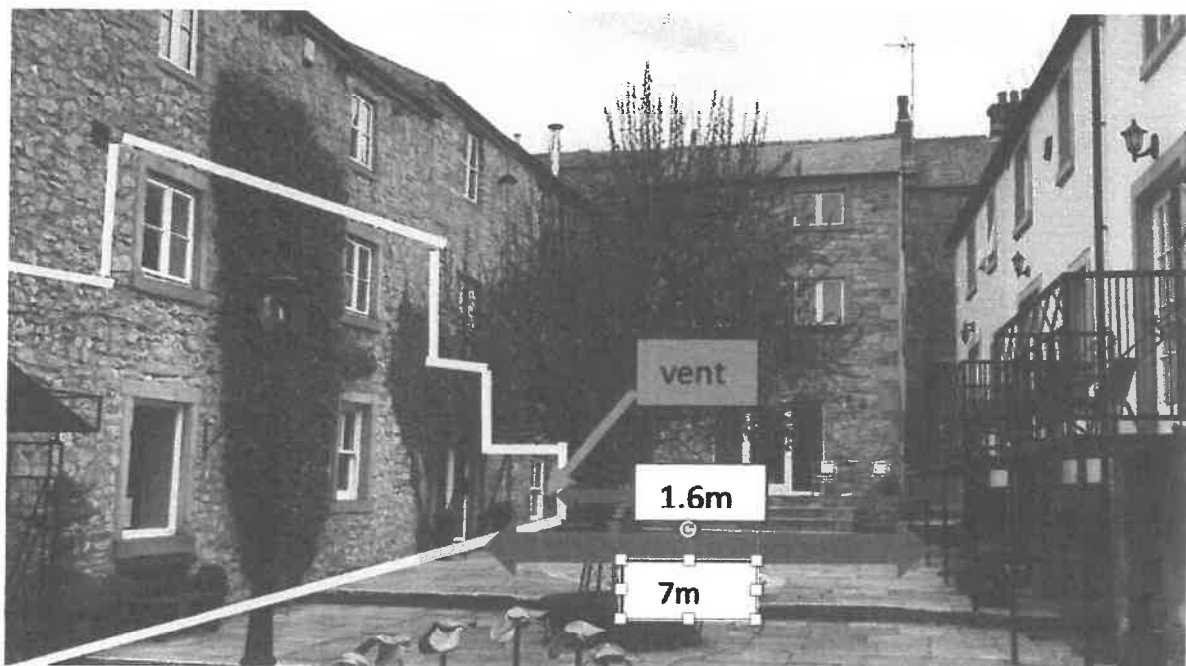
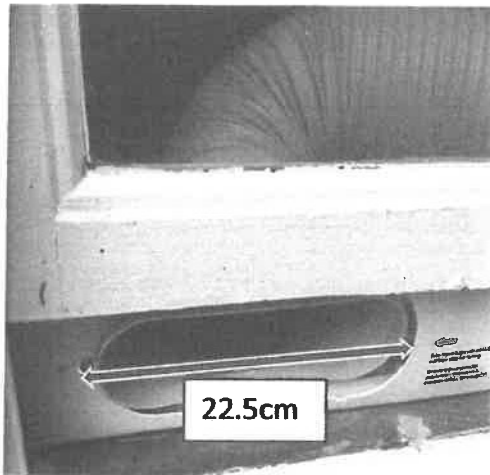
#### 2.1.3 Noise disturbance from deliveries.

Any 35 seater restaurant will have significantly more deliveries than a retail venue with ancillary café. Deliveries for this venue, particularly heavy cases of wine/supplies on a trolley, will have to be bumped up or down steps to the entrance. There is no other way to the front entrance of the premises that does not involve steps. When this concern was raised with the Applicant she suggested that deliveries could enter from the back of the restaurant as there is another entrance on the other side of the premises which is used by the Platform Gallery [REDACTED] but no mention of this has been made in the actual application. The noise from deliveries is clearly of concern to [REDACTED] as she recommended strict permitted delivery times in condition 3 of her report.

#### 2.1.4 Noise disturbance escaping from inside the building through propped open door(s) and windows which are being used to solve apparent ventilation issues

[REDACTED] states that doors and windows should remain closed 'as far as possible' to prevent noise spillage into the courtyard and impacting on residents. However, despite [REDACTED] claim that kitchen systems which 'do not vent outside' have been installed to filter and re-circulate the air inside, these have clearly proved inadequate, even during 'bubble dining' for 6-8 diners launched by Tom's Table last month. In early August, staff were seen leaving the premises fanning themselves to cope with the heat inside. Days later, despite being a listed building, a new air conditioning unit which vents directly into the courtyard was installed through a propped up window in the kitchen. See photos below showing vent's location, size and proximity to residents.





Furthermore, the premises have a significant amount of glass on its 2 outside walls, all of which can cause temperatures to soar inside over the course of a bright day. On the ground floor alone there are 3 full length windows, 2 full length glass doors and 2 windows (neither window opens). Couple this with heat from a fully kitted restaurant kitchen (see attachment 6 'kitchen plan') with 6 point hob/oven and twin tank frier and you have the recipe for a veritable 'hot-house' as already demonstrated even with 'bubble dining' on the first floor. Complying with [REDACTED] recommendation of doors and windows closed 'whenever possible' is therefore frequently going to prove 'impossible', subjecting the residents to further noise disturbance. Adequate ventilation is a legal requirement (Workplace HSE Regulations 1992) yet it is hard to see how this is going to be successfully addressed in this listed building in order to comply not only with DMG1 but also fulfill DS2; overly hot and poorly ventilated dining conditions are likely to put diners off returning which in turn impacts the likely sustainable development of this venture.

Even with the doors and windows closed there are still clearly additional concerns about the lack of sound proofing which has prompted [REDACTED] recommend that any live indoor music, which Tom's Table applied for, should be limited to acoustic only. The thickness of the windows has not been ascertained with any certainty by AB Acoustics in their report, despite the fact that there are specific tools which acoustics experts use for this. Given the closeness to residents, is it not doubly



important that the capacity of the windows to contain sound is properly calculated instead of just being 'estimated'?

Finally, all calculations provided by AB Acoustics were made from the entrance on the ground floor with all windows and doors closed and based on 6 bubble diners on the first floor on a quiet Tuesday evening. These readings led to both AB Acoustics and [REDACTED] as concluding that noise disturbance generated by the proposed change to C3 use would likely be 'inaudible' at the residential properties opposite. It is impossible to see how such a frankly bewildering conclusion could be arrived at after considering all the points above. This in turn raises questions about the validity and reliability of the AB Acoustics and [REDACTED] reports, both commissioned by the Applicant.

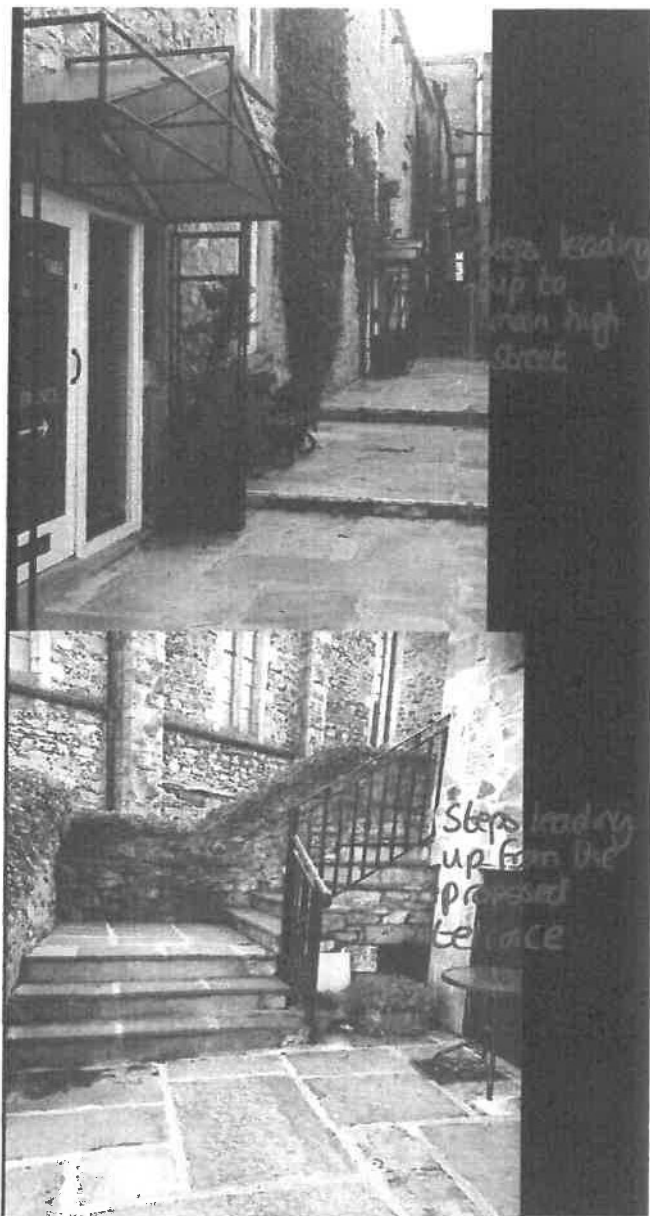
### 3 Odours.

The propping open of doors, windows and vent into the courtyard also leads to unwanted odours escaping into the courtyard. These are already evident with 6 person bubble dining. AB Acoustics estimates the 2 storey restaurant has capacity for almost six times as many diners as the current bubble dining. This will lead to a significant increase in odours escaping into the courtyard. This won't be a small-scale café baking bread, quiche, warming soup, preparing sandwiches and snacks as per Cheesie Tchaichovsky or Time Train. It will be a fully equipped restaurant kitchen used for preparing meals of multiple courses. In fact, this kitchen is the one which the Applicant had already rather presumptively allowed Tom's Table to install back in March before either the licencing or planning outcomes had even been agreed by the Council. Then there is the issue of diners taking a smoke outside, possibly with a glass in hand. Throw in a possible outside dining area and residents could find themselves having to thread their way through tables and smokers as they access their properties from their carpark, or from any of the entry points into the courtyard. If so, how does this fit comfortably within the RVBC Core Strategy DMG1 or indeed general good practices regarding health and safety especially in these Covid times of social distancing?

### 4 Accessibility, inclusivity, health and safety.

The proposed site can only be accessed via steps (see photos below). Indeed, even in daytime, the vertiginous flight of steps up from Lowergate carpark, whose top step tread being higher than the other preceding treads, (an issue of which the Applicant has been made aware), has led to a number of pedestrians tripping at the top and even the hospitalisation of one last August. The gradient of any of the steps via which the courtyard is accessed would make it almost impossible to change to ramps. Given the number of sequentially preferable premises currently on the high street which have far superior accessibility it would seem at odds with the current national focus on inclusivity and accessibility, particularly for the disabled, to allow a new restaurant to be permitted in this location. It would also be at odds with RVBC's Core Strategy DMG3 to ensure 'the provision for access by pedestrians', and at odds with RVBC's Equality Duty which reflect the Council's 'commitment and inclusion for all our residents' so as to 'advance equality'. Additional accessibility issues also continue inside the premises with no toilet on the ground floor and the first floor toilet accessed only via a flight of stairs.





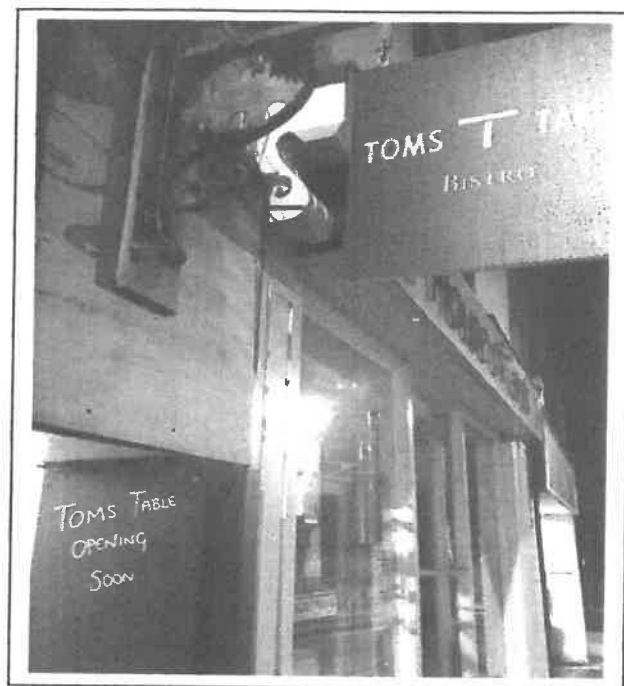
## 5 Demand/economic sustainability and impact on other established C3 venues in the town

It also should be questioned whether there is any real demand for an additional restaurant in the town centre and whether allowing a new one is likely to be sustainable. Rather than 'improve the economic...conditions in the area' (DS2) the reverse is likely to be true; adding yet another restaurant into the mix will spread the number of diners willing to eat out in these challenging Covid times even more thinly, putting other existing restaurants under even greater financial pressure than they already are. Surely we have a duty to support and protect local businesses that are already established rather than permit a new restaurant which, from the outset, seems to have treated the granting of its change from C1 to C3 as 'fait-accompli'?





## Conclusion



In summary, and in response to [REDACTED] report supporting this application, I hope the points made in this representation have clearly shown the numerous compelling reasons why the 2009 decision of C1 retail with small ancillary café should be upheld and the 2020 change of use should not be granted. I am Clitheroe born and bred and now teach at one of the local schools. I am fiercely proud of this beautiful town in which we live and which has been greatly enhanced over the years by thoughtful and careful planning executed by RVBC. If the Applicant is allowed to bulldoze through C1 to C3 use, as appears to have been the case by permitting the tenant to plough on with their development without first ensuring that proper planning was in order a mere 7-8.5m from the front of residential properties without even a road separating the two, the Planning Committee could well be setting a precedent that will be of real concern for all home owners not only in the conservation area of the town centre but throughout the Ribble Valley. It is unclear why the Applicant, aware of both the planning restrictions imposed in 2009 and the listed building status, chose to make neither residents, Licencing, Planning nor new tenants aware of these before allowing Tom's Table to embark on a full scale installation of an expensive new kitchen and restaurant back at the start of March (pre Covid times). Judging by the tenants' response of [REDACTED] when I intermittently queried them as to whether they had to the necessary permissions to do what they were doing, it appears that the Applicant has rather worryingly positioned herself, instead of the Council, as being the 'authority' on what development can or can't be permitted at these premises. Additionally, from the very beginning, the Applicant does not seem to have been acting in good faith; allowing misleading information about the premises to be advertised to prospective tenants as 'encompassing restaurant and café' (attachment 4 'advertisement') while showing scant regard for the impact on the amenities of the residents amongst whom she lives and scant regard for the RVBC's Core Planning Strategies and 2009 planning conditions including its clear stipulation to inform the Local Planning Authority 'should there be any deviation from the approved plan'. It seems that the Applicant judged the altering of the planning permissions for her premises as a 'mere formality' and somewhat of a 'done deal'. I trust the RVBC will not.

Yours sincerely [REDACTED]

2<sup>nd</sup> September 2020



Document 1 'Full report 3 Feb 2020'

**RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE  
APPROVAL**

**DATE:** 3 FEBRUARY 2009  
**REF:** CS/EL  
**CHECKED BY:**

**APPLICATION NO:** 3/2008/0858/P (GRID REF: SD 374345 441763)  
**PROPOSED CHANGE OF USE FROM GYMNASIUM AND RETAIL TO OFFICE AND DOMESTIC WITH ADDITIONAL RETAIL AT LEE CARTER HEALTH STUDIO, LOWERGATE, CLITHEROE**

**PARISH COUNCIL:** No representations had been received at the time of writing this report.

**ADDITIONAL REPRESENTATIONS:** A letter has been received that is signed by the owners/occupiers of four properties in Saddlers Mews in which the following comments/objections are made:

1. There is no mention in the description of the development of the café which is shown on the plans for office floor space.
2. There is no mention in the application of the floor space which it is envisaged the café will occupy.
3. The location of the café in relation to the kitchen seems to be through the shop area and staircase. Have we understood this correctly and does this comply with current environmental health and safety regulations?
4. The applicant mentioned some time ago an intention to set up tables and chairs for a café in Saddlers Mews yard. We would like an assurance that such a proposal is not a part of this present application.
5. No provision appears to have been made for any new residents cars.
6. The application refers to the installation of new doors and windows yet the location and dimensions of these have not been indicated on the plan.
7. The applicant has mentioned that the proposed café may also arrange some evening functions where customers will be invited to bring their own alcohol. If that is what is in mind, then it seems inaccurate to say that the application is for a café when it should really be a restaurant. We therefore have concerns about potential noise nuisance from customers leaving the café in the evening after consuming alcohol.



8. Clarification of these matters might enable this objection to be withdrawn.

### **Proposal**

Permission is sought for the change of use of the existing gymnasium and retail premises in order to form the following:

1. A retail unit on the ground floor with an ancillary small café area on the first floor. The kitchen to serve the shop/café is also to be provided on the ground floor.
2. Four units of office accommodation comprising two large units (approximately 36m<sup>2</sup> and 71m<sup>2</sup>) at first floor level and two smaller units (approximately 11m<sup>2</sup> and 15m<sup>2</sup>) on the second floor.
3. A one bedroomed residential flat at second floor level.
4. Also at second floor level a small area (approximately 12m) would become an additional bedroom for an existing residential unit that occupies floor space at first and second floor levels at the eastern (Lowergate) end of the building.

All the proposed units would be accessed by existing external and internal staircases. Whilst there are some minor alterations to door and window openings, the only new windows are to the proposed residential flat. These new windows would face the private parking area that is accessed from Moor Lane, and the rear windows of commercial properties in Moor Lane and Castle Street.

### **Site Location**

The existing gymnasium/health studio to the rear of commercial properties in Moor Lane and Castlegate and adjoined to the north by the residential properties of Saddlers Mews and to the east (on lower ground level) by the Lowergate public car park.

The site is within the Clitheroe Conservation Area.

### **Relevant History**

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

### **Relevant Policies**

3/2008/1171/P – Extension at first floor level over parking spaces to form a new gymnasium area. Approved and now built.

### **Environmental, AONB, Human Rights and Other Issues**

The application seeks a number of alternative uses for the existing retail and leisure facilities. These uses of retail with a small ancillary café, offices and a residential flat are all appropriate to this town centre location. I therefore consider the proposal to be acceptable in principle.



In a joint letter, the residents of Saddlers Mews express a number of concerns/objections to the application, as summarised earlier in the report. They say, however, that clarification of the matters might enable them to withdraw their objection.

The applicant's agent has responded to the neighbours' letter as follows:

1. The drawings clearly show the café.
2. The area of the building intended to be used as a café is clearly defined. The proposed café is attached to a delicatessen with the ability sit and have a sandwich/coffee etc.
3. The location of the food preparation area can be at any level.
4. The drawings clearly show the space to be occupied by the offices (and the respective floor areas of the office units are stated above in this report).
5. There is no indication of any external chairs or tables on the drawings.
6. There is one additional residential unit shown on the plans which might add one additional car. The site is next to a large car park.
7. The proposed new doors and windows are clearly shown on the plans adjacent to the car park at the Moor Lane side of the building.
8. Should the café/delicatessen operator wish to use the space for occasional evening use various approvals would be required from the Licensing Officer. It is my understanding that the gym is used in the evening at present. Saddlers Mews can be accessed from three different directions by night time revellers. Should evening time problems occur, these can be dealt with by other methods.

In summary, the agent considers that the proposed mixed use of the building would result in a decrease in the number of pedestrian movements on and off the site. He considers that the apartment and office use would result in very few pedestrian movements and the delicatessen/café would result in less movements than the existing gymnasium and leisure club. He adds that the building is to remain in the current ownership and should any issues occur, there would be one point of contact.

As previously stated, I consider the proposal to be acceptable in principle, and I do not consider that the new uses would have any seriously detrimental effects on the amenities of the residents of Saddlers Mews. If anything, the proposed uses should improve their amenities as, overall, there would, in my opinion, be less activity associated with the building, especially in the evenings. I recommend a condition concerning the nature of the café use and restriction on its opening hours, although the hours of use restriction does reflect the town centre location of the site.

#### **SUMMARY OF REASONS FOR APPROVAL**

The proposed alternative uses for this building are appropriate to its town centre location and would not have any seriously detrimental effects on the amenities of nearby residents.





**RECOMMENDATION:** That planning permission be **GRANTED** subject to the following condition(s):

1. The café on the first floor shall be operated as an ancillary use to the retail unit on the ground floor and shall not be an independent café or restaurant use; and it shall not be open to customers outside the hours of 8.00am and 11.00pm on any day.

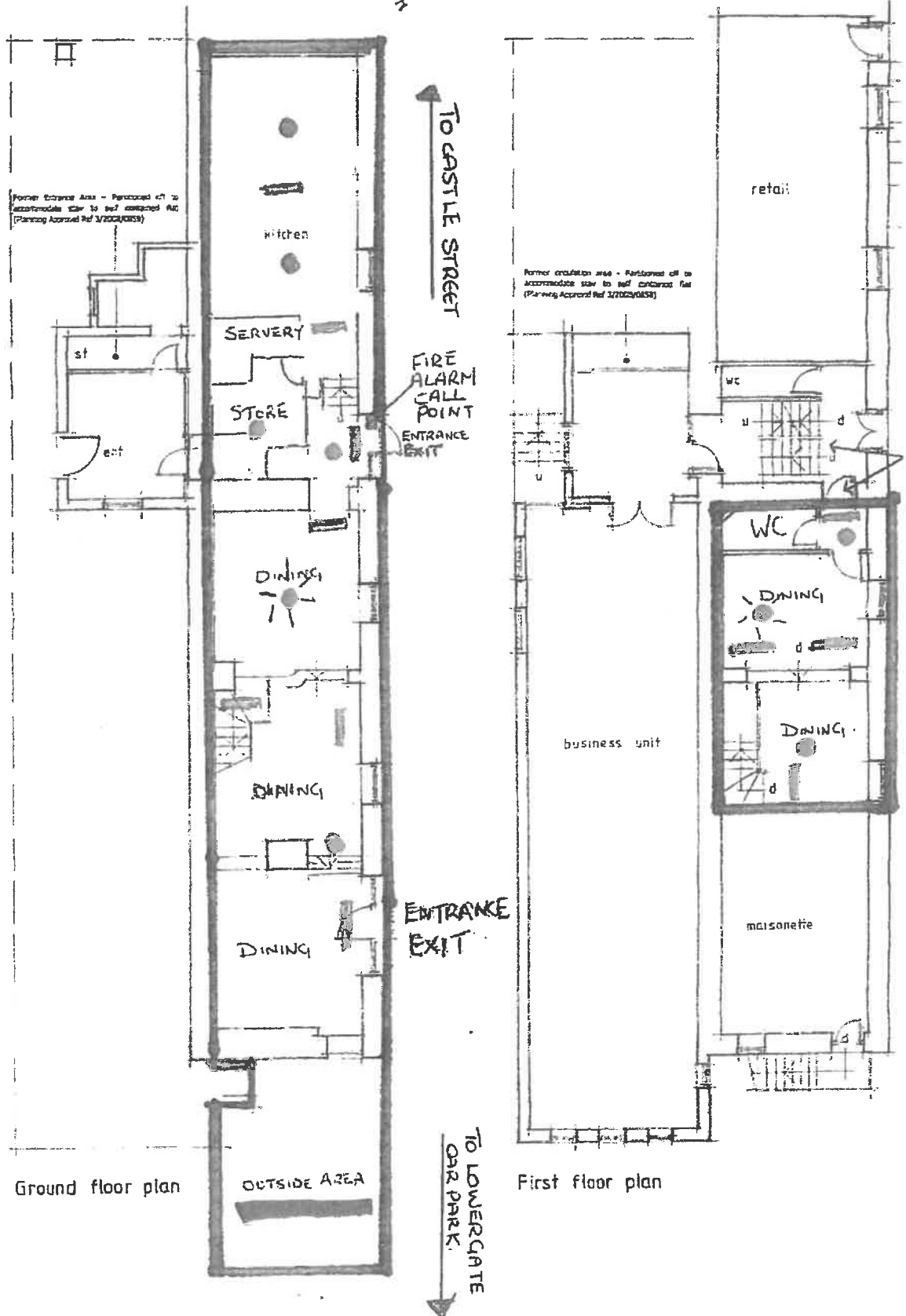
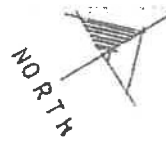
**REASON:** For the avoidance of doubt and in the interests of the amenities of nearby residents and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.



# Document 2 p22 'plan of terrace'

TOMS TABLE  
LEE CARTER HOUSE  
OFF CASTLE STREET  
CLITHEROE  
BB7 1AZ

- ♥ HEAT DETECTOR
- SMOKE DETECTOR
- ☼ EMERGENCY LIGHTING
- ☼ ALARM SOUNDING





## Document 3 deeds

emergency) to enter upon the Retained Land for the purpose of inspecting maintaining cleansing repairing or renewing the said watercourses sewers drains pipes conduits and cables or any of them the persons exercising such rights causing as little disruption to and to the use of the Retained Land as possible and forthwith making good any damage thereby caused to the reasonable satisfaction of the Transferors

(2) A right of support for the Property and the buildings erected thereon from the Retained Land ✓

(3) The right to pass on foot only with and without animals over and along such part of the path shown shaded pink on the said Plan numbered 1 ('the pink path') as is not comprised in the Property subject to the Transferee and the Transferees successors in title bearing one quarter of the cost of inspecting cleansing maintaining repairing and renewing the same

(4) The right to pass on foot only with and without animals in common with all others similarly entitled over and along the paths within the Retained Land shown hatched yellow on the said Plan numbered 1 ('the yellow paths') from and to Castle Street and the Car Park respectively to and from the pink path subject to the Transferee and the Transferees successors in title bearing a fair proportion of the cost of inspecting cleansing maintaining repairing and renewing the yellow paths

(5) Subject to the Transferee observing and performing the covenant contained in Clause 6.4 hereof the right for the owners of and visitors to the Property to park not more than one private motor car in the space from time to time allotted by the Transferors to the Transferee for that purpose in the car park shown in part hatched blue on the said plan number 1 ('the Car Park') and to pass and repass therefrom and thereto to and from Castle Gate with and without vehicles



- (3) will not do anything or permit anything to be done upon the Property or on the Retained Land which causes or may cause any nuisance annoyance noise damage or inconvenience to the Transferors or the owners or occupiers of the Retained Land
- (4) will pay on demand to the Transferors and their successors in title such reasonable sum for the use of the Car Park having regard to the price being paid for parking space within Clitheroe town centre from time to time and the cost to the Transferors of maintaining the same and the accessway serving it as the Transferors and their successors in title shall agree with the Transferees or their successors in title (provided that if they cannot agree then the matter shall be determined by the Transferors surveyors whose decision shall be final and binding ) provided that for the avoidance of doubt the payment for the year commencing on the date hereof shall be Two hundred and fifty pounds (£250)
- (5) To maintain in a good state of repair and condition the buildings erected or to be erected on the Property and in particular the paintwork of the exterior thereof
- (6) To pay a fair and proportionate part of the cost and expense of maintaining repairing and cleansing renewing and replacing sewers drains watercourses pipes wires cables and other service media the yellow paths and other similar conveniences which shall from time to time be used in common by the occupiers of the Property and adjoining and neighbouring properties
- (7) To pay a one quarter part of the cost and expense of maintaining repairing inspecting renewing relaying and cleansing of the pink path
- (8) Will not do anything to prevent due uniformity in the external appearance of the Development
7. **IT IS HEREBY AGREED AND DECLARED** that the walls and fences dividing the Property from the other properties on the Development are joint and party walls and fences for all purposes and are to be maintained and repaired as such accordingly





**+ PROPERTY PARTICULARS**

**RETAIL**

**TREVOR  
DAWSON**

COMMERCIAL PROPERTY CONSULTANTS

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**TO LET**

**UNIQUE RETAIL CAFÉ RESTAURANT OPPORTUNITY  
IN THE HEART OF CLITHEROE**

**1,282 SQ. FT.**

**HUGE POTENTIAL WITH EXTENSIVE EXTERNAL SEATING**



**LEE CARTER HOUSE  
OFF CASTLE STREET  
CLITHEROE  
BB7 2BX**



### **LOCATION**

Situated in the heart of Clitheroe Town Centre, just off Castle Street, Lee Carter House is an established speciality retail destination. The property is accessible off Castle Street with the main entrance being off Sadlers Mews with pedestrian access onto one of the main car parks in the Town Centre off Lowergate.

### **DESCRIPTION**

Within an established mixed use complex, arranged over ground and first floor, full of character features and offering open plan accommodation on varying levels. There is the opportunity to have separate entrances to the accommodation which could be let as a ground floor unit only or incorporating the first floor elements.

The combination of potential uses offers a unique opportunity in Clitheroe, the café element could be extended and/or there is restaurant potential.

### **ACCOMMODATION**

#### **Ground floor**

Main sales	648 sq. ft.
Store	68 sq. ft.

#### **First floor**

Sales	361 sq. ft.
Café seating area	205 sq. ft.

### **EXTERNALLY**

Seating to the full frontage and side which can be extended further. Details upon request.

### **SERVICES**

All mains services are available. However, it is the incoming tenant's responsibility to verify that all appliances, services and systems are in working order, are of adequate capacity and suitable for their purpose.

### **PLANNING**

The property currently has the benefit of A1 Retail use and A3 Retail use encompassing restaurant and café for the sale of food for consumption on the premises.

### **RATING**

No rates are currently payable as the property is assessed below the current Small Business Rate Relief threshold.

### **LEASE**

For a term of years to be agreed on an internal repairing basis.

### **RENTAL**

**£2,000 per month including heating, electricity and water.**

**The first floor storage area could be excluded from the transaction which would reduce the current passing rental to £1,500 per month.**

### **VAT**

VAT will not be payable on the rental.

### **PREMIUM**

A premium is sought for the benefit of the fixtures and fittings and goodwill that has been established at the premises.

### **LEGAL COSTS**

Each party to be responsible for their own legal costs incurred in the preparation and completion of the lease.

### **ENERGY PERFORMANCE CERTIFICATE**

An Energy Performance Certificate has been commissioned and is available upon request.



Blackburn | Burnley | Bolton

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1st floor  
ancillary  
cafe  
use by  
both  
previous  
tenants



And ground  
floor  
retail use

**VIEWING STRICTLY BY APPOINTMENT WITH SOLE AGENTS TREVOR DAWSON LIMITED,  
CAPRICORN HOUSE, CAPRICORN PARK, BLAKEWATER ROAD, BLACKBURN, BB1 5QR.  
TELEPHONE 01254 681133 OUR REF CEJ LMH 2019.09.12418  
Email [caroline@tdawson.co.uk](mailto:caroline@tdawson.co.uk)**

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Document 5 Listed.

HISTORY

3/1980/1339

+ Listed building.

RIBBLE VALLEY BOROUGH COUNCIL  
TOWN AND COUNTRY PLANNING ACTS 1971 - 1974.

DESIGNATED CONSERVATION AREA: CLITHEROE LISTED BUILDING: 4 CASTLE STREET

The following application has been received for permission to

use outbuildings at the rear of the above as  
a residential dwelling and health studio

This property is included in a Statutory List of Buildings of Special Architectural or Historic Interest and is also within the designated CONSERVATION AREA. Any person wishing to make representations should do so in writing, within 21 days from the date of this advertisement to the Chief Architect and Planning Officer, Planning Department, Council Offices Church Walk, Clitheroe BB7 2RA quoting the relevant reference number 3/80/1339/P.

A copy of the application and plans may be inspected in the Planning Department within the period stated.

  
Signed: .....  
(Chief Architect and Planning Officer)

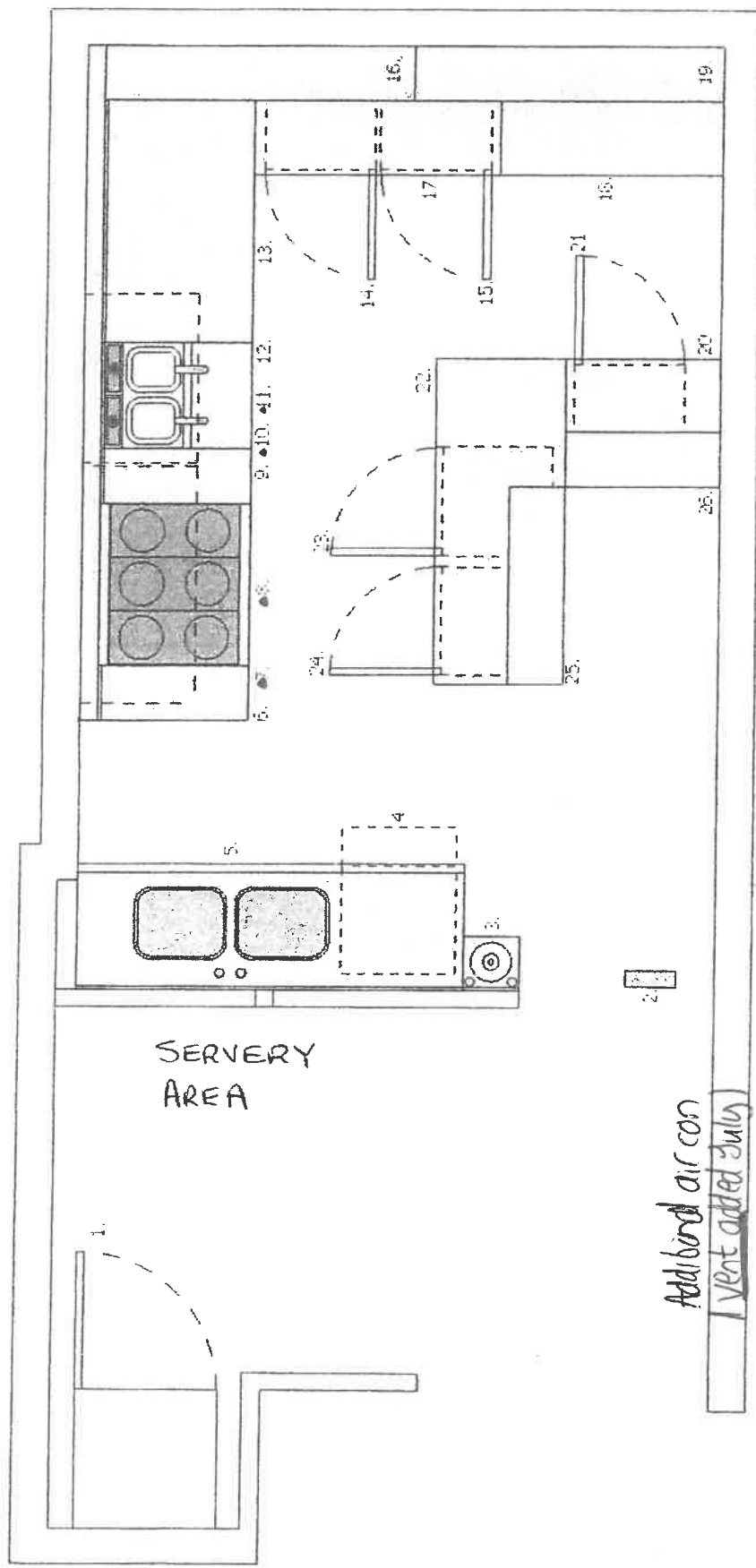
4th December 1980.





# Document 6 kitchen

Thomas Drinkall - A02 - 12<sup>th</sup> December 2019



- 1) 600 litre freezer
- 2) Fly killer
- 3) Hand wash sink
- 4) Under counter dish washer
- 5) Double bowl sink unit
- 6) Wall bench 300 x 850mm
- 7) Fume filtration unit 1310 x 620mm
- 8) Recycled electric hobs & oven
- 9) Wall bench 300 x 850mm
- 10) Fume filtration unit 920 x 620mm
- 11) Twin tank (2 x 8ltr) electric fryer
- 12) Fryer stand 560 x 850mm
- 13) Wall bench 1600 x 850mm
- 14) Under counter freezer
- 15) Under counter fridge
- 16) Double wall shelf 1680 x 300mm
- 17) Wall bench 1300 x 700mm
- 18) Wall bench 1200 x 700mm
- 19) Double wall shelf 1680 x 300mm
- 20) Centre bench 850 x 700mm
- 21) Under counter fridge
- 22) Centre bench 1750 x 700mm
- 23) Under counter fridge
- 24) Under counter fridge
- 25) Double tier heated gantry 1050 x 300mm
- 26) Double tier ambient gantry 850 x 300mm



**WHALLEY  
CATERING**

EQUIPMENT & REFRIGERATION

Email: sales@whalleycatering.co.uk

SALES & SERVICE: 01254 233077

