



JUDITH DOUGLAS TOWN PLANNING LIMITED

Tom's Table, Lee Carter House, Lowergate, Clitheroe.BB7 2BX



Proposed change of use from retail class A1 with ancillary café A3, to restaurant and café class A3.

[Planning Statement JDTPLO265](#)

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1 INTRODUCTION

- ## 2.0 APPLICATION SITE AND SURROUNDING AREA



- 2.1 The application site is within the main centre boundary of Clitheroe (light blue) but outside the Principle Shopping Frontage (dark blue). It is within the Conservation Area (red) in the adopted Housing and Economic Development, Development Plan Document proposals maps see figure 1 .
- 2.3 The application site Tom's Table comprises a self-contained unit within Lee Carter House with accommodation on the ground and first floor. The extent of the unit is shown on the submitted floor plans and an elevation plan with a dashed line to indicate the extent of the unit. The current use of the ground floor is predominantly retail, with kitchen and store and the first floor has ancillary café and a toilet. The ground floor area is predominantly in A1 use. It is proposed to use the whole unit as A3
- 2.4 Pedestrian access into the property is possible through two ground floor entrance doors although the proposal is to only use the upper entrance closest to Castle Street. See elevation plan. Access to the site for pedestrians is via the passageway from Castle Street or via the steps from Lowergate car park into Saddlers Mews. This is a pedestrian only courtyard which serves as the entrance to the Unit and to residential accommodation opposite as well as the rear of the properties on Castle Street. The courtyard access is locked at night. All occupiers with access through courtyard have keys.
- 2.5 Deliveries to the premises will be from Lowergate car park which is the current practice. Bin storage is located at the rear of Swan Courtyard adjacent to the goods lift access and steps from Lowergate car park to Swan Courtyard.

Relevant Planning History

- 2.6 The following planning application has relevance to the site:
- Application 3/2008/0858 – proposed change of use from gym and retail to office and domestic with additional retail . This included a condition stipulating that the first-floor café was to be an ancillary use to the ground floor retail and not open to customers outside the hours of 8am to 11pm on any day. See appendix 1

3.0 SCHEME PROPOSALS

- 3.1 The development being proposed is to use the whole of the unit as A3 Café/restaurant including a kitchen and store on the ground floor reconfiguring the current kitchen/ store arrangement. See proposed floor plan. The total floor area of the unit is 921sq.ft. /86 m2 of which a portion is already in A3 use ancillary to the retail use.

4.0 Heritage Assessment

- 4.1 The site is within Clitheroe Conservation Area character area 1 Clitheroe's Historic Core. The Conservation Area Appraisal Map shows the application building to be a building of townscape merit. See figure 2



Figure 2 Extract from Clitheroe Conservation Area appraisal. Buildings shade red =listed buildings, shaded green= buildings of townscape merit

- 4.2 The Conservation Area Appraisal mentions features of special interest which justify the designation of the conservation area and includes “the relatively intact medieval layout

of the original settlement". Castle Street is one of the medieval streets in the core of the town centre and forms part of the town's original 12th century settlement. The long narrow plots occupied by buildings along the town's spine may be original burgage boundaries. The activities and uses within the town centre add to the special interest of the conservation areas. Buildings of townscape merit were identified as displaying survival of original materials and details and the basic historical form of the buildings.

5 DEVELOPMENT PLAN POLICY

- 5.1 The Development Plan for the purposes of this application comprises the Ribble Valley Core Strategy (adopted 2014) and the National Planning Policy Framework (NPPF) (2019).

Core Strategy (2014)

- 5.2 The following policies are of relevance to the proposal:

Ribble Valley Core Strategy:

Key Statement DS2: Sustainable Development, when considering development proposals, the Council will take a positive approach which reflects the presumption in favour of sustainable development. Wherever possible, it will aim to secure development that improves the economic, social and environmental conditions in the area.

Key Statement EN5: Heritage assets. There will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings

Key Statement EC1: Business and employment development-employment development will be directed towards the main settlements of Clitheroe Longridge and Whalley as preferred locations to accommodate employment growth together with land at the Barrow Enterprise Site, the Lancashire Enterprise Zone at Samlesbury and locations well related to the A59 corridor.

Policy DMG1: General Considerations – sets out various criteria to be considered in assessing planning applications, including the proposed development being sympathetic to existing land uses, highway safety and not adversely affecting the amenities of the area.

Policy DMG2: Strategic considerations-development should be in accordance with the Core Strategy development strategy and should support the spatial vision.

Policy DMG3: Transport and mobility-the availability of public transport, the relationship of the site to the primary road network, the provision for access by pedestrian and cyclists.

Policy DME4: Protecting Heritage Assets: In considering proposals the Council will make a presumption will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings.

Policy DMB1: Supporting business growth and the local economy- proposals that are intended to support business growth and the local economy will be supported in principle.

National Planning Policy Framework

Section 6 Building and strong, competitive economy. States planning policies and decision should help create the conditions in which businesses can invest, expand and adapt.

6 EVALUATION

- 6.1 The main issues to be considered in this application are the principle of the development, the effect on the amenities of neighbouring residents, accessibility, employment, and impact on the conservation area a designated heritage asset. Planning permission is not currently required to move between use classes A1 and A3 under The Town and Country Planning (General Permitted Development) (England) Order 2014 Schedule 2 Part 3 Class C as amended. However, there is a condition attached to planning permission 3/2008/0858 linking the use of the café on the first floor of the building with the retail use on the ground floor. Due to this, and as a technicality, the applicant is prevented from enjoying the benefit of these permitted development rights. This does suggest that unless there are very compelling reasons not to grant planning permission the proposed development should be allowed to go ahead.

Principle of the Development

- 6.2 Core Strategy Key Statement EC1 directs business and employment to the main settlements of Clitheroe, Longridge, Whalley, Barrow Enterprise Site, Lancashire Enterprise Zone and locations well related to the A59 corridor. The site is within the town centre boundary of Clitheroe a principle settlement. Development which expands economic development and

supports job creation and the rural economy is encouraged in these the locations. The site is in a sustainable location as required by Key Statement DS2.

- 6.3 The proposed A3 use is a “main town centre” use as defined in the Glossary Annex 2 to the NPPF. Policy DMR1: Retail Development in Clitheroe, seeks to protect the principle shopping frontage of Clitheroe as defined on the proposals map. In these principle frontages the only new uses considered appropriate at ground floor level will be uses included in the A1 use class and for the sale of food or drink for the consumption on the premises. This is to protect the vitality of the town centre. Whilst the application property is not part of the principle shopping frontage is it very close to it and the proposed change of use from retail to sale of food and drink consumed on the premises will continue to support the vitality of the town centre and the visitor economy by providing facilities for shoppers and tourist increasing the attractiveness of the town centre as a whole as destination. In principle the proposal is acceptable and accords with Key Statement EC1 and Policy DMR1.

Residential amenity

- 6.4 The proposed site is within a mixed retail, commercial and residential area. There is the potential for the development to affect neighbouring residents with the same building and close by through cooking odour emission and noise from customers within the building and arriving and departing.

Odour

- 6.5 No external alterations to the building are proposed. The kitchen is being fitted out by a commercial kitchen specialist Whalley Catering - Equipment and Refrigeration see appendix 2. A new ventilation system has been installed in the kitchen which is wholly internal to the building. It is a carbon filtered system which filters and re-circulates the air inside and does not vent outside, thus eliminating odours. It has replaced the previous equipment which was a basic extractor fan. The new equipment is an improvement on the pre-existing equipment.

Noise

- 6.6 The current opening hours of the ancillary café in the building is 8.00am to 11.00pm seven days. If possible, the applicant would like to stay with those current opening hours. It is currently envisaged that the main opening is to be 5 days a week, the days being Tuesday - Saturday, 9.00am - 10.30pm and this allows for customers to finish their meal and leave (the last table booking is 8.30pm).

- 6.7 On Sunday and Monday there is a desire for the facility to be able to support Community events such as, Food Festival, Jazz Festival etc. that would normally fall on a weekend/Bank holiday. In addition, the ability to hold seasonal events/craft events and support charities with coffee mornings/afternoon teas etc. It is not envisaged that the unit would be open every Sunday and Monday to allow for staff breaks. It is envisaged the hours for Sunday/Monday opening would be 9.00am - 5.00pm.
- 6.8 The site is in the town centre close to the main shopping street and near to a public car park and two public houses/evening event venues Key Street and The Old School Rooms + Catholic Social Club on Lowergate. As such there is already a level of activity around the site during the day and into the evening. Given the current level of activity the expansion of the A3 use at the site is unlikely to have any adverse impact on the amenity of nearby residents.
- 6.9 A noise survey has been carried out and this concludes that noise from activities in the proposed A3 use is unlikely to cause disturbance to the occupiers of the residential accommodation within Lee Carter House. External noise from the restaurant is very likely to be inaudible in the residential properties opposite the site in Saddlers Mews.

Heritage Assets

- 6.10 Clitheroe Conservation Area is a designated heritage asset. Tom's Table is within a building identified as a building of townscape merit. The proposed change from a retail use to use as a restaurant café will have no perceptible impact on the character of the conservation area and as such preserves the character of the conservation area in compliance with policies EN5 and DME4.



Waste bin (green) located near to the access to Swan Courtyard.

Other Matters

Bin storage and location.

- 6.11 The applicant has applied for a waste license from the Council see appendix 3. The applicant is to share a large wheeled bin with Brizola Bar and Grill Swan Courtyard. The bin is positioned conveniently at the top of the car park a short distance from the proposed unit. All waste from the premises will be removed in the mornings before opening to avoid disturbance late at night. The position of the bin is shown on the location plan marked X.

7.0 SUMMARY AND CONCLUSION

- 7.1 We have demonstrated that the change of use from A1 to A3 will have no adverse impact on the locality due to noise or odour. The change of use will support the function of the town by providing an attract eating venue without harm to the residential amenity of the neighbouring residential properties. The proposal fully accords with the policies of the Core Strategy and the National Planning Policy Framework.

Appendices

Appendix 1 Planning permission 3/2008/858

Appendix 2 Kitchen plan.

Appendix 3 Waste bin details of correspondence with RVBC Environmental Health Department