

31st January 2022

The Planning Department
Ribble Valley Borough Council
Council Offices
Church Walk
Clitheroe
BB7 2RA



Our ref: LJC142
Your ref: -

By email only

Dear Sir/Madam,

**PROPOSED VARIATION OF CONDITION
UNIT 12, BAUBLOCK, BLACKBURN ROAD, SIMONSTONE**

I am pleased to enclose an application, made under the provisions of Section 73 of the Town & Country Planning Act (1990), seeking to vary conditions regarding the hours of operation at Unit 12, Baublock, Blackburn Road, Simonstone on behalf of my client, Change Gym Ltd.

The application has been submitted via the Planning Portal (ref - PP-10584988) and comprises:

- Application forms
- This supporting statement

The application fee will be paid directly by the applicant, via the Portal.

Introduction

The application site comprises a single commercial/business unit, within a wider development off Blackburn Road, Simonstone, originally granted consent under planning permission 3/2017/0284 on the 9th July 2018. Condition 8 of the decision notice states that:

“The units hereby approved shall only operate between the hours of 07:00-19:00 Monday to Friday inclusive, and 08:00-13:00 on Saturday and not at all on Sunday and Bank Holidays.

REASON: In order to prevent nuisance arising in accordance with Policy DMG1 of the Ribble Valley Core Strategy”

A subsequent application was made in 2019 (3/2019/0821) to vary numerous conditions on this host consent in order to facilitate a number of amendments to the original scheme.

Condition 6 of this S73 approval, as detailed in the decision notice, relates to hours of operation and states:

“The use of the premises in accordance with this permission shall be restricted to the hours between 0700 and 2000 Monday to Friday, 0700 to 1800 Saturdays and 0900 to 1600 on Sundays.

Reason: The use of the premises outside these hours could prove injurious to the character of the area and in order to safeguard residential amenities”

It is assumed that the latter consent was ultimately implemented therefore this Section 73 application seeks to vary the wording of condition 6 , to extend the opening hours of Unit 12, which is to be occupied by Change Gym Ltd.

The revised hours sought are:

- Monday to Saturday 06:00 to 22:00
- Sundays 07:00 to 17:00

Planning assessment

The application site is located within a block of 8 units, located to the northernmost boundary of this relatively new business park.



Figure 1 – Site location (property denoted by red star)

The original grant of consent allowed for occupation by uses falling with Classes B1 and B8 of the Use Classes Order. Following wholesale changes to the Order in 2020, Class B1 no longer exists with its provisions having been incorporated into the new, expansive Class E (under subsection (g)). It is permissible to move between the uses within Class E as a permitted change. Class E(d) allows for indoor sports, recreation and fitness uses and as a result, the applicants business (a personal training and fitness centre) is able to occupy this unit under the terms of the original consent.

However, in order to ensure that this new business is a success, the applicant is seeking to extend the hours of operation as previously approved. The Council's reasons for imposing such a condition on the host consent and subsequent S73 approval are primarily to safeguard the character of the area and the amenities of residential properties nearby.

The site is located within an 'Existing Employment Area' as shown in the Proposals Map excerpt below.

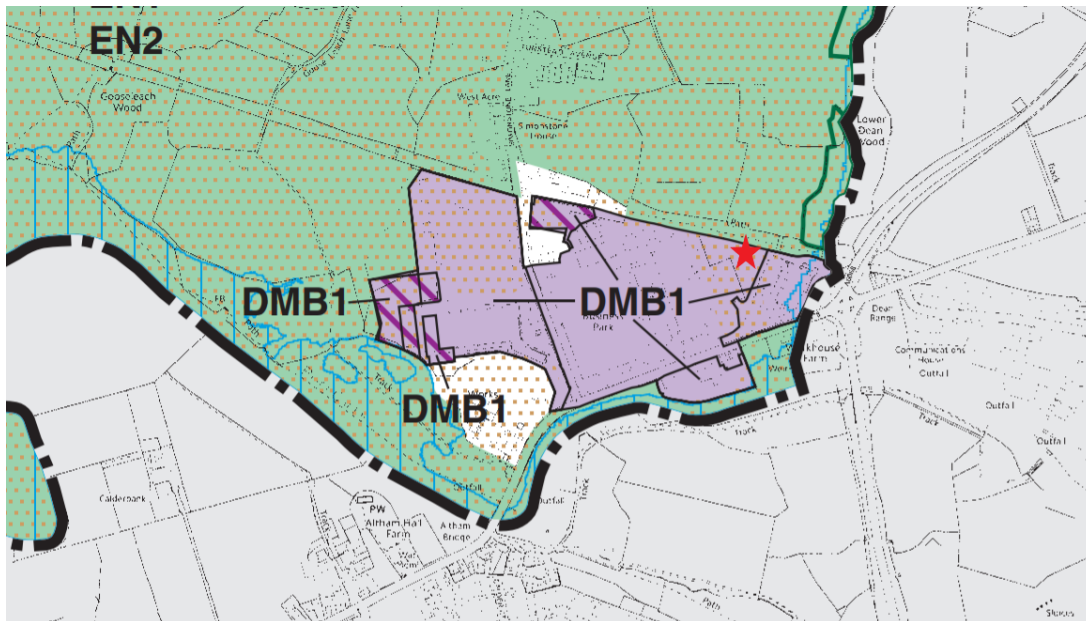


Figure 2 – HED DPD Proposal Map (site denoted by red star)

The immediate area is characterised by existing commercial premises of varying scale, within a relatively rural setting, albeit in close proximity to an arterial highway network with direct access to the M65.

The nearest residential properties to the application site are circa 165m to the south (across the A678); 230m to the east; 340m to the west and over 600m to the north. These dwellings are separated from the application site by existing buildings, the highway network and substantial tracts of land. The predominant character of the immediate area is therefore commercial/business oriented.

Key Statement EC1 and Policy DMB1 of the Ribble Valley Core Strategy are supportive of business and economic growth, provided that no significant environmental concerns arise from a particular proposal. Policy DMG1 seeks to ensure that development does not adversely impact on the amenities of the surrounding area and should be compatible existing/proposed land uses.

Accounting for the prevailing character of the area and the distance to more sensitive receptors, it is not considered that the extension of operating hours at Unit 12 would result in unacceptable amenity issues for nearby residents. Similarly, the impact of this change on neighbouring uses, which are of a commercial nature, would be negligible. As such, the proposed variation raises no conflict with the aims and requirements of the Core Strategy.

Paragraphs 92, 93 and 98 of the National Planning Policy Framework confirm that planning decisions should help to promote the creation of safe, healthy communities, with access to opportunities for leisure, sport and recreational activities.

The applicant is seeking to ensure that their proposed opening hours maximise availability for future users, regardless of their circumstances, lifestyles or requirements. This expanded offer will allow Borough residents to utilise high quality fitness provision at a time convenient to them. Due to its highly levels of accessibility, the site represents an ideal, sustainable location to deliver such a use.

In light of these factors and in the absence of any other harm arising from the proposals, the variation is compliant with the Core Strategy and the Framework.

Conclusion

This Statement has been prepared in support of the variation of conditions relation to hours of operation at Unit 12, Baublock, Blackburn Road, Simonstone.

It is sought to alter the hours of use as follows:

- Monday to Saturday 06:00 to 22:00
- Sundays 07:00 to 17:00

As has been demonstrated, the revisions raise no adverse issues and are wholly compliant with the adopted policies of the Ribble Valley Core Strategy and the aims of the National Planning Policy Framework. As such, this application should be supported.

I trust you have all information necessary to validate the application. However, if you have any queries at this stage or wish to discuss the scheme during the determination process, please do not hesitate to contact me.

Yours sincerely

Lee Greenwood

LJG Planning Consultancy Ltd