


**Report to be read in conjunction with the Decision Notice.**

<b>Signed:</b>	<b>Officer:</b>	<b>LE</b>	<b>Date:</b>	<b>26.4.22</b>	<b>Manager:</b>		<b>Date:</b>	
<b>Site Notice displayed</b>	<b>Y</b>	<b>Photos uploaded</b>	<b>Y</b>					

<b>Application Ref:</b>	3/2022/0149	 <div>Ribble Valley Borough Council</div> <hr/> <a href="http://www.ribblevalley.gov.uk">www.ribblevalley.gov.uk</a>	
<b>Date Inspected:</b>	31 <sup>st</sup> March 2022		
<b>Officer:</b>	LE		
<b>DELEGATED ITEM FILE REPORT:</b>		<b>Decision</b>	<b>APPROVE</b>

<b>Development Description:</b>	Removal of condition 4 from planning application 3/2021/0251 in respect of consent on a temporary basis to allow monitoring of the impact of use on nearby dwellings in the interests of the amenities of the area.
<b>Site Address/Location:</b>	Forum Bar and Kitchen 41 King Street Whalley Clitheroe BB7 9SP

<b>CONSULTATIONS:</b>	<b>Parish/Town Council</b>
Have requested that the condition remains for a further temporary period.	

<b>CONSULTATIONS:</b>	<b>Highways/Water Authority/Other Bodies</b>
<b>LCC Highways:</b>	
<b>RVBC Environmental Health:</b>	Confirm that no noise complaints have been received.
<b>CONSULTATIONS:</b>	<b>Additional Representations.</b>
No third-party representations received	

**RELEVANT POLICIES AND SITE PLANNING HISTORY:**

**Ribble Valley Core Strategy:**  
**Policy DS1: Development Strategy**  
**Policy DS2: Sustainable Development**  
**Policy DMG1: General Considerations**  
**Policy DMG2: Strategic Considerations**  
**Policy DMB1: Supporting Business Growth and The Local Economy**

**Relevant Planning History:**

3/2021/0251 - Proposed change of part of the existing car park and bin storage at the rear of the property to be part of the licenced area allowing for a seated area for food and drinks to be served. The area will have a boundary of temporary low level fencing/planters to enclose the space that will be removed in winter.

**ASSESSMENT OF PROPOSED DEVELOPMENT:**

**Site Description and Surrounding Area:**

The application relates to a mid-terrace, three storey property located within the Whalley conservation area fronting King Street, being identified as a building of townscape merit. The primary elevation of the building is faced in render with stone window surround detailing. The ground floor currently accommodates a traditional shop front of timber construction.

Parking is accommodated to the rear of the property with provision for approximately 2 vehicles, with refuse storage also being accommodated to the rear.

Part of the rear yard is currently used as an outdoor seating area.

**Proposed Development for which consent is sought:**

The application seeks to remove condition 4 of planning approval 2021/0241 for the change of use of the yard to an outdoor seating area. This condition allowed the use on a temporary basis to allow the LPA to monitor the impact on nearby residences.

**Principle of Development:**

The principle of the use of the site has been established by earlier consents. The matter for consideration is whether the continuing use of the area is acceptable in terms of residential amenity.

**Residential Amenity:**

The site is located within the centre of Whalley and whilst there are residential properties some of which appear to be above commercial premises, there are also an array of shops and evening uses such as bars and restaurants. As such some level of noise is to be expected by the residents of these dwellings.

Permission was granted on temporary basis for 12 months to allow the LPA to monitor how the area operates and whether complaints arise from the use whilst allowing the business to operate in a covid secure manner. This application seeks to remove the condition to allow it to operate permanently.

It was previously accepted that noise may be intensified by the use of the outdoor area, however there is likely to be a level of ambient noise outside in the evening in any case due to people gathering in the street and moving between establishments as well as the previously approved smoking area.

A licence has already been granted for the use of the area for the hours specified in the original planning application (1100 – 2200) and this will allow greater control over excessive disturbance and antisocial behaviour.

The comments made by the parish council and request that the condition remains to only allow a temporary period for the use are noted. However, it would not be considered reasonable to put a further time limit on this proposal, the condition was imposed to allow monitoring over a 12 month period and a decision must now be made as to whether the use is acceptable or not.

It is in the applicants interests to comply with the terms of the licence or risk it being revoked. As such whilst the proposals will undoubtedly result in some additional noise over levels which existed previously there have been no complaints made to Environmental Health in the 12 months it has been operating, most of which have been post Covid restrictions.

As such and as all other planning and licensing conditions remain in force it is considered that the continuing use of the area is acceptable.

**Visual Amenity:**

The proposal includes the use of the area for 6 outdoor tables and 22 chairs with planters marking the boundary. There is a limited and temporary in nature visual impact which is considered acceptable.

**Highways:**

The LCC highway officer has no concerns with regards to the application and did not object to the original permission.

It will result in the loss of some of street parking however there is on street parking and public car parks and this is a sustainable central location. There are no highway safety implications.

**Observations/Consideration of Matters Raised/Conclusion:**

For the reasons discussed above it is recommended accordingly

**RECOMMENDATION:**

That condition 4 be removed