



JUDITH DOUGLAS TOWN PLANNING LIMITED

64, Whalley Road, Clitheroe BB7 1EE.



Change of use from shop (bakery) to shop and hot food takeaway and installation of extraction equipment.

Planning Statement

JDTPL 448

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STATEMENT IN SUPPORT OF A FULL APPLICATION FOR THE CHANGE OF USE FROM SHOP (BAKERY) TO SHOP AND HOT FOOD TAKEAWAY AND INSTALLATION OF EXTRACTION EQUIPMENT AT 64 WHALLEY ROAD, CLITHEROE BB7 1EE.

1 INTRODUCTION

- 1.1 This Planning Statement has been prepared by Judith Douglas Town Planning Ltd on behalf of the applicant Mr M Solomon in support of a full planning application to change the use of shop to shop and hot food takeaway. A new extraction system is proposed as part of the development.
- 1.2 This Statement describes the application site, the proposed development and assesses its merits against the relevant up-to-date policies of the development plan, the National Planning Policy Framework and all other relevant material considerations.
- 1.3 It demonstrates that the proposed development is in accordance with the relevant policies of the adopted Ribble Valley Core Strategy (2014) and also accords with Government policy and guidance as detailed within the National Planning Policy Framework (2021).
- 1.4 The Statement should be read in conjunction with the accompanying information:

Ordnance Survey Location Plan 1:1250

Existing site plan

Existing and proposed plans and elevations and details of extraction equipment - 078/10/22/64/@A1

Existing and proposed site plan 1:500

2.0 THE APPLICATION SITE AND SURROUNDING AREA

- 2.1 The application site comprises a mid-terrace three storey property on the north side of Whalley Road Clitheroe. The ground floor is occupied by Mark's Artisan Bakery and Pie Shop a shop selling goods baked on the premises as use which falls within a class E. The shop currently opens from 7.00am to 3.00pm Monday to Friday and 7.00am to 1.00pm on Saturday. Goods sold include bread, pies cakes, sandwiches (hot and cold fillings). At the rear of the shop is a detached single storey store and toilet. Access for customers to the sales counter at the front of the shop is from Whalley Road. The bakery and food preparation area

occupies the rest of the ground floor and there is a staff entrance off the back street of Whalley Road.

- 2.2 There is a self-contained flat at the first and second floor of the building which is occupied by the applicant. Access to the flat is from the back street. There is no off-street parking associated with the property. There are no parking restrictions on the road immediately outside the property.
- 2.3 Whalley Road is one of the main traffic routes into the town centre. The two blocks of terrace properties including number 48 to 74 Whalley Road are predominantly commercial properties possibly with flats above. There are four hot food takeaways. No.74 Whalley Road Chippy, No.72 Taste of India, No.50 King of Kebabs, No.48 Vesuvio Italian.
- 2.4 The adjacent property to the south number 66 is split into two flats. The adjacent property to the north number 62 is wholly in use as a Beautician's with no living accommodation.
- 2.5 The site is within the settlement boundary of Clitheroe and outside the conservation area boundary as defined in the Housing and Economic Development, Development Plan Document Proposals Map. The building is not a listed building and there are no listed buildings nearby.

3.0 SITE HISTORY

- 3.1 The following applications relate to the site. The permissions granted did not impose any restrict conditions relating opening hours.

Application	Development	Decision
74/0104	Creation of a separate flat above an existing shop at 64 Whalley Road Clitheroe	Approved 24/04/1974
86/0215	External WC. 64 Whalley Road Clitheroe	Approved
86/0443	Change of use from shop to dwelling to shop and self-contained flat 64 Whalley Road Clitheroe	Approved 21.08 1986

4.0 THE PROPOSED DEVELOPMENT

- 4.1 The bakery currently sells goods traditionally sold in a bakery including bread, pies and hot and cold sandwiches. The applicant wishes to continue running the shop on its current format and seeks permission to sell food in the evenings which is it anticipated will be mostly sandwiches with a hot filling. Customers will be encouraged to pre-order food through a website which books a time slot for collection. Walk in customers with also be accepted.
- 4.2 The proposed opening times will be 7.00am to 3.00pm Monday to Friday and 7.00am to 1.00pm on Saturday daytime and 6.00pm to 10.00m Monday to Saturday evenings.

5.0 DEVELOPMENT PLAN POLICY

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to the development plan as a whole and requires planning applications to be determined in accordance with the plan unless material considerations indicate otherwise. In this case the relevant parts of the development plan comprise the Ribble Valley Core Strategy (2014) and the National Planning Policy Framework (2021).
- 5.2 The following policies of the Ribble Valley Core Strategy ('the Core Strategy') are relevant to the determination of this application:
- Key Statement DS1: Development Strategy
 - Key Statement DS2: Sustainable Development
 - Key Statement EC2: Development of Retail, Shops and Community Facilities and Services
 - Policy DMG1: General Considerations
 - Policy DMG2: Strategic Considerations
 - Policy DMB1: Supporting Business Growth and the Local Economy
- 5.3 The National Planning Policy Framework (2021) ('the Framework') sets out the Government's planning policies for England and how they should be applied. It requires local planning authorities to apply a presumption in favour of sustainable development which means, as paragraph 11c explains, that development which accords with an up-to-date development plan should be approved without delay.
- 5.4 In determining planning applications, paragraph 38 of the Framework expects local planning authorities to approach decisions in a positive and creative way. They should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- 5.5 Section 6 Building a strong, competitive economy of the Framework states *“Significant weight should be place on the need to support economic growth and productivity, taking into account both local business needs and the wider opportunities for development”*.

6 PLANNING POLICY AND EVALUTION

Principle of the development

- 6.1 The application site is currently a shop and bakery which falls within Class E of the Town and County Planning Use Classes Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. Hot food retail is a sui generis use. Key Statement EC2: Development of retail, shops and community facilities and services states *“Development that supports and enhances the vibrancy, consumer choice and vitality and unique character of the area’s important retail and service centres of Clitheroe, Longridge and Whalley will be supported in principle.”* The diversification of the current shop use into offering hot food builds on the current retail offer of the property and expands consumer choice as encouraged by Key Statement EC2. The property is within an area of Clitheroe where there are several hot food retailers nearby as listed above and towards the town centre with a further cluster of hot food premises within the three storey terraced properties along Whalley Road north of Greenacre Street. The location of the proposed shop/hot food takeaway is in principle acceptable.
- 6.2 The main issues to consider are the impact on neighbouring residents, its visual appearance and the impact on highway safety.
- Residential amenity.
- 6.3 The longer opening hours associated with the evening opening for sales of hot food have the potential to increase activity around the site which might increase noise levels. Consideration needs to be given to whether the level of noise associated with the longer opening hours would adversely affect the residential amenities of neighbouring residential properties.
- 6.4 Whalley Road is one of the main traffic routes into the town centre of Clitheroe. There are several long-established hot food outlets close to the site. The introduction of one additional hot food outlet is unlikely to significantly increase the general level of noise and activity already experienced from passing traffic, customers calling at existing hot food outlets by car or on foot. The proposed evening opening hours of 6pm to 10pm avoids the late evening when residents would be more sensitive to noise disturbance.

6.5 The opening hours of the nearby hot food outlets are:

Whalley Road Chippy 11.30 am -8pm Monday to Saturday

Tase of India 5pm -11pm Monday to Saturday 4pm -10.30pm Sunday

King of Kebabs Mon, Weds, Thursday 4pm – 11pm, Fri, Sat, Sunday 4pm-11.55pm

Vesuvio Weds, Thursday 4pm -11.45pm, Fri, Sat 4pm – 12.45am Sun 4pm-9.45 pm.

The proposed hot food closing time at the site is earlier than most of the nearby hot food outlets.

6.6 A new extraction system is proposed which is positioned centrally on the rear elevation. The extraction system has been designed to avoid additional noise beyond the boundary of the site and effectively remove cooking odours. The flat above the proposed shop takeaway is in the same ownership as the shop and is occupied by the applicant. See photographs 1 and 2 for the rear elevation of 62-66 Whalley Road.

Visual amenity

6.7 There are no alterations proposed to the front elevation of the property. The proposed extraction system is at the rear of the property. The lower portion is screened by the detached outbuilding directly behind the property. The rear elevation of 64 Whalley Road is not particularly prominent when seen from public viewpoints in the surrounding area. There is similar extraction equipment nearby to the rear of 48 Whalley Road (see photograph 3) and at the rear of the block 10-28 Whalley Road.



Rear elevation of 64 Whalley Road on the left (light coloured render) and 66 Whalley Road on the right.



2 Rear elevation of 66 Whalley Road



3 Extraction equipment at the rear of 48 and 50 Whalley Road

Highways and Parking

- 6.8 The application site is in a highly sustainable location close to public transport and in walking distance of numerous residential properties. It is feasible that not all customers will access the site by car. There are no parking restrictions outside the site. No objections were received from the highway authority in relation to the application for the change of use of 48 Whalley Road to a hot food takeaway in 2014. The proposal is compliant with the requirements of policy DMG1: General consideration in relation to access and parking.

7 CONCLUSION

- 7.1 This Planning Statement has been prepared to accompany an application for full planning permission to change of use from shop (bakery) to shop and hot food takeaway and installation of extraction equipment at 64 Whalley road, Clitheroe BB7 1EE.
- 7.2 It demonstrates that the principle of development is wholly compliant with the provisions of the National Planning Policy Framework and the adopted Ribble Valley Core Strategy with regard to the type and nature of the proposed use. The diversification of the current shop use into offering hot food builds on the current retail offer of the property and expands consumer choice as encouraged by Key Statement EC2. We have demonstrated the location of the proposed shop/hot food takeaway is in principle acceptable.
- 7.3 The proposal will not lead to any loss of residential amenity due to the fact that the later opening hours and evening activities will occur when there is already relatively high levels of traffic and activity in the area. The amenity of neighbours is also protected by the provision of an extraction system with adequate noise attenuation and odour control.
- 7.4 There are, no environmental or technical matters identified which would weigh against the development. The proposal fully accords with the policies of the Core Strategy. In light of all the issues detailed within this Statement, the presumption in favour of sustainable development should be applied and the application supported.