

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111 www.ribblevalley.gov.uk planning@ribblevalley.gov.uk

Town and Country Planning Act 1990

PLANNING PERMISSION

APPLICATION NO: 3/2023/0665

DECISION DATE: 02 February 2024

DATE RECEIVED: 23/08/2023

APPLICANT:

Mr Andy Kirkham
Thwaites Chippery Ltd
68 Whalley Road
Clitheroe
BB7 1EE

AGENT:

Mr Khalid Khan
Khalid Khan and Associates
109 Whalley Range
Blackburn
BB1 6EE

DEVELOPMENT PROPOSED: Change of use of ground floor from dwelling (use class C3) to hot food takeaway (use class sui generis). Installation of new shop front. Installation of extraction flue vent pipe to ground and first floor, rear elevation.

AT: 66A and 66 Whalley Road Clitheroe BB7 1EE

Ribble Valley Borough Council hereby give notice that **permission has been granted** for the carrying out of the above development in accordance with the application plans and documents submitted subject to the following condition(s):

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

23 0665 Location Plan
23 0665 Block Plan
23 0665 Plans Drawing No: 040/07/23/66

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. The materials to be used on the external surfaces of the development as indicated on 23 0665 Plans Drawing No: 040/07/23/66 shall be implemented as indicated unless otherwise agreed in writing by the Local planning Authority.

Reason: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality.

4. The hot-food takeaway use hereby approved for the property known as 66 Whalley Road, Clitheroe, shall only be operated between the following hours:

11:00 to 22:00 Monday to Saturday

11:00 to 20:00 Sunday

There shall be no business operated from the premises or site outside the stated operating hours.

Reason: To comply with the terms of the application and in the interests of protecting the residential amenities of nearby residents.

5. Prior to the use hereby approved first becoming operational details of how commercial refuse and waste to the rear of the premises shall be collected shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented and retained as such thereafter.

Reason: To ensure the development provides adequate provision for the storage and collection of commercial waste.

6. The plant hereby approved, as shown on the approved drawings, shall be installed in accordance with 23 0665 Rotoquip Extract Vent Statement (Model Type GB T120: GBW 500/4 T120) including the mitigation measures contained therein, prior to use hereby approved first becoming operational. The approved details and mitigation shall remain in place thereafter.

Reason: In the interests of protecting the amenities of nearby residents and businesses.

Note(s)

1. For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes.
2. The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.
3. The Local Planning Authority has endeavoured to work proactively and positively to resolve issues and considered the imposition of appropriate conditions and amendments to the application to deliver a sustainable form of development.
4. This Decision Notice should be read in conjunction with the officer's report which is available to view on the website.
5. The developer should be aware that any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highway Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lanashire.gov.uk or on 01772 533433.

Nicola Hopkins

**NICOLA HOPKINS
DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING**

Notes

Right of Appeal

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision to refuse planning permission, or approve with conditions, a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission, or approve with conditions, a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision> . If it is a householder appeal it can be made online at: <https://www.gov.uk/appeal-householder-planning-decision> . If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

Purchase Notices

If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council of the county borough or county district in which the land is situated a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.