

From: Contact Centre (CRM) <contact@ribblevalley.gov.uk>
Sent: 25 October 2023 13:59
To: Planning
Subject: Planning Application Comments - 3/2023/0707 FS-Case-557031305

Planning Application Reference No.: 3/2023/0707

Address of Development: 1 Lower Lane Longridge PR3 3SL

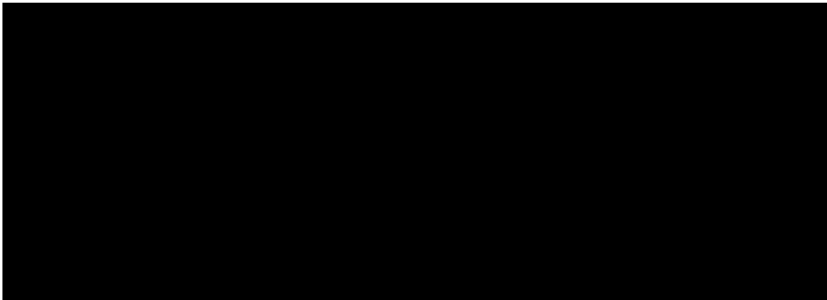
Comments: DMD design is a super business and service to the community of Longridge. I buy items from the shop on a regular basis and it is a lovely part of the proposition to enjoy a drink whilst browsing, as well as doing the same with friends I have met through DMD.

I have never seen or experienced any behaviour that could be considered anti social or disruptive, that is simply not how this business operates.

I was dismayed that the business planning was withdrawn so abruptly and feel extremely sorry both for the owner, and for the local community that DMD serves so wonderfully.

I sincerely hope that the authorities will do the right thing and permit this great business to be operational again very soon.

From: Contact Centre (CRM) <contact@ribblevalley.gov.uk>
Sent: 25 October 2023 14:17
To: Planning
Subject: Planning Application Comments - Application 3/2023/0707 FS-Case-557034174



Planning Application Reference No.: Application 3/2023/0707

Address of Development: 1 Lower Lane Longridge PR3 3SL

Comments: From the moment it opened its doors,DMD has been an asset to the local community. It is a truly unique shopping experience. The shop sells absolutely stunning interiors, which is evident as soon as you walk through the door and to enhance that experience you can have an alcoholic or nonalcoholic drink too. But what is difficult to quantify about DMD is the immense positive impact it has had in bringing a community together. In a world where social isolation and loneliness is prevalent in all ages, DMD has filled a gap. Whether you buy from the shop or not, or buy from the bar, one thing you can guarantee is you will come away having had the warmest of welcomes, engaging conversation and a sense of belonging. For some, living in a semi rural area, this may be their only social interaction that day. Please let DMD become the social hub again that our community desperately needs.



23rd October 2023


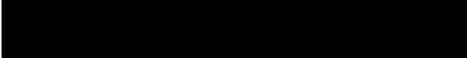
Mr Will Hopcroft
Development Management
Ribble Valley Borough Council
Council Offices
Church Walk
Clitheroe
Lancashire
BB7 2RA

Dear Mr Hopcroft,

Planning Application reference 3/2023/0707

Application to regularise mixed building use permitting retail with associated bar serving alcohol and occupational dwelling (sui generis)

1 Lower Lane, Longridge, PR3 3SL

I am writing on behalf of my clients 
application site, 

Their objections relate to the conflict of the proposal with Policy DMG1 of the Core Strategy - which requires that development should not affect the amenities of the surrounding area. Similarly, there is conflict with Policy LNDP5 of the Longridge

Neighbourhood plan which seeks, amongst other matters, to ensure that new development: has no significant adverse impact on residential amenity for existing and future residents (c); and, does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution (d).

There is further conflict with policies DMG1 and DMG3 with regards to parking and access.

Background

Planning permission was granted in early 2020 (application reference 3/2019/1131) for the change of use of retail premises to live/work unit with residential facility for one person. This permission was subject to a number of conditions, the key ones in relation to this application, are detailed below:

3. The residential accommodation hereby approved shall remain incidental to the A1/A2 uses hereby approved and shall be restricted to occupation by one residential occupier at any one time.

Reason: To comply with the terms of the application and in the interests of the amenities of the area.

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended or re-enacted) and the Town and Country Planning (General Permitted development) (England) Order 2015 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (as amended or re-enacted) 1 Lower Lane shall only be used for the purposes of A1 (retail) and A2 (interior Design Services) and no other use within those use classes.

REASON: For the avoidance of doubt and to ensure that the development remains compatible with the character of the area.

5. The use of the premises in accordance with this permission shall be restricted to the hours between the hours of 08:00hrs to 20:00hrs Monday to Saturday (inclusive) and 08:00hrs to 17:00hrs Sunday and Bank Holidays.

Reason: In order to protect the residential amenity and character of the area.

When the premises opened in early 2020 as DMD Design a bar had been incorporated into the design and alcoholic drinks served (not spring 2021), and on 06/10/2020 a Premises Licence was secured upon appeal. Since the opening of the bar, a large number of complaints have been made by a number of local residents to the planning department, enforcement department, police and to local councillors, culminating in the serving of both a breach of condition notice and a temporary stop notice on 24th August 2023.

There are residential properties to either side and opposite the application site.

Regularising of unlawful activity

This planning application seeks to regularise the unlawful activity which has been taking place for over 3 years, however it is not considered that the application achieves this aim for a number of reasons:

- 1) It would appear that the use of the bar is the primary function of the building, it is not ancillary to the retail and interior design use. This is reflected in the amount of space the bar (parties/functions) takes up within the property and the overspill into the area marked as 'sales' on the submitted plan.
- 2) The application does not include the live music/functions/parties (including catering) which take place on regular occasions (see list of records kept at appendix 1 from January 2023 to when the temporary stop notice was served in August 2023)

- 3) The application does not cover the extended opening times (see list of records kept at appendix 1), which it is accepted are relatively marginal, but cumulatively, compound the negative impact on neighbouring amenity.
- 4) The application does not include the outdoor seating (and standing area) to the front of the property.

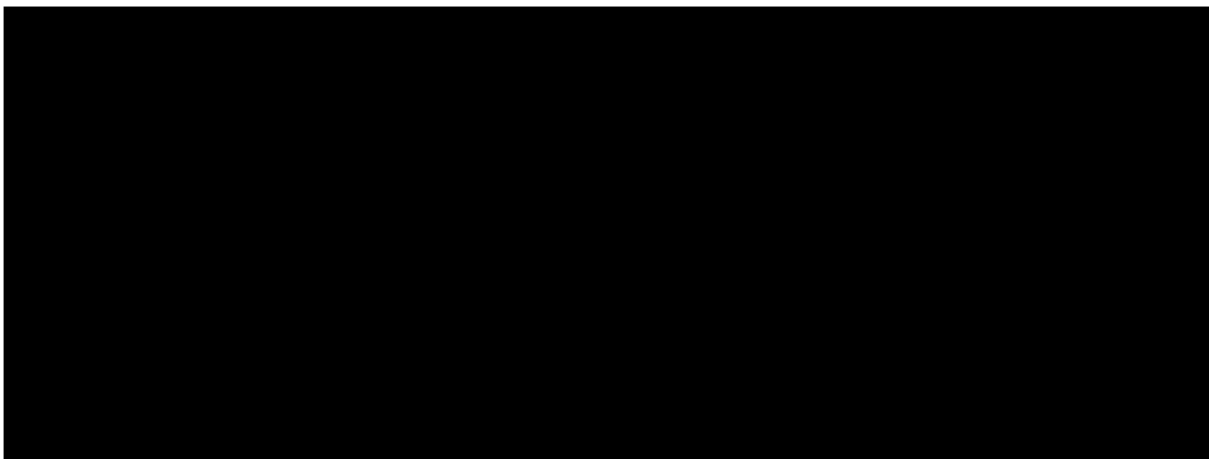
Application

There appear to be a whole host of inconsistencies with regards to the information provided within the planning statement submitted with this application, a number of which are detailed below.

Noise

Extract from the planning statement - *The bar occasionally provides entertainment, usually in the form of one vocalist with an acoustic instrument. It is not believed that entertainment of this type has, or ever would, give rise to noise disturbance that would affect the amenity of residents living in the surrounding dwelling's.*

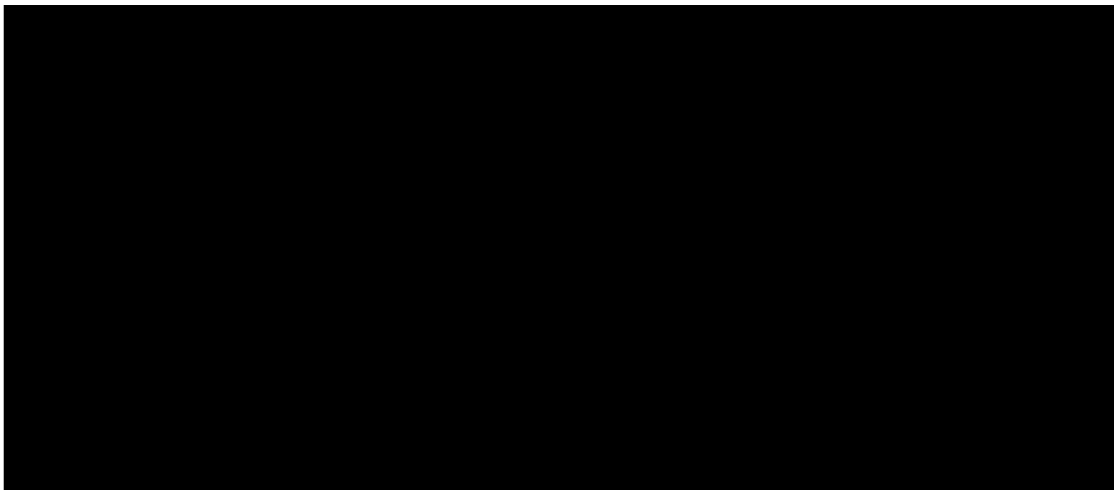
As can be seen from the log attached at appendix 1, the entertainment/parties/functions are far from occasional. Despite the advice previously provided by the planning department, there is no Part or Class in the GPDO that allows the temporary use of a building for 28 days. Part 4 Class B allows the temporary use of land but excludes buildings (B.1 b). According to my client, the door is left open when the bar is open/events on, and the noise from the premises can be heard within the neighbouring gardens and properties. The events include not only solo vocalists but duets and groups and also parties and functions.



Parking

Extract from the planning statement - *The number of customers has remained within acceptable limits, and it is understood that the majority of customers that use the bar are members of the community that live locally, and that they usually walk to the premises.*

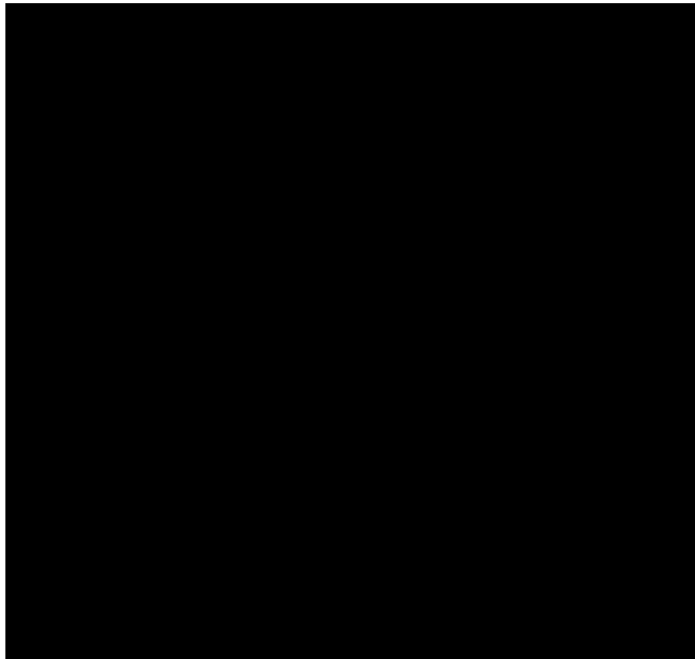
The premises has no off-road parking. The building accommodates a retail element, an interior design element, a residential element and now permission is being requested for a drinking establishment (pub/restaurant). As an aside, but demonstrating the intensive use of the property, there is no provision within the application site for bins and as a result the applicant has to fill her own vehicle with rubbish in order to discard it from the premises. The intensification of the use of this building has inevitably led to parking problems as is evident from the photograph below.



Licensing

Extract from the planning statement - *The applicant is not aware of any formal complaints to the licensing authority regarding activities relating to the license.*

There have been numerous complaints to the licensing authority regarding activities relating to the license. In particular, that the licence only allows customers to drink outside when seated at a table with no more than four chairs and that the hours of opening reflect those on the planning application (8pm Monday-Saturday and 5pm Sunday and Bank Holidays).



The following is an extract from correspondence from [REDACTED] (Ribble Valley solicitor) "....a formal letter was sent to the premises licence holder on 17/05/22 drawing attention to the breach and emphasising that non-compliance with a licence is a criminal offence etc. The investigation process involved a meeting with the licence holder [on 11/05/22].... Lanc. Police were contacted and also informed of the formal letter and asked to pay a passing attention".

Planning policy

Reference is made in the planning statement to Local Plan policies DS2, EC2, DMB1 and DMR2

These policies seek to support business growth, as long as they do not cause significant environmental problems or impact on the character and amenities of the area.

Policies DMG1, DMG3 and LNDP5 are not listed as relevant policies within paragraph 6.3 of the statement. These policies seek to ensure that the amenity of existing area/residents is not adversely affected by proposals. It is evident however from the number of concerns, that the amenities of the surrounding area are being negatively affected with regards to noise and disturbance from both the customers of the bar and the music.

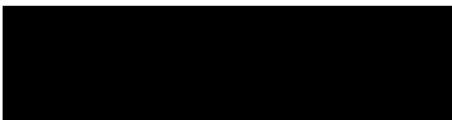
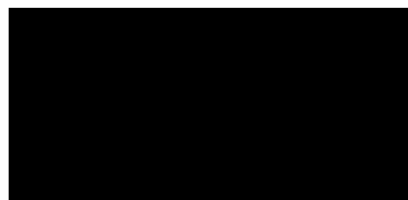
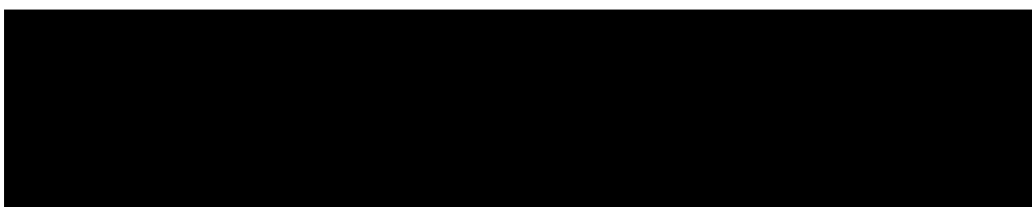
Similarly, the parking and access issues generated by the operation of a drinking establishment from within the premises, is creating parking and access issues.

Conditions 3-5 attached to application reference 3/2019/1131 were all imposed to protect the amenity of the local residents as is clear from the reasons for the conditions.

It is evident that the Council agree that the amenity of local residents has been affected, through the serving of the breach of condition notice, but more importantly the temporary stop notice. In order to serve the stop notice the Council must have concluded that 'it is expedient that the activity which amounts to the breach is stopped immediately'.

It is clear that firstly, this application does not cover the planning breaches which have been going on for over 3 years and secondly, that the sale of drinks including alcohol from the application site, has and will continue to negatively affect the amenity of local residents, which is contrary to planning policy. Whilst it is accepted that businesses should be allowed to grow and develop, this should not be at the expense of the local area or residents and as such the application should be refused.

Yours sincerely,

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Appendix 1 – Details of activity

<u>Date</u>	<u>Entertainment Type</u>	<u>Time Leaving</u>
14/1/23	Live music/ singer / dancing [b/day party]	
20/1/23	Live music/ singer / dancing [b/day party]	9pm Friday
27/1/23	Live music/ singer / dancing [b/day party]	8:15pm Friday
02/2/23	Live music / catering	8:30pm Thurs.
05/2/23	Live music - blinds drawn	6:45pm Sunday
08/2/23	Live music / catering	8:35pm Wednesday
10/2/23	Live music / singer catering	8:40pm Friday
12/2/23	Live music / singer	7:30pm Sunday
03/3/23	Live music / singer / dancing [b/day party]	8:30pm Friday
11/3/23	Live music / singer	8:20pm Saturday
17/3/23	St. Patricks day /singer / live music/catering	8:25pm Friday
18/3/23	Live music/singer/catering/dancing [b/day party]	8:40pm Saturday
24/3/23	Live music/singer	8:30pm Friday
02/4/23	Live music / singer/dancing/catering [b/day party]	5:20pm Sunday
09/4/23	Live music / singer	5:15pm Sunday
16/4/23	Charity Event - everything /duo Blinds Drawn	All Day
22/4/23	Live music/singer/dancing/catering [60 d/day party]	8:10pm Saturday
06/5/23	King Charles Coronation /Live music/ BBQ/singers Catering/ Big Screen TV	8:15pm Saturday
07/5/23	Live music / singer 5:30pm Sun	
28/5/23	Live music / singer	7:40pm Sunday
11/6/23	Live music / singer / catering - 50th b/day party	6:15pm Sunday
23/6/23	Live music / singer / catering	8:35pm Friday
25/6/23	Live music / singer / dancing	5:15pm Sunday
16/7/23	Live music / catering	8:10pm Wednesday
30/7/23	Live music / singer	5:18pm Sunday
11/8/23	Leaving party	8:20pm Friday
12/8/23	Private / Live music /catering / blinds drawn	8:15pm Saturday
20/8/23	Women's World Cup/ Private/ TV/ Catering	5:16pm Sunday

[REDACTED]

From:

Sent:

[REDACTED]
27 October 2023 16:12

To:

[REDACTED] Will Hopcroft; Planning

Subject:

Planning application- DMD design- 1 Lower Lane, Longridge- 3/2023/0707

⚠ External Email

This email originated from outside Ribble Valley Borough Council. Do NOT click links or open attachments unless you recognize the sender and are sure the content within this email is safe.

Dear Nigel (and Will),

I live [REDACTED] and fully support this application.

I'm also now aware there is a professional audio report which in essence concluded there was little or no impact on [REDACTED] premises.

In my experience there was light entertainment at the premises in the form of local singers at a low noise level which is of the pleasant and easy listening variety, I have submitted my full comments to the planning authorities already, Regards [REDACTED]

Sent from my iPhone