

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

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

Telephone: 01200 425111 [www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk) [planning@ribblevalley.gov.uk](mailto:planning@ribblevalley.gov.uk)

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Town and Country Planning Act 1990

**PLANNING PERMISSION**

**APPLICATION NO:** 3/2025/0179

**DECISION DATE:** 30 May 2025

**DATE RECEIVED:** 20/03/2025

**APPLICANT:**

Mr Phil Moss  
PLM Health and Fitness Ltd  
Unit 7 Abbey Works  
King Street  
Whalley  
Clitheroe  
BB7 9SP

**AGENT:**

Mrs Paula Fitzgerald  
Fitzgerald Planning and Design  
1 Maybury Avenue  
Burnley  
BB12 8AL

**DEVELOPMENT** Retrospective application: use of mezzanine floor as cafe/bar.

**PROPOSED:**

**AT:** Unit 7 Abbey Works King Street Whalley BB7 9SP

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. 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:

Location Plan 1:1250  
1st Floor Mezzanine Plan NTS  
1706-BR02 1:100 A3 Layout and Floor plan

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

2. The use of the premises hereby approved shall be restricted to the hours between 0700 to 2100 on weekdays, Saturdays, Sundays and Bank Holidays.

Reason: The use of the premises outside these hours could prove injurious to the character of the area and in particular to pedestrian safety due to the lack of footways and external lighting on the back street location.

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3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, amending or re-enacting that Order) the building shall not be altered by the insertion of any window or doorway without the formal written permission of the Local Planning Authority.

Reason: In order to safeguard nearby residential amenity.

4. The development hereby permitted shall be used for a drinking establishment only, and for no other purpose.

Reason: The permission granted is for a specific use, and it is considered that other uses may give rise to adverse effects on the locality.

5. There shall be no live music/entertainment in the bar area at any time.

The premises must be designed so to ensure that music and associated noise is controlled, so as to be inaudible inside any residential premises within the vicinity.

Inaudibility shall be defined by the Institute of Acoustics' Good Practice Guide on the Control of Noise from Pubs and Clubs 2003:

Entertainment Noise Level, LAeq (1 minute) should not exceed Representative Background Noise Level, LA90.

Entertainment Noise Level, L10 (5 minutes) should not exceed Representative Background Noise Level, L90, in any 1/3 octave band from 40Hz to 160Hz.

Reason: In the interests of the general amenity of the area and to safeguard, where appropriate, neighbouring residential amenity.

6. The use as a drinking establishment, hereby approved, shall only be operated ancillary to the gymnasium use on the ground floor. If the gymnasium ceases to operate then the drinking establishment shall also cease at the same time.

Reason: The use of the mezzanine floor as a bar is only acceptable if operated in conjunction with the gym use on the ground floor.

#### **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.

*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.

