


Report to be read in conjunction with the Decision Notice.

Signed:	Officer:	KH	Date:	23/05/2025	Manager:	LH	Date:	30/5/25
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Application Ref:	2025/0179			 <div>Ribble Valley Borough Council</div> <div>www.ribblevalley.gov.uk</div>
Date Inspected:	10/04/2025	Site Notice:	01/05/2025	
Officer:	KH			
DELEGATED ITEM FILE REPORT:				APPROVAL

Development Description:	Retrospective application: Use of mezzanine floor as café/bar.
Site Address/Location:	Unit 7 Abbey Works King Street Whalley BB7 9SP.

CONSULTATIONS:	Parish/Town Council
<p>Whalley Parish Council:</p> <p>Whalley Parish Council formally object to the above planning application for the regularisation of unauthorised addition of mezzanine floor and creation of bar/café upstairs</p> <p>The Parish Council have a number of concerns which include;</p> <ol style="list-style-type: none">1. Inaccurate Representation of the Application<p>The application refers to a "regularisation" of the change of use, implying that the current use was previously authorised and that this is simply a formality. In reality, no permission was ever granted for this change of use, making this a new and unauthorised activity. The initial planning permission (Ref: 3/2017/0164) restricted the use of the building solely as a gymnasium for PLM Fitness under Class D2, which excludes other uses without explicit permission in the interest of amenity of the area in accordance with Policy DMG1, of the Ribble Valley Core Strategy.</p><p>Had an application been submitted initially, the Parish Council would have objected based on established planning policies, change of use purpose, and particularly under the Cumulative Impact Assessment (CIA), which seeks to manage the impact of such venues on the surrounding area. This application suggests that the venue could exacerbate existing community issues.</p>2. Fire Regulations and Health & Safety Concerns<p>The building does not appear to meet necessary fire safety standards for a venue of this nature and confirmation is required that the building's exits, fire alarms, and safety provisions are up to required standards for a venue with bar/café facilities.</p>3. Access<p>In addition to the concerns raised, we would also like to highlight the issue of access to the building. The route between King Street and the unit provides no separate footways or adequate lighting for pedestrians, making it hazardous, particularly at night. The area is a mix of informal car parking and service areas used by various commercial businesses, which regularly attract goods vehicles along with cars dropping off and collecting patrons from the venue. This creates a significant risk to pedestrian safety, as there is no clear separation between pedestrians and vehicular traffic, increasing the risk of accidents due to poor planning and lack of clear pedestrian access.</p>4. Noise, Licensing, and Oversight	

The building is unsuitable for this purpose in this location and poses potential issues for the surrounding residential community, including noise pollution, anti-social behaviour, and road safety hazards. The unauthorised addition should not be regularised for this use and the building should remain solely for the agreed purpose of a gymnasium as originally intended.

The Parish Council highlights that a license for the bar/café was granted even though the planning permission for the mezzanine addition and venue change had not been obtained, indicating poor coordination between licensing and planning authorities.

The Council urges the Planning Authority to reject the application, reinforcing the need for a transparent, fair, and policy-aligned planning process.

CONSULTATIONS:	Highways/Water Authority/Other Bodies
LCC Highways:	<p>The access to King Street and the car parking associated with the building should be included in the red edge.</p> <p>The floor area to be changed to the licensed café bar is 40sqm with 1 employee with opening times Mon-Sun 11am – 11pm.</p> <p>The route between King Street and the venue provides no separate footways or lighting for pedestrians and is a mix of informal car parking and service areas for a mix of commercial uses which generate goods vehicles.</p> <p>LCC raised an objection to applications 23/0771 for a change of use to taxi booking office at the first floor of these premises and to 24/0667 for regularisation of unauthorised change of use to bar and music venue due to pedestrian safety concerns and we would raise the same issues for this application.</p> <p>Whilst the existing café is used by the gym users and therefore causes no additional traffic, this proposal would generate separate additional customers, staff and service vehicles.</p> <p>Lancashire County Council acting as the Highway Authority would raise an objection regarding the proposed development and are of the opinion that the proposed development will have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.</p>
CONSULTATIONS:	Additional Representations.
No responses received.	

RELEVANT POLICIES AND SITE PLANNING HISTORY:

Ribble Valley Core Strategy:

Key Statement DS1:	Development Strategy
Key Statement DS2:	Sustainable Development
Key Statement EN5:	Heritage Assets
Key Statement EC1:	Business and Employment Development

Key Statement EC2: Development of Retail, Shops and Community Facilities

Key Statement DMI2: Transport Considerations

Policy DMG1: General Considerations

Policy DMG2: Strategic Considerations

Policy DMG3: Transport and Mobility

Policy DME4: Protecting Heritage Assets

Policy DM1: Supporting Business Growth and the Local Economy

Planning (Listed Buildings and Conservation Areas) Act

National Planning Policy Framework (NPPF)

Relevant Planning History:

3/2024/0454 – Regularisation of unauthorised addition of mezzanine floor and creation of bar/café upstairs – Refused.

3/2017/0164 – Change of use from B1 business use to D2 (gymnasium) including external alterations – Approved with conditions.

ASSESSMENT OF PROPOSED DEVELOPMENT:

Site Description and Surrounding Area:

The application relates to a former industrial unit located on Back King Street, Whalley. The surrounding area is a mixed use of commercial and residential properties with the application site lying within Whalley Conservation Area. There are also a number of listed buildings close by including the Grade I Listed Church of St Mary and All Saints, associated sundial and Schedule Monuments which are located to the north, with the stone boundary wall of the Church abutting the western edge of the application site. Abbey Corn Mill is a Grade II Listed building with associated buildings (including 2-storey mill, 2 storey cottages and Wheel-house) located to the south of the site and has been subsequently converted into residential units which according to the listing “form an interesting group within an important Conservation Area”.

Proposed Development for which consent is sought:

Consent is sought to regularise the use of the mezzanine floor as a café/bar.

Principle of Development:

Key Statement EC2 of the Ribble Valley Core Strategy states that *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. Proposals that have an adverse impact on existing community facilities would only be permitted as an exception where the proposed development would bring defined and demonstrable benefits.*

However, whilst the use is acceptable in principle this is subject to other material planning considerations.

Impact upon Character/appearance of Listed Buildings:

Policy DME4 of the Ribble Valley Core Strategy states that *Proposals within, or affecting views into and out of, or affecting the setting of a conservation area will be required to conserve and where appropriate enhance its character and appearance and those elements which contribute towards its significance. This*

should include considerations as to whether it conserves and enhances the special architectural and historic character of the area as set out in the relevant conservation area appraisal. Development which makes a positive contribution and conserves and enhances the character, appearance and significance of the area in terms of its location, scale, size, design and materials and existing buildings, structures, trees and open spaces will be supported.

The development does not involve the introduction of any new built form, nor does it seek to alter the external appearance of the unit in any way.

The use of a building can also result in harm to Heritage Assets and therefore the use and associated activities can be taken into consideration in terms of harm. However, as there are a large amount of commercial uses particularly around King Street and Accrington Road which are the centre of the Village and within the Conservation Area, a number of these premises are licensed, have outside space and are, or adjacent to, Listed Buildings, in particularly the Grade I Listed Church which is sited to the west of King Street.

It is therefore considered that there would not be any undue adverse impacts on the adjacent Listed Buildings as a result of this use.

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It is therefore considered that there would not be any undue adverse impacts on the Whalley Conservation Area as a result of this use.

Impact Upon Residential Amenity:

There are a number of residential properties in the vicinity of the application site comprising of a number of residential flats above the commercial premises along King Street as well as properties at Abbey Mews. The access to Back King Street, which would be used by pedestrians attending the premises, is via King Street itself.

Paragraph 198 of the National Planning Policy Framework states:

'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions

and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development...in doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.'

Furthermore, Policy DMG1 of the Core Strategy requires all proposals for development to consider the effects of development upon existing amenities.

The residential units on King Street approximately 40 - 50m to the East and North East tend to be above commercial premises, in particular no.'s 25 to 35. Rear gardens on King Street are only 22m from the site. The nearest residential properties are Corn Mill Mews to the South with the rear elevations of numbers 7 to 11 lying approximately 32m away and the gable elevation of no. 6 around 36m. The gardens of these properties are between 25m and 37m distant.

A conditional planning permission was granted in 2009 for a taxi booking office in the adjacent building (planning application 3/2009/0127), condition 2 of that application restricted the use of the building to an operators base only and specifically stated that the building shall not be available for the general public to book a taxi from the building or wait outside the office. This was required to safeguard neighbouring residential amenity and to restrict the amount of public use along the back street due to lack of footways and lighting relating to safety concerns.

A further application at that premises sought to regularise the use of the premises as a bar and music venue which highlighted the concerns raised in the previous application. Due to the number of residential properties in the vicinity that would have been affected by this use, the application was subsequently refused on the basis of an unacceptable impact from an increase in activity to the site, both pedestrian and vehicular and resultant increase in noise.

With regards to this application, the application states that the hours of operation are unknown. The licencing hours are Monday – Sunday 11.00 – 23.00, therefore it is considered that this use of part of the site could result in unacceptable increase in terms of noise nuisance, for the nearby sensitive receptors in the vicinity if not restricted.

Further consideration would also need to be given to restricting the operational hours in order to ensure that the use can be effectively controlled. If the operating hours were limited from 7am to 9pm then this would reduce the potential impact from pedestrians during evening hours of darkness. It is also considered necessary to link the use to the existing gymnasium so that it cannot operate if that use ceases, as this would also mitigate any amenity impacts.

Subject to appropriate conditions restricting the use then potential nuisance from the use can be adequately controlled and would therefore accord with Policy DMG1 of the Core Strategy in terms of unacceptable impact on neighbouring properties.

Noise Impact Assessment:

A Noise Assessment has been submitted in support of this application which provides appropriate details of existing noise attenuation measures.

As part of the 2017 permission to use the building as gym conditions were attached to the decision notice requiring soundproofing. These measures have been carried out to the walls and the roof. As the café bar is located in the roof space at the eastern end of the building any noise generated would have to pass through internal walls and then the rendered masonry external wall which is unlikely. Music is played at background/ambient levels only with no live music and the bar element operates until 11pm.

The nearest residential properties are situated on Corn Mill Mews 25m away to the south with the facade of the property 33m away from the application site. There is a direct line of sight from the first-floor windows on the rear elevations of no.'s 1 – 5 Corn Mill Mews to the application site.

There are no first-floor windows which serve the application site and this, together with the noise mitigation measures now implemented reduces the potential for any noise nuisance.

The rear elevations of properties on King Street to the east are approximately 40/50m away.

Environmental Health have received complaints from residents living nearby regarding music noise emanating from an adjacent site, the Salvage House and that, as such, noise is considered to be detrimental to the amenity of this area. The Salvage House Premises is a part of the same former commercial unit as this application site, but that building has not been designed or adequately adapted to be a pub/music venue and lacks adequate sound insulation. This application building is considered to be different in that respect.

If this planning application was to be approved then it would be essential that robust planning conditions are imposed in order to protect neighbouring residents, and these would need to be capable of being achieved. Taking into account that a Noise Assessment has now been submitted then sufficient information has been provided to demonstrate that noise nuisance can be adequately controlled in this case.

Further consideration would need to be given to restricting the operational hours in order to ensure that the use can be effectively controlled. If the operating hours were limited from 7am to 9pm then this would reduce the potential impact from pedestrians during evening hours of darkness. It is also considered necessary to link the use to the existing gymnasium so that it cannot operate if that use ceases.

Subject to appropriate conditions restricting the use then potential nuisance from the use can be adequately controlled and would therefore accord with Policy DMG1 of the Core Strategy in terms of noise nuisance to neighbouring properties.

Highways and Parking:

Policy DMG1 states that development must *ensure safe access can be provided which is suitable to accommodate the scale and type of traffic likely to be generated.*

LCC Highways have been consulted in relation to the proposal and object due to pedestrian safety concerns.

The retention of the use of this site will introduce more pedestrians into this area where there are no footways and vehicles manoeuvring to a number of locations within a relatively confined area.

Previous applications for a taxi office and booking office in this location have recognised that, "the development provides for the creation of a single office unit specifically for the administration of a taxi booking service, involving the taking and relaying of calls." It specified that there, "must be no access to the office for members of the public or for its use as a meeting place for either passengers or drivers."

Taking account of the above, LCC Highways have raised an objection to this application on highway safety grounds and are satisfied that the previous highway safety justifications for prohibiting pedestrian access to the site remain relevant and that providing access for pedestrians to the bar and music venue would be detrimental to highway safety.

Whilst there would still be a lack of parking provision, further details relating to delivery and servicing requirements have been provided which are acceptable. This leaves the issue of pedestrian safety. The existing ground floor gym has unrestricted 24 hour use, however as patrons of the bar would not always be gym users (to limit this use to gym users only is considered unreasonable) there will be an increase in pedestrians accessing the site, particularly in the evenings/ at night-time, which does raise some concerns

about safety, particularly during the winter months. To reflect the fact that existing gym users will patronage the bar, and so by them already being on site this means that additional movements / impacts associated with the café/bar will be somewhat reduced, a restriction to ensure the café/bar only operates in conjunction with the gymnasium would ensure that this element did not become an independent use.

Limiting the operating hours to 7am - 9pm would also help to improve pedestrian safety, by limiting additional movements during evening hours of darkness for people using the bar.

Subject to appropriate conditions securing the above then potential nuisance from the use can be adequately controlled and would therefore accord with Policy DMG1 of the Core Strategy in terms of noise nuisance to neighbouring properties.

Taking into account that the concerns relating to noise nuisance have now been addressed providing that the use can be controlled in terms of limited hours and usage then this small-scale development could be acceptable in terms of Policy DMG1 subject to appropriate conditions.

Landscape/Ecology:

No ecological constraints identified relevant to the proposal. The application is exempt from having to meet the mandatory biodiversity net gain requirements.

Observations/Consideration of Matters Raised/Conclusion:

As such, for the above reasons and having regard to all material considerations and matters raised that the application is recommended for approval subject to appropriate conditions limiting the use as prescribed above.

RECOMMENDATION:

That planning permission be approved subject to appropriate conditions.