



Professional Planning and Development
Member of the Royal Town Planning Institute



Planning Statement

Use of existing mezzanine as a cafe/bar
Unit 7, Abbey Works, King Street, Whalley,
BB7 9SP

On behalf of: Mr Phil Moss

March 2025

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1. Introduction

- 1.1 This Planning Statement has been prepared by Fitzgerald Planning and Design on behalf of Mr Phil Moss. The statement has been provided in support of a planning application for a retrospective use of an existing mezzanine floor (40sqm) to be used as a cafe/bar.

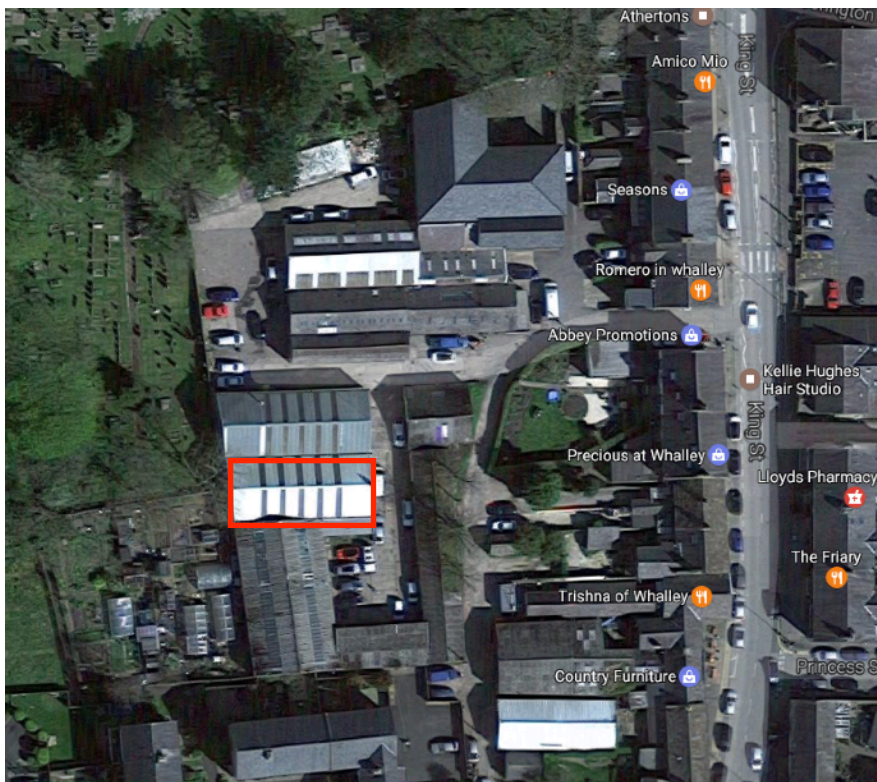
2. The Application Site and Surrounding Uses

- 2.1 The site is located off King Street Whalley, on a small mixed use trading estate. The unit has an approximate site area of 0.23 ha and is attached to another unit of equal size.

As part of a planning approval in 2017 (3/2017/0164) the ground floor part of the building as gym and has been successfully operating for over 8 years.

Access is direct from King Street, via Back King Street which makes the site a 30 second walk from Whalley and all its shops, amenities and services. The site is located within the defined Conservation boundary of Whalley (as discussed later in the statement) and also within Flood Zone 2 as designed on the latest Environment Agency flood maps.

Aerial Image showing outline of the building source: www.googlemaps.com



Images of the site and surrounding area



Photograph 1: main entrance to the gym and cafe/bar



Photograph 2: internal shot of the cafe/bar



Photograph 3: internal sot of the cafe/bar

3. Planning History

Planning History

3/2024/0454 - Regularisation of unauthorised creation of café/bar located on mezzanine floor. Refused

1. The applicant has failed to demonstrate that the use of the premises as a café/bar would meet the required noise attenuation measures. Therefore, the resultant activity, both internally and externally, could result in an unacceptable harm to the living conditions of the neighbouring receptors in the vicinity contrary to Policy DMG1 of the Ribble Valley Core Strategy 2008 – 2028 and Paragraph 198 of the National Planning Policy Framework.

2. The use would result in the need for increased pedestrian access to the site in an area where there are no footways and street lighting, with vehicles manoeuvring in a confined area which would be of significant detriment to highway safety. Moreover, the use lacks the required parking provision, and there are insufficient details relating to deliveries and servicing. This is contrary to Policy DMG1 and DMG3 of the Ribble Valley Core Strategy 2008 – 2028 and Paragraph 116 and 198 of the National Planning Policy Framework.

3/2017/0430 - Discharge of condition 5 (external air conditioning vents or any other external plant equipment) from planning permission 3/2017/0164
Discharged 22/6/17

3/2017/0416 - One illuminated fascia Approved 23/6/17

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

4. The Proposed Scheme

- 4.1 The cafe/bar is located on the mezzanine level and shares the same entrance as the gym. The area is approximately 40 sqm and contains a small bar area and seating area. There are no window openings as there is a clear separation with the gym area which sits below.
- 4.2 The owner/operator is Phil Moss who has been a fitness coach in Whalley since 2007 and he opened PLM Fitness in 2013. PLM Fitness has achieved numerous awards including The National Fitness Awards 2018, and the Ribble Valley Business Awards every year since 2018. Phil is serious about his business and the image it presents locally being the promotion of health, fitness and wellbeing.

4.3 A big part of why people attend the gym is not only to work out but to engage in a sense of camaraderie that comes from shared effort. If a member knows the other people in the facility, they become comfortable and show up more. They like to enjoy being together after their workout and this one of the key aims of the cafe/bar. Since COVID people have returned to the gym but with a renewed idea of what they want from the gym they attend, they want both a place to exercise and a safe social space. The benefits to health of both the social interaction and the physical are now widely accepted, with it being common for gyms to have social spaces alongside the gym itself and PLM Fitness want to expand this side of the business for their members.

4.4 The bar serves hot and cold drinks and serves only cold food which are eaten on the premises. There is no hot food served. Whilst the bar is offered to members of the gym which make up most of the clientele, members of the public are also welcome. The daytime use until 5pm is only ever gym users and normally 2/3 nipping for a coffee after a work out. On Friday and Saturday evenings, the cafe/bar is normally busier with people arriving by foot.

4.5 Hours of operation

Monday – Tuesday 9.30 – 4

Wed – Saturday 9.30 – 11

Sunday not open

4.6 **Design and Appearance**

The proposal is for the use of the existing mezzanine as a cafe/bar. It does not involve any external alterations to the existing building.

4.7 **Access and Parking**

Access to the unit is gained from King Street, along Back King Street. There are a range of uses and small businesses on Back King Street which each have their own parking spaces. Unit 7 is located on a court yard area of units.

The site is within a highly accessible location, just a 30 second walk from the main high street through Whalley. The bus station is only a 2 minute walk with a wide range of bus services to the wider area and Whalley train station is located a short walk away off Station Road.

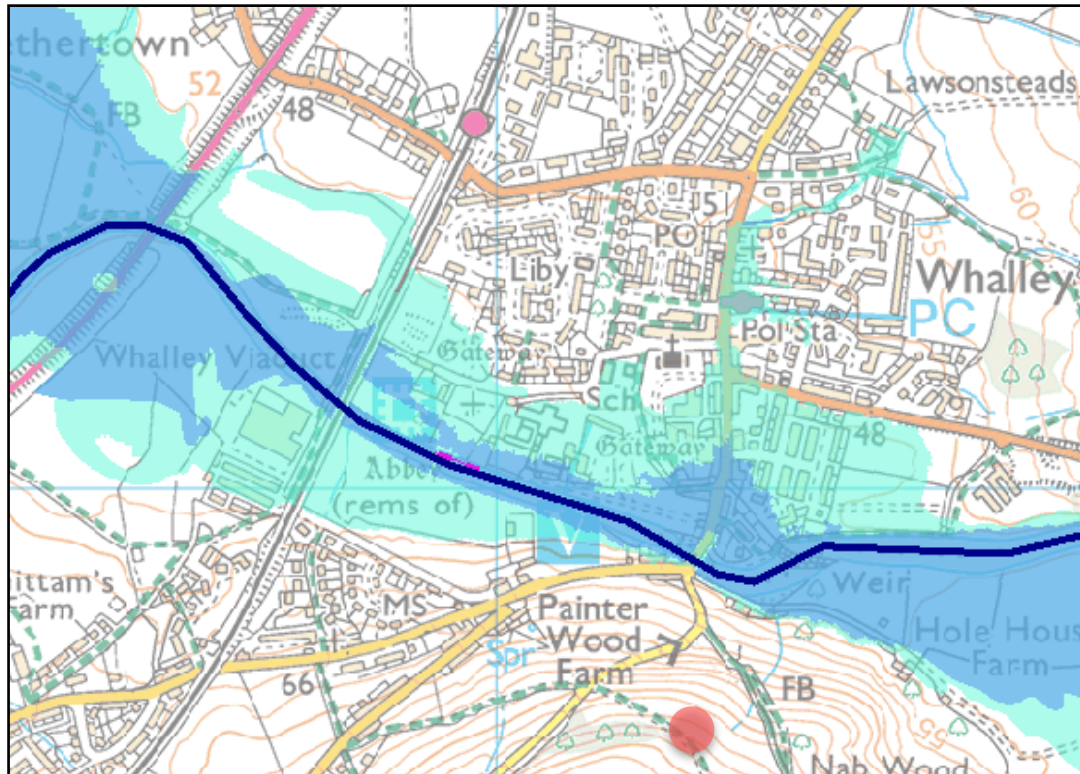
Whilst the site doesn't have its own allocated parking spaces, there are a range of parking choices within Whalley including 2 pay and display car parks and on street parking.

In terms of usage at the gym, there are never more than 7-8 users at anyone time therefore traffic is minimal. The owner does his own supply of stock in his car, therefore no deliveries from larger HGV delivery vehicles are made to the site.

Low level sensitive lighting has already been installed as part of the gym application in 2017. This gives security within the small courtyard area as well as CCTV which has also been installed which the owner can monitor remotely.

4.8 Flood Risk

The site is located within Flood zone 2. The classification of the proposed use is classed as 'less vulnerable' as shown in the EA Flood risk vulnerability classification¹, see extract below and bullet point two 'assembly and leisure'.



Map extract taken from the Environment Agency

¹<https://www.gov.uk/guidance/flood-risk-and-coastal-change#Table-2-Flood-Risk-Vulnerability-Classification>

Less vulnerable

- Police, ambulance and fire stations which are not required to be operational during flooding.
- Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'more vulnerable' class; and assembly and leisure.
- Land and buildings used for agriculture and forestry.
- Waste treatment (except landfill* and hazardous waste facilities).
- Minerals working and processing (except for sand and gravel working).
- Water treatment works which do not need to remain operational during times of flood.
- Sewage treatment works, if adequate measures to control pollution and manage sewage during flooding events are in place.

The applicant has invested a great deal in updating the building as part of the gym permission in 2017, which included increasing the current finished floor level by at least 300mm which is in line with the guidance in the EA standing advice. It is not considered that this latest application will have any impact on flood risk.

4.9 Heritage Issues

Whilst the site is located within the Whalley Conservation Area, there are no external alterations to the unit. The previous refused application commented as follows:

'It is therefore not considered that there would be any undue adverse impact on the adjacent Listed Buildings as a result of this use. ' (officer report 3/2024/0454)

5. National and Local Planning Policy Context

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application. The Development Plan for the purposes of this application comprises the following:

- The National Planning Policy Framework (NPPF) December 2024
- National Planning Practice Guidance
- Ribble Valley Core Strategy

- Whalley Conservation Area 2005

5.2 National Planning Policy Framework (NPPF)

- the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and productivity, taking into account both local business needs and wider opportunities for development. (Para 85).
- Requiring Local Planning Authorities to approach decision-taking in a positive way to foster the delivery of sustainable development (para 39)

5.3 Core Strategy 2008 - 2028 Ribble Valley Borough Council

The Development Plan for Pendle Borough Council comprises the following documents:

- Ribble Valley Borough Council Core Strategy 2014
- Housing and Economic Development DPD

5.4 Ribble Valley Council Core Strategy

Most relevant to this site are the following:

EC1 - Business and Employment Development

Employment development will be directed towards the main settlement of Clitheroe, Whalley and Longridge as the preferred locations to accommodate employment growth.

DMB1 Supporting Business Growth

Proposals that are intended to support business growth and the local economy will be supported in principle.

Key Statement EN5 - Heritage Assets

There will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings. The Historic Environment and its Heritage Assets and their settings will be conserved and enhanced in a manner appropriate to their significance for their heritage value.

DMG1 - General Considerations

In determining planning applications, all development must consider the following key considerations; design, amenity, environment, access and infrastructure.

DMG3 - Transport and Mobility

Of particular relevance;

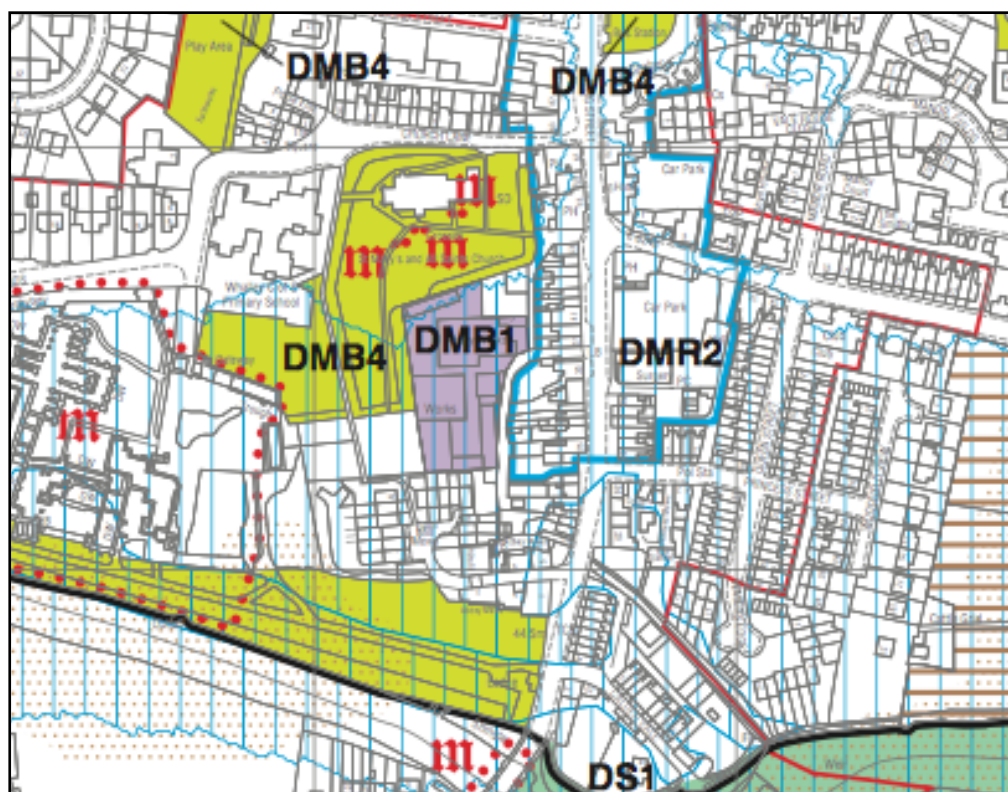
point 5. Proposals which strengthen existing town and village centres which offer a range of everyday community shopping and employment opportunities by protecting and enhancing their vitality and viability.

point 6. proposals which locate development in area which maintain and improve choice for people to walk, cycle or catch public transport rather than drive between homes and facilities which they need to visit regularly

5.5 Housing and Economic Development DPD

Following the adoption of the Core Strategy in December 2014 the Council prepared a Housing and Economic Development Development Plan Document (HED DPD). Adopted in October 2019, this sets out more detailed policy coverage for matters relating to housing and economy to fully implement the policies of the Core Strategy.

The following extract is taken from the Proposals map. Whalley has a Town Centre Boundary (in blue) and the purple shading represents an 'Existing Employment Area', which the site within.



Proposals Map as part of the Housing and Economic Development DPD

6.0 Planning Appraisal

The principle of development

- 6.1 The site is located within the settlement of Whalley. Policy EC1 of the adopted Core Strategy states that Whalley is an important location for employment. The use of the mezzanine employs 1 full time member of staff.

The proposed use is complimentary to many services and amenities which can be found within Whalley. The application site is located on the edge of the town centre. 'Health and fitness centres' fall within the definition of NPPF's Main town centre uses as well as bar.

It is felt that the proposal meets the following policy in the Core Strategy, DMB1 - supporting business growth and the local economy;

'proposals which are intended to support business growth and the local economy will be supported in principle'

Policy EC2 is also relevant and is discussed in the recent officer report; *'whilst the use is acceptable in principle this is subject to other material planning considerations.'*

Furthermore, the proposals helps to compliment an existing business with a small element of diversification of the existing. The site is within 100 metres walk of the centre of Whalley which will add to the vitality and viability of the centre.

6.2 Design and Appearance including Conservation Area and Listed Buildings

The proposal is for the use of the existing mezzanine as a cafe/bar. It does not involve any external alterations to the existing building. It is therefore considered that the proposal will not have a detrimental impact on the building or upon the Whalley Conservation Area.

The previous application commented as follows:

'It is therefore not considered that there would be any undue adverse impact on the adjacent Listed Buildings as a result of this use.' (officer report 3/2024/0454)

6.3 Residential Amenity

The site is close to residential properties, the closest being Cornmill Mews to the south and various flats above commercial premisses on King Street.

The main issue relating to impact on residential amenity was the potential noise from the site. This was also a consideration raised as part of the approval in 2017. At that time, concern was raised as to the level of music played within the gym and how the sound

could travel to surrounding residential properties. This issue was dealt with the the attachment of appropriate conditions as listed below.

Condition 3

Noise from the site shall not exceed 40 dB(A) leq 5mins when measured at or beyond the boundary of any noise sensitive premises between the hours of 07:00 - 23:00 and 35 dB(A) leq 5mins when measured at or beyond the boundary of any noise sensitive premises between the hours of 23:00 - 07:00.

Reason: In order to safeguard the amenity of nearby residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy, and the NPPF.

Condition 4:

All external doors and windows, including velux windows, other than those used to serve toilet/shower rooms, shall be closed whilst the gym is in use.

Reason: In order to safeguard the amenity of nearby residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy, and the NPPF.

Condition 5: (formally discharged 3/2017/0430)

Details of any external air conditioning vents or any other external plant equipment shall have been submitted to and approved in writing by the Local Planning Authority prior to installation on site. The submitted information shall include details of the design, specification, fixing and finish of all external plant equipment and the development shall be carried out in complete accordance with the approved details.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance in accordance with Policy DMB1 of the Ribble Valley Core Strategy.

Condition 6:

Prior to use, all external walls shall be stud lined and soundproofed with double layer soundproof boarding and insulation.

Reason: In order to safeguard the amenity of nearby residents in accordance with Policy DMG1 of the Ribble Valley Core Strategy, and the NPPF.

Please note that the applicant has not had any formal complaints from the Council since opening the gym business 7+ years ago and the previous officer report noted; 'provided that the conditions are adhered to, it is considered that the proposed development and its 24 hour use, would share an acceptable relationship with surrounding uses including residential dwellings.'

Noise assessment

Following concerns raised in the previous application, a noise assessment was commissioned and is submitted as part of this application. It should be noted that the bar/cafe plays low level background music and does not host any live bands. The bar/cafe is also not open every day:

Monday – Tuesday 9.30 – 4

Wed – Saturday 9.30 – 11

Sunday not open

It is considered that the findings of the noise assessment will allay any previous concerns in the previous application.

6.4 Highways and access

The business has operated for 8 years and that no incidents have occurred in terms of pedestrian safety. Note that LCC did not object to the 2017 application stating;

'LCC raised no objections stating that being within the town centre of Whalley the application site is considered to be a sustainable location with access to existing car parks. In addition, it is considered that the proposed use would have no greater impact on the highways network/car parking than the existing industrial use of the unit and the surrounding network is considered capable of serving the proposed use.'

The applicant has confirmed that deliveries for the cafe/bar are carried out by himself once a week.

The numbers visiting the cafe/bar in during the week are normally clientele of the gym, with greater visitors on Friday and Saturday (note the cafe/bar is not open on Sundays). The site area is 40 sqm and it is not considered that this is a significant space.

Comparisons appear to have been made with the neighbouring unit and the various applications which have been previously made:

Taxi booking office

3/2023/0771 - Change of use from booking office to taxi office at first floor level. Access to first floor reception/sitting area via entrance hall and staircase on ground floor. Refused 18/12/23

66sqm, employing 4 full time staff and proposed 2 further part time. This application sought for customers who had booked taxi's to wait in the building. It is considered that this is not a direct comparison of the application at No. 7.

3/2024/0667 - Regularisation of unauthorised change of use to bar and music venue
220sqm, 1 full time and 12 part time members of staff

Note this is subject to an Enforcement Appeal. It is also considered that this application should not be compared with the current proposal.

It is not considered that the potential footfall to the site would have a significant detriment on the pedestrian safety. The gym has operated without any designated parking for 8 years and no pedestrian accidents have been reported. Para 116 of the NPPF states;

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'

7. Conclusion

This Planning Statement has set out the merits and acceptability of the use of the mezzanine as a cafe/bar.

The Statement demonstrates that the site is within a sustainable location, within a short walk to the local shops, services and amenities and that the proposal will offer a small complimentary use the existing gym.

Whilst the site is within close proximity to many listed buildings and significant heritage assets, the proposals will not have a detrimental impact to the Conservation Area.

It is considered that the additional information with the Noise Assessment and this supporting statement, addresses the concerns raised in the two reasons for refusal.

Paragraph 39 of the NPPF states;

'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and 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.'

Appendix 1 - extract from Whalley Conservation Area

