

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

Agenda Item No

meeting date: THURSDAY, 16 FEBRUARY 2017
title: PLANNING APPLICATIONS
submitted by: DIRECTOR OF COMMUNITY SERVICES

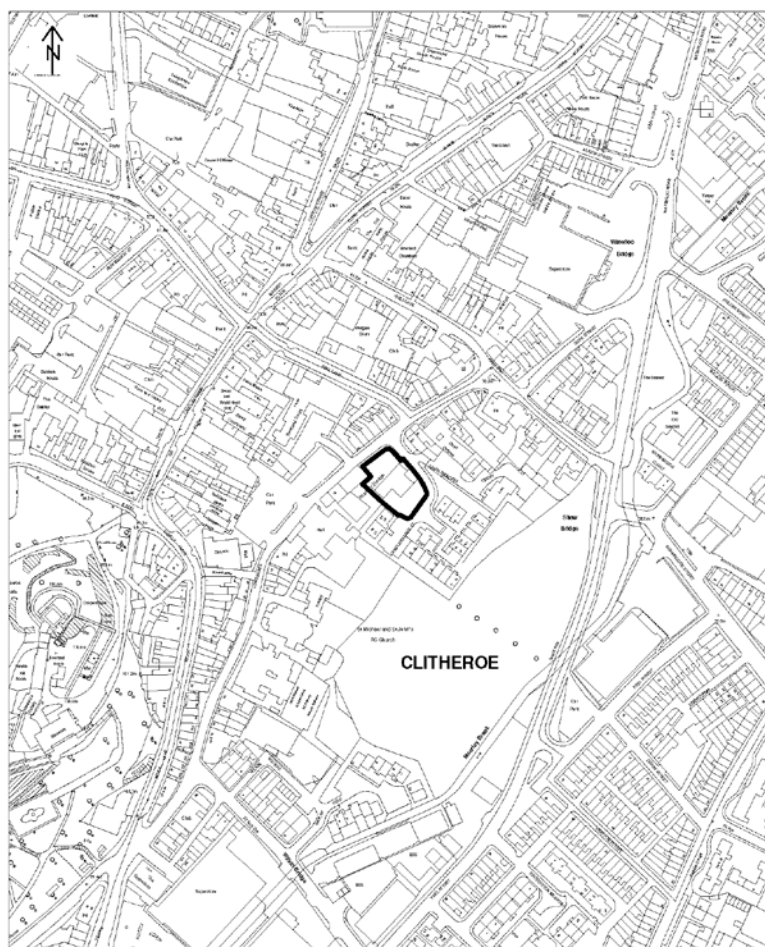
PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION REF: 3/2016/0928 (PA)

GRID REF: SD 374390 441732

DEVELOPMENT DESCRIPTION:

CHANGE OF USE FROM B1 (OFFICE USE) TO C3 (DWELLING) TO FORM TWO DWELLINGS AT STANLEY HOUSE, LOWERGATE, CLITHEROE BB7 1AD.



3/2016/0930 Stanley House, Lowergate, Clitheroe, BB7 1AD

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

TOWN COUNCIL:

Objects because of concerns as to the architectural merits of the proposals which will change the listed building significantly.

LCC HIGHWAYS:

No objections. Should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

The applicant has provided adequate off road parking provision for this type and size of development.

The ground floor study is capable of being used as an additional bedroom and as such each property should be allocated with three off road car parking spaces each. A condition is suggested requiring the approval of a car park and manoeuvring scheme.

HISTORIC AMENITY SOCIETIES:

Consulted, no representations received.

ADDITIONAL REPRESENTATIONS:

No letters of representation have been received.

1. Site Description and Surrounding Area

- 1.1 Stanley House is a Grade II listed (19 May 1950) building prominently sited within Clitheroe Conservation Area.

The list description identifies:

“C18 ... Central doorway with semi-circular head ... semi-circular fanlight and 6-field panelled door ... To the right is a 2-storey C19 extension ... A shield of arms with recarved bearing has crest weathered out of recognition”

A basement doorway of possible earlier date than C18 (found during site inspection) suggests that the site (one of Clitheroe’s few evident burgage plots) may have had an interesting historical development.

Typically, the list description does not refer to the building interior.

Stanley House is within the setting of a number of other listed buildings including Nos 33 and 35 Lowergate, Nos 39 and 41 Lowergate and St Michael’s Primary School Lowergate (all Grade II listed) which ‘form a group’ (list description).

The Clitheroe Conservation Area Appraisal (The Conservation Studio consultants; adopted by the Borough Council 3 April 2007 following public consultation) identifies:

“The relatively intact medieval layout of the original settlement; The architectural and historic interest of the area’s buildings, 88 of which are listed; A pleasing historic

townscape enhanced by the town's changes of level and curves in the old streets" (Summary of Special Interest).

"The Clitheroe Conservation Area contains the historic core of the medieval town including its principal medieval streets: Castle Street, Market Place, Church Street, Wellgate, Lowergate and Duck Street" (Location and Context).

"The core of the conservation area which is centred on Castle Street, Church Street, Wellgate and Lowergate is also the core of the town's original 12th century settlement. Historic burgage plots are evident in, for instance, the long, thin strip of land occupied by today's Rose and Crown (formerly the Starkie Arms c1850) and the sites of two large dwellings, Stanley House in Lowergate and Hazelmere beside Well Terrace" (General Character and Plan Form).

"The conservation area hosts a mix of primarily business, commercial and residential uses ... In brief, the Clitheroe Conservation Area contains the commercial, administrative and business heart of a Lancashire market town with a population of 14,000" (Activities/uses).

"This borough settlement took the form of the classic, two-row planned settlement with castle and church at either end ... Lowergate formed a second axis, more or less parallel to the main thoroughfare, on its east side" (The Effect of Historical Development on Plan Form).

"The conservation area is most notable for buildings from the late 18th century and 19th century, many of which replaced earlier structures - even the Church of St. Mary Magdalene dates primarily from a rebuilding in 1828 ... In Clitheroe, as in other market towns the 18th century marked a movement away from traditional vernacular building to a more consciously designed 'polite' form of architecture. Buildings from this period are influenced by a sense of proportion and incorporate sliding sash windows and elements of classical detailing such as pediments and friezes" (Architectural and Historic Character).

Stanley House is pictured at page 20 of the Appraisal.

"Loss of architectural detail (original windows, doors etc); Insensitive alteration of historic buildings" (Weaknesses: Principal Negative Features).

Nos. 22-34 Lowergate (opposite Stanley House) are identified as Buildings of Townscape Merit making a positive contribution to the character and appearance of the Conservation Area.

- 1.2 Brunskill R.W. 'Illustrated Handbook of Vernacular Architecture' (1978 page 112) identifies:

"The essential characteristic of the double-pile plan is that it is entirely two rooms in depth. In all other plans the principal room has run through from front to back walls ... The basic version of the double pile plan consists of four rooms ... The double pile plan was introduced high in the social scale towards the beginning of the C17, by the middle of the C18 it had spread to all parts of the country and all levels of society".

- 1.3 The Historic England Listing Selection Guide 'Domestic 2: Town Houses' (2011) identifies specific considerations when considering town houses for designation:

“Status and Survival - The Georgian town houses that survive today will tend, through natural selection, to be the grander examples ... In all cases, the things to look for are the same: the survival of exterior and interior features, and of plan form ...

Interiors - Many houses have never been inspected internally, and features of interest may survive which have never been considered: new discoveries and new designations thus remain to be made ... Internally they include staircases; fireplaces; decorative plasterwork; joinery: doors, architraves, panelling, shutters etc; built-in cupboards or shelved niches ...

Alteration - Internally, the loss of major elements such as the staircase, or the room plan of the principal floors, or the stripping out of internal features, will undermine the case for listing. Alterations to the less prominent parts of a house, such as bedrooms and service areas, may have less of an impact than alterations to the principal spaces”.

- 1.4 Site inspection suggests that the building has an interesting and complicated history e.g. basement stone door surround (of C17 type) and floor support structure. C18 maps (Sketch of 1740; Lang’s of 1766) suggest a wide rectangular building in this location – is the two-storey ‘C19 extension’ a possible rebuild or remodelling of an earlier structure? The building is difficult to ‘read’ building because modern interventions are not sufficiently differentiated from historic build and historic fabric has been incorporated from other historic sites (e.g. doors). However, some understanding can be made from the existing plans for 3/1982/0635 & 0616 & 0617.

2. **Proposed Development for which consent is sought**

- 2.1 Planning permission is sought for the subdivision of the office building (B1 use) to facilitate a change of use into two dwellings. The proposals as originally submitted proposed significant and harmful alteration/loss to historic building plan form and fabric.
- 2.2 Delay to application determination has resulted from the paucity of information submitted concerning the significance of the listed building’s plan form and historic fabric affected. NPPF paragraph 128 states “*local planning authorities should require an applicant to describe the significance of any heritage assets affected The level of detail should be proportionate to the asset’s importance ... sufficient to understand the potential impact of the proposal on their significance ... As a minimum ... heritage assets assessed using appropriate expertise*”. The case officer, mindful that applications 3/2012/0838 & 0839 and 3/2016/0469 & 0470 were not accompanied by this significance information and the latter were refused because of “*unsympathetic alterations to plan form and the loss of important historic fabric*” has therefore sought the minimum but necessary information to comply with NPPF and the duty at section 16 of the Act (harm has to be identified before its acceptability can be considered). On 19 December 2016 the case officer accepted an extension of time on application consideration for this purpose. On 24 January he reiterated the information request and specified some relevant matters for consideration “*what was the purpose of the historic extension? Does the original build have a distinctive plan type – double-pile? Are there remnants (basement doorway) of an even earlier plan form type?*”. In the agent’s response of 31 January 2017, it has been recognised that “Stanley House maintains a traditional double pile plan form ... of heritage value as a feature of the original house” and that the C19 extension had a distinct identity “the extension would most likely have been added as required staff accommodation”. The agent’s response recognises that proposals are harmful.

- 2.3 The impact of works has significantly lessened following consideration to the specific concerns highlighted in the file report for 3/2016/0469 & 0470. A revised scheme submitted 19 December 2016 removes all works harming the historic fabric and clarifies the impact of subdivision on the listed building's immediate setting.
- 2.4 The Conservation Area site has trees of amenity value. The agent has amended the scheme so that a tree report is not required. However, the Borough Council Countryside Officer's initial inspection has identified potential tree resentment issues (Yew tree) from the subdivision proposed. He confirms that if any works are to be carried out to any of the tree stock within the curtilage of Stanley House, a tree works application will be required.

3. **Relevant Planning History**

No pre-application advice has been sought in respect to the proposed development.

3/2016/0469 & 0470 - Change of use from B1 office to class C3 residential. Resubmission of application 3/2012/0838. PP and LBC refused 15 July 2016 because of "because of unsympathetic alterations to plan form and the loss of important historic fabric".

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3/1982/0616 & 0617 - Proposed alterations and extension to form additional office accommodation. PP & LBC granted 13 January 1983.

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement EC1 – Business and Employment Development

Key Statement EN5 – Heritage Assets

Key Statement DS1 – Development Strategy

Key Statement HS1 – Housing Provision

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMG1 – General Considerations

Policy DME4 – Protecting Heritage Assets

Planning (Listed Buildings and Conservation Areas) Act 1990

'Preservation' in the duties at sections 16, 66 and 72 of the Act means "doing no harm to" (*South Lakeland DC v. Secretary of State for the Environment* [1992]).

Clitheroe Conservation Area Appraisal

NPPF
NPPG

5. **Assessment of Proposed Development**

5.1 The main consideration in the determination of this planning application is the impact upon the special architectural and historic interest and setting of the listed building (section 66 of the Act). Consideration is also made to the impact upon the character and appearance of Clitheroe Conservation Area (section 72 of the Act), the impact upon the setting of other listed buildings (section 66 of the Act), the loss of employment use, provision of housing, highway safety and residential amenity.

5.2 Impact upon the special architectural and historic interest and setting of the listed building:

5.2.1 I concur with the agent that there is harm from the current proposals (and note the concurrent recognition to the importance of the Georgian double-pile plan and the service wing to building historical development). I am also mindful of the concerns of Clitheroe Town Council in respect to impacts upon the special architectural interest of the listed building.

5.2.2 In my opinion, the division of the listed house into two residential units is unfortunate. Stanley House's Georgian double-pile plan is a distinct and important element of special architectural interest and will be compromised by the separation into the C19 service wing of the front right-hand room of the C18 build over four floors and the blocking of access routes between the house and service wing. Whilst these works may be potentially reversible, I am mindful of paragraph 43 of Historic England's 'Making changes to Heritage Assets' (2016; appended) that "*reversibility alone does not justify alteration; If alteration is justified on other grounds then reversible alteration is preferable to non-reversible*".

'Making changes to Heritage Assets' also identifies:

"The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases (whether decorated or plain, principal or secondary) and other features are likely to form part of its significance. Indeed they may be its most significant feature. Proposals to remove or modify internal arrangements, including the insertion of new openings or extension underground, will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations" (paragraph 45).

However in my opinion, the removal of damaging proposals to the historic fabric and clarity on the treatment of the setting results in the minimisation of harm to the special architectural and historic interest of the listed building to that necessary to achieve a viable use. Mindful of the original (albeit single) residential use of Stanley House and of the potential harm to the listed building from alternative edge of town centre uses, I am satisfied that the Optimum Viable Use (NPPG 'Conserving and Enhancing the Historic Environment' 015) is being approached (NPPF paragraph 134 'public benefits').

5.2.3 'Making changes to Heritage Assets' paragraph 54 states in respect to heritage assets in general:

“Where the proposal involves a change of use, particularly to single or multiple residential units, local planning authorities may consider that the impact on the building and its setting of potential future permitted development, such as conservatories, garden sheds and other structures associated with residential use, make the change of use proposal unacceptable in principle. Conditions preventing or limiting such future permitted development may make the change of use proposal acceptable”.

In my opinion, the restriction of permitted development rights is not necessary in this case because of listed building consent requirements (section 7 of the Act) and the stricter thresholds related to development within the curtilage of a listed building.

5.3 Impact upon the character and appearance of Clitheroe Conservation Area:

5.3.1 I am now satisfied that the proposals will have an acceptable impact upon the character and appearance of Clitheroe Conservation Area following clarification by the applicant of tree and garden impacts.

5.4 Impact upon the setting of other listed buildings:

5.4.1 I am now satisfied that the proposals will have an acceptable impact upon the setting of the other listed buildings in the group following clarification by the applicant of tree and garden impacts.

5.5 Loss of employment use:

5.5.1 I am mindful of progress on the Housing and Economic Development (DPD). A report was considered by P&D committee on 14th April 2016, where this site was listed in an appendix as an existing employment site (appendix 5 - Economy and Employment Land Issues Paper). Since this P&D report, the Regulation 18 (Issues and Options stage) of the HED DPD and the Draft Proposals Map has been consulted upon (between 26th August and 7th October 2016). Whilst the site is designated on the Draft Proposals Map as an existing employment area, this represents an existing land use but does not preclude change of use. However, it does require compliance with policy DMB1.

5.5.2 At that time of consideration of application 3/2016/0469 insufficient information had been provided in relation to criterion 5 of Policy DMB1. In relation to this application however, I note in para 5.2.33 of the applicant’s planning statement submitted as part of this application that information is provided relating to the marketing history of the site. Whilst more detailed information would be useful (dated marketing materials for example), I note that lack of information was not cited as a reason for refusal in the previous planning decision and therefore I consider that sufficient information has been provided which deals with criterion 5 of DMB1.

5.5.3 I am comfortable from the information provided that the loss of the employment use and the creation of an additional 2 dwellings in this location would not undermine the Development Strategy, as set out in the adopted Core Strategy and I therefore consider the proposals to be acceptable.

5.6 Housing provision and residential amenity:

5.6.1 The Borough has a revised 5 year supply figure of 4.99 years when measured against the most recent monitoring information. The significance being that the Council cannot demonstrate a 5 year supply and the implications of paragraph 49 of NPPF must be taken into account in making any decisions on the application.

NPPF Paragraph 49 states that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

Where the council cannot demonstrate a 5 year supply the presumption is in favour of sustainable development.

5.6.2 The provision of additional housing is to be welcomed. I do not believe that the proposals would result in an unacceptable impact upon the amenities of adjoining or nearby residents

5.7 Highway safety:

5.7.1 I am mindful of the comments of LCC Highways and would recommend should members be minded to grant planning permission that a condition be attached to ensure an acceptable car park and manoeuvring scheme

6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 In my opinion, the harm to the special architectural and historic interest of the listed building is ‘less than substantial’. NPPF paragraph 134 requires that this harm be “weighed against any public benefits of the proposal, including securing its optimum viable use’ and in my opinion the minimal harm to plan form is acceptable because of the securing of the long-term use and repair of the building.

6.2 Therefore, in attaching considerable importance and weight to the preservation of (i.e. avoiding harm to) the listed building, its setting and its features of special architectural and historic interest [section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990] and in giving ‘great weight’ to conservation (NPPF paragraph 132), I would recommend that listed building consent be approved subject to condition.

RECOMMENDATION: That the application be APPROVED subject to the following conditions:

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 pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. This permission shall be implemented in accordance with the proposal as amended by the email received from the agent on 16 December 2016 and the revised ‘Proposed Floor Plans for the Division of Stanley House into Two Houses’ received from the applicant 19 December 2016.

REASON: For the avoidance of doubt since the proposal was the subject of agreed amendments and in order to safeguard the special architectural and historic interest of the listed building.

3. Precise specifications of works to the fabric of the listed building (including walling up of doorways) shall have been submitted to and approved by the Local Planning Authority before the implementation of this element of the works.

REASON: In order to safeguard the special architectural and historic interest and significance of the listed building.

4. Precise specifications of new services (exterior and interior impacts) shall have been submitted to and approved by the Local Planning Authority before the implementation of this element of the works.

REASON: In order to safeguard the special architectural and historic interest and significance of the listed building.

5. Precise specifications of a car park and manoeuvring scheme is to be submitted to and approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative and permanently maintained thereafter and clearly showing ownership of each parking bay.

REASON: To allow for the effective use of the parking areas.

BACKGROUND PAPERS

https://content.historicengland.org.uk/images-books/publications/dlsg-town-houses/domestic_2_rev_final.pdf/

(Historic England Listing Selection Guide 'Domestic 2: Town Houses')

<http://www.legislation.gov.uk/ukpga/1990/9/contents>

[Planning (Listed Buildings and Conservation Areas) Act 1990]

<https://www.historicengland.org.uk/images-books/publications/conservation-bulletin-73/>

(page 46 'The Big Issue of Little Harm', Conservation Bulletin: Issue 73 Winter 2014)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

(National Planning Policy Framework)

<https://www.gov.uk/guidance/national-planning-policy-framework/12-conserving-and-enhancing-the-historic-environment>

(National Planning Policy Guidance: Conserving and Enhancing the Historic Environment)

<https://www.gov.uk/government/publications/principles-of-selection-for-listing-buildings>

('Principles of Selection for Listed Buildings')

<https://www.historicengland.org.uk/images-books/publications/making-changes-heritage-assets-advice-note-2/>

('Making Changes to Heritage Assets', Historic England, 2016)

<https://content.historicengland.org.uk/images-books/publications/conservation-principles-sustainable-management-historic-environment/conservationprinciplespoliciesguidanceapr08web.pdf/>

(paragraph 38 'Conservation Principles, Policies and Guidance', Historic England, 2008)

<https://content.historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/gpa2.pdf/>

('Managing Significance in Decision-Taking in the Historic Environment', 2015, paragraph 47)

https://www.ribblevalley.gov.uk/download/downloads/id/10010/adopted_core_strategy.pdf

(Adopted Core Strategy)

https://www.ribblevalley.gov.uk/downloads/download/3329/clitheroe_conservation_area

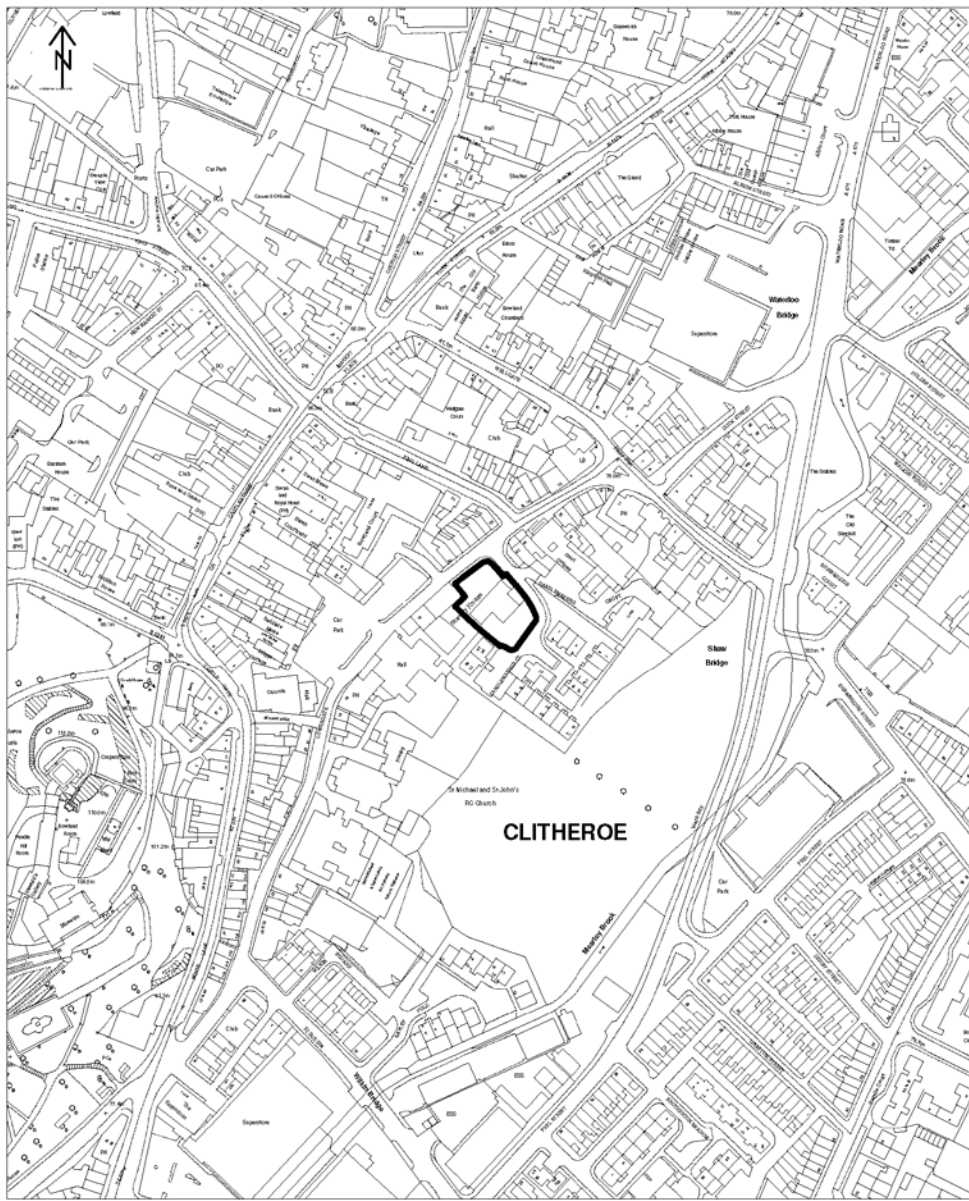
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LCC HIGHWAYS:

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The applicant has provided adequate off road parking provision for this type and size of development.

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Clitheroe Conservation Area Appraisal

NPPF
NPPG

Ribble Valley Core Strategy:
Key Statement EN5– Heritage Assets
Policy DMG1– General Considerations
Policy DME4– Protecting Heritage Assets

5. Assessment of Proposed Development

5.1 The main consideration in the determination of this listed building consent application is the impact upon the special architectural and historic interest and setting of the listed building (section 16 of the Act). Consideration is also made to the impact upon the character and appearance of Clitheroe Conservation Area (section 72 of the Act) and the impact upon the setting of other listed buildings (section 66 of the Act).

5.2 Impact upon the special architectural and historic interest and setting of the listed building:

5.2.1 I concur with the agent that there is harm from the current proposals (and note the concurrent recognition to the importance of the Georgian double-pile plan and the service wing to building historical development). I am also mindful of the concerns of Clitheroe Town Council in respect to impacts upon the special architectural interest of the listed building.

5.2.2 In my opinion, the division of the listed house into two residential units is unfortunate. Stanley House's Georgian double-pile plan is a distinct and important element of special architectural interest and will be compromised by the separation into the C19 service wing of the front right-hand room of the C18 build over four floors and the blocking of access routes between the house and service wing. Whilst these works may be potentially reversible, I am mindful of paragraph 43 of Historic England's 'Making changes to Heritage Assets' (2016; appended) that "*reversibility alone does not justify alteration; If alteration is justified on other grounds then reversible alteration is preferable to non-reversible*".

'Making changes to Heritage Assets' also identifies:

"The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases (whether decorated or plain, principal or secondary) and other features are likely to form part of its significance. Indeed they may be its most significant feature. Proposals to remove or modify internal arrangements, including the insertion of new openings or extension underground, will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations" (paragraph 45).

However in my opinion, the removal of damaging proposals to the historic fabric and clarity on the treatment of the setting results in the minimisation of harm to the special architectural and historic interest of the listed building to that necessary to achieve a viable use. Mindful of the original (albeit single) residential use of Stanley House and of the potential harm to the listed building from alternative edge of town centre uses, I am satisfied that the Optimum Viable Use (NPPG 'Conserving and Enhancing the Historic Environment' 015) is being approached (NPPF paragraph 134 'public benefits').

5.3 Impact upon the character and appearance of Clitheroe Conservation Area:

5.3.1 I am now satisfied that the proposals will have an acceptable impact upon the character and appearance of Clitheroe Conservation Area following clarification by the applicant of tree and garden impacts.

5.4 Impact upon the setting of other listed buildings:

5.4.1 I am now satisfied that the proposals will have an acceptable impact upon the setting of the other listed buildings in the group following clarification by the applicant of tree and garden impacts.

6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 In my opinion, the harm to the special architectural and historic interest of the listed building is 'less than substantial'. NPPF paragraph 134 requires that this harm be "weighed against any public benefits of the proposal, including securing its optimum viable use' and in my opinion the minimal harm to plan form is acceptable because of the securing of the long-term use and repair of the building.

6.2 Therefore, in attaching considerable importance and weight to the preservation of (i.e. avoiding harm to) the listed building, its setting and its features of special architectural and historic interest [section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990] and in giving 'great weight' to conservation (NPPF paragraph 132), I would recommend that listed building consent be approved subject to condition.

RECOMMENDATION: That the application be APPROVED subject to the following conditions:

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 pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. This permission shall be implemented in accordance with the proposal as amended by the email received from the agent on 16 December 2016 and the revised 'Proposed Floor Plans for the Division of Stanley House into Two Houses' received from the applicant 19 December 2016.

REASON: For the avoidance of doubt since the proposal was the subject of agreed amendments and in order to safeguard the special architectural and historic interest of the listed building.

3. Precise specifications of works to the fabric of the listed building (including walling up of doorways) shall have been submitted to and approved by the Local Planning Authority before the implementation of this element of the works.

REASON: In order to safeguard the special architectural and historic interest and significance of the listed building.

4. Precise specifications of new services (exterior and interior impacts) shall have been submitted to and approved by the Local Planning Authority before the implementation of this element of the works.

REASON: In order to safeguard the special architectural and historic interest and significance of the listed building.

5. Precise specifications of a car park and manoeuvring scheme is to be submitted to and approved by the Local Planning Authority and the car parking spaces and manoeuvring

areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative and permanently maintained thereafter and clearly showing ownership of each parking bay.

REASON: To allow for the effective use of the parking areas.

BACKGROUND PAPERS

https://content.historicengland.org.uk/images-books/publications/dlsg-town-houses/domestic_2_rev_final.pdf/

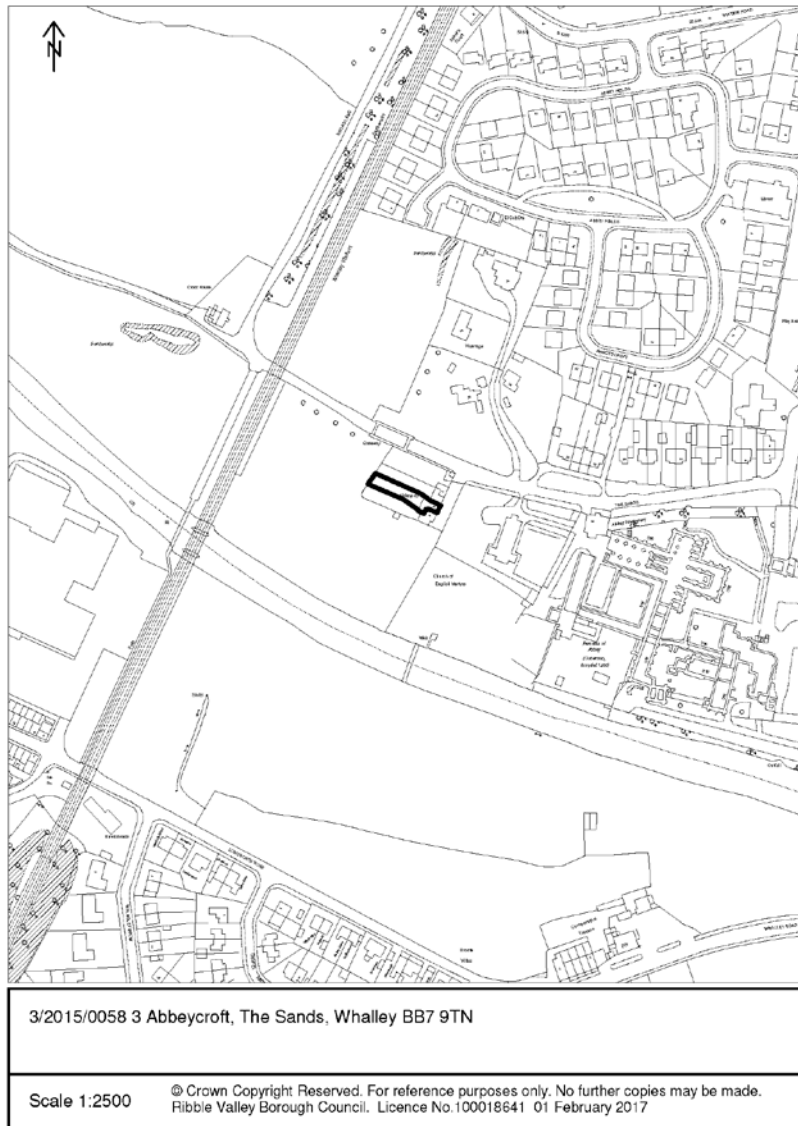
C APPLICATIONS WHICH THE DIRECTOR OF COMMUNITY SERVICES RECOMMENDS FOR REFUSAL

APPLICATION REF: 3/2015/0058/P (LBC)

GRID REF: SD 372923 436134

DEVELOPMENT DESCRIPTION:

INSTALL CEILINGS TO ALL ROOF SPACES WITH KINGSPAN 50MM INSULATION THEN FIREBOARDS. REPLACE 20TH CENTURY STAIRCASE WITH LIKE FOR LIKE REPLACEMENT INTO THE LOFT SPACE. REPLACE AND RE-SKIM INTERNAL STUD PARTITION AND STAIRCASE TO SMALL STORAGE AREA. REWIRING AND REPLUMBING. REPAIR AND RESTORE THE MAIN STAIRCASE ON A LIKE FOR LIKE BASIS AT 3 ABBEYCROFT, THE SANDS, WHALLEY, BB7 9TN



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

The Parish Council support the renovation of this building for habitable use and its importance to the Whalley Heritage.

HISTORIC AMENITY SOCIETIES:

Consulted, no representations received.

HISTORIC ENGLAND:

Do not wish to comment in detail, but generally observe that the detailed design of this scheme might benefit from advice for homeowners on the HE website ('Making changes to your property'). RVBC urged to address the above issues, and recommend that the application be determined in accordance with national and local policy guidance, and on the basis of RVBC expert conservation advice.

ADDITIONAL REPRESENTATIONS:

No letters of representation have been received.

1. Site Description and Surrounding Area

- 1.1 1-4 Abbeycroft is a Grade II listed building prominently sited (gable to the road) within Whalley Conservation Area and the setting of listed buildings and a scheduled monument (Whalley Abbey). I concur with the Planning Inspector at APP/T2350/W/16/3148135 (1 and 2 Abbeycroft; 24 October 2016):

"The site lies within the Whalley Conservation Area and borders the Whalley Abbey northwest gateway, Grade I listed; Scheduled Ancient Monument. In addition it lies within the setting of the Grade II listed buildings Abbey Presbytery and Whalley Viaduct and the Grade II* listed building, Sands Cottage. These buildings and their environs, which have a tranquil rural character, form a little-altered setting to the site, which in turn makes a prominent and positive contribution to character and appearance of the conservation area. The combination of these elements makes the site highly significant and sensitive to change. The special interest of Abbeycroft as a listed building lies primarily in its age and rarity, its architectural evolution, its historic use and development and its group value and setting with other listed structures".

The list description (13/02/67 with revision 28/06/16) identifies:

"Row of 4 houses, probably originally one, mid C17, altered late C19 ... Inside, the door of No.2 opens against a firehood baffle. The heck post and bressumer are moulded and stopped. Above the bressumer is a ceiling beam, 2 studs remaining of the plastered infill which must have joined them. Nos.3 and 4, not accessible at time of survey, but said to have bressumer for a firehood which backed onto that in No.2, and an outshut which contains a dog-leg stair with turned balusters and moulded handrail. Nos.2 and 3 have ceiling beams with quarter-round mouldings. Interior of No.1 said to contain no C17 features. RCHM report by Sarah Pearson dated August 1979".

The Whalley Conservation Area Appraisal (The Conservation Studio consultants; adopted by the Borough Council 3 April 2007 following public consultation) identifies:

- i) An Important View from Abbeycroft towards Whalley Abbey Northwest Gateway (Grade I listed; scheduled monument; Focal Building in the Appraisal); Significant Open Space to the south and west; Important Tree Group to the west (Townscape Appraisal Map);
- ii) *“18th century Whalley was still dominated by the Abbey and the families that lived there. Ashton Curzon’s estate map of 1762 shows the Abbey (house, ruins and two gatehouses), the parish church, and scattered development to the north and west including what is now nos. 1-4 The Square nos. 1-3 Abbeycroft, and no. 34 The Sands”* (Origins and historic development);
- iii) *“To the north of the Abbey ruins, Church Lane continues into The Sands, a wide, more rural lane which connects Whalley to the fields to the west of the town through the former Abbey gatehouse and which must therefore be at least 13th century in date”* (Plan form and building types);
- iv) *“The historic buildings of Whalley are mainly built from local stone ... There is only one known example of timber-framing in the conservation area, no. 34 The Sands, which is a late 15th century house set back from the road and now encased in sandstone”* (Architectural qualities);

A Heritage Assessment (Gary Miller, 2012) submitted with application 3/2016/0022 identifies:

“Abbeycroft occupies an important site on the fringe of Whalley, within the precinct of the Cistercian abbey ... The somewhat plain 19th century exterior of Abbeycroft conceals possible origins as a timber-framed structure of the early 17th century that was subsequently clad in stone. The present Number 2 may have been its housebody, on evidence of a large firehood and baffle entry arrangement, and originally marked the end of the building before the present Number 1 was added probably at the end of the 17th century. A crosswall within Number 2 containing traces of a former window shows where the original house terminated ... Abbeycroft is an important heritage asset, significant for its architectural interest, group value and setting and for the contribution it makes to the Whalley Conservation Area” (Executive Summary).

“the significance of 2 Abbeycroft is evaluated thus:

Age and rarity: The building dates from at least the early 17th century and thus has rarity value as only a limited building stock survives from this period

Architectural interest: the highly-complex evolution of the building, demonstrating several stages of building, is significant, as are the surviving interior details which provide evidence of this phasing

Historical interest ... Group value ... Setting” (page 35).

“Conclusions:

Along with its neighbours at Abbeycroft, Number 2 is a heritage asset of extensive significance, recognised statutorily by Grade II national designation. The nature of this

significance lies chiefly in its age and rarity, architectural interest, group value and setting. It is significant on the first two counts as a building of early 17th century origins that were possibly timber-framed, and which has subsequently undergone a highly complex evolution involving phased rebuilding in stone followed by alteration and eventual subdivision in the 19th century ... The wide extent of this significance means Abbeycroft is an important local heritage asset to Whalley and in particular to its Conservation Area, as it contributes to the special character upon which the area was established; and thus to the borough of Ribblesdale generally. Regionally, the building is of significance as one of the early 17th century houses surviving in Lancashire, and would in this regard be of value to any future academic study of the county's vernacular buildings" (page 35).

"Relative significance of individual features:

High Significance ... preservation and enhancement is considered essential

Firehood, including bressumer, heck and remains of original framing

Reason: important original feature of early 17th century

Crosswall separating living room from kitchen

Reason: former outer wall of the building containing evidence of blocked window

Ceiling beams on all floors

Reason: important 17th century features

Roof truss and purlins

Reason: important 17th century feature

Medium significance – also considered worthy of preservation or enhancement

Chimney flue and brick/stone fireplaces on both floors

Reason: not original, perhaps inserted during 19th century; modern alterations

Timbers re-used as door lintels etc

Reason: provide limited evidence of possible timber-framed origins of the building" (page 37).

A Heritage Assessment (JWRC, 2010) submitted with application 3/2011/0207 identifies: "In 1979 ... Sarah Pearson ... Royal Commission on Historical Monuments ... Despite the exterior being 'completely gone over' in the nineteenth century, Numbers 2 and 3 retained ceiling beams with quarter-round mouldings, the bressumers of back-to-back firehoods, a staircase with symmetrically turned balusters and a moulded handrail, and a chamfered corner fireplace on the first floor" (page 2).

Sarah Pearson's report (1979) identifies:

"Clear traces of the 17th century origin of the building survive on the interior of the three S. bays".

"Both of the central bays of the present building were originally heated by timber and plaster firehoods. These are of an unusual type with both a ceiling beam and a bressumer beam a couple of feet lower

... The central room would normally have served as the hall ... If ... the partition lay to the S. of the passage, this would make a normal sized hall, ceiled by two cross beams, with the stairs and the semi-cellar in the outshut reached from it.

The outshut is of two storeys but with its ground floor sunk for a dairy and its first floor at mezzanine level. The staircase has fine symmetrically turned balusters and a moulded handrail, and one of the first floor rooms has a small corner fireplace with a chamfered surround.

... The central room has, as stated above, most likely to have been the hall. The N. room may have been a kitchen, or may have been a heated parlour. The S. room may have been service, or an unheated parlour.

One thing which makes it difficult to understand the layout is that there is no evidence for the site of the original main doorway. It might have been in the N. bay against the heck of the firehood forming a lobby entrance, or it might have been at the far end of the hall, opposite the foot of the staircase. Since it would most likely have entered the hall rather than either of the end rooms this is perhaps the most likely position.

The house is clearly of 17th century date. The plan is one which becomes commoner as the century progresses, but the presence of symmetrically turned balusters suggests that it cannot have been built much later than the middle of the century, perhaps c. 1660 at the latest”.

The submitted Heritage Statement identifies:

“there is some evidence however, not entirely conclusive that the building has timber framed origins, in the form of a part of a wall plate at the rear roof number 3 and reused timber fragments in number 1 and 2”.

“leading up from this room is the ‘Ale’ oak staircase lined with wide oak boards, the walls are wattle and daub with a 20th century plaster onto probably done to hold the structure together”.

2. **Proposed Development for Which Consent is Sought**

- 2.1 The application was requested by officers in order to consider the implications of unauthorised works in progress to walls, ceilings (including beams), staircases and the roof space (inspected on 16 October 2014). A letter (23 October 2014) advised:

“I have examined the relevant planning and listed building consents which relate to 3 Abbeycroft (3/1992/0329 and 0330 and 3/1993/0385 and 0386) as well as the Borough Council’s photographic record of the interior of the property before your purchase. Some of the recent work to 3 Abbeycroft requires listed building consent and has ostensibly been harmful to the character of the listed building as a building of special historic and architectural interest. I particularly note the removal and replacement of historic doors, fireplaces and floorboards and the impact of new plastering, timber cleaning and insulation.

A listed building consent application for the unauthorised work and any proposed amelioration or other works (including proposals for the repair of the C17 stairs identified in your telephone call of 22 October 2014) affecting the character of the listed building should be submitted to the Borough Council”.

A letter of 18 September 2014 had previously advised:

"I recently noticed that the above listed building was occupied and works appeared to be in progress.

I am mindful from previous site inspection that important historic fabric within the interior is in need of repair including rare wattle and daub panels (little survives of timber framing in the Ribble Valley) at ground and first floor level. I would therefore welcome the opportunity to advise on appropriate building repair and the conservation of historic fabric including possible requirements for listed building consent".

2.2 The applicant was advised on 20 September 2016:

"In my opinion (and whilst not the only feature of concern), the proposed/implemented Bedroom/Bathroom/second set of stairs to attic at First Floor are particularly harmful to the special architectural and historic interest of the listed building because of loss of important historic fabric (including wattle and daub walling, doors and doorcases and fireplace grate) and plan form (the wattle and daub walling suggests this includes a C17 corridor; the approved plan for 3/1993/0385 & 0386 shows a new staircase within the corridor space – the proposed/implemented second staircase therefore appears unnecessary and incongruous)".

2.3 The applicant was further advised on 26 September 2016:

"I would reiterate that I considered the extent of works permitted in 1993 before formalising my opinions on the current scheme/works (it was the potential for overlap of works being undertaken with those already permitted which led to my suggestion of application for LBC)".

3. **Relevant Planning History**

3/2016/0022 - Demolition of external toilet block and the construction of a single storey extension at the rear of 1 and 2 Abbeycroft. PP refused 26 February 2016 (appeal dismissed; APP/T2350/W/16/3148135).

3/2013/0056 (PA) & 0057 (LBC) - Proposed internal alterations to a Grade II Listed Building (2 Abbeycroft). Granted 25 April 2013 and 26 April 2013.

3/2012/0898/P (LBC) & 3/2012/0897/P (PA) - Alterations to a Grade II listed building both internal and to rear elevation at 2 Abbey Croft. Refused 21 November 2012.

3/2012/0515 & 0516 – Internal and external alterations to a Grade II listed building (2 Abbeycroft). LBC and PP refused 31 July 2012 because *"The proposal has an unduly harmful impact upon the character and significance of the listed building because of the loss of important historic fabric and alterations to historic plan form (including heck post screen, internal wall between lounge and kitchen, formation of external doorway, blocking without memory of door from C19 re-modelling and insertion of new staircase from ground to second floor). This is contrary to Policies ENV20 and ENV19 of the Ribble Valley Districtwide Local Plan"*. Site inspection 5 July 2012 - most walls, chimney stack and timberwork had been stripped [no patina of age left and appear to have received a harsh cleaning treatment; includes the screen/heck of the fireplace (a previous site inspection at No 3 Abbeycroft revealed the existence of wattle and daub infill to timber panels subsequently plastered over)] and an opening for a new stair to second floor created (joists cut; laths are riven).

3/2011/0207 (LBC) - Proposed installation of toughened glass in the windows that are below 800mm as per building control regulations. Windows to be the same size, colour and style as existing but there will be a small logo in the bottom corner of the windows to show that it is toughened glass. LBC granted 15 September 2011.

3/2010/0402/P (LBC) - Replacement windows and minor internal alterations at No 1. LBC granted 21 October 2010. Ancient Monuments Society concerned at level of information initially submitted because of potential impacts for whole range.

3/2010/0162/P (LBC) - Retrospective application for replacement windows and minor internal alterations at No 1. LBC refused 23 April 2010.

3/1993/0393 – addition of first floor window in gable end (No 1). LBC granted 17 August 1993.

3/1993/0385 & 0386 – Amended alterations to convert property into two dwellings plus first floor extension and rear porch at 3 Abbeycroft. PP and LBC granted 13 August 1993. The first floor extension shown on 3/1993/0386 & 0385 has been undertaken and therefore other features of the proposals appear to be extant. Works do not appear to have been informed by an understanding of the significance of fabric or planform.

3/1992/0329 & 0330 – Proposed formation of new party wall, recreate two dwellings, alterations to windows, restoration of door and new side door at 3 Abbeycroft. PP and LBC granted 29 July 1992.

3/1987/0133 & 0134 – roof repairs (1-3 Abbeycroft). LBC granted 12 May 1987.

4. **Relevant Policies**

Planning (Listed Buildings and Conservation Areas) Act 1990. 'Preservation' in the duties at sections 16, 66 and 72 of the Act means "doing no harm to" (*South Lakeland DC v. Secretary of State for the Environment* [1992]).

Whalley Conservation Area Appraisal

NPPF
NPPG

Ribble Valley Core Strategy:
Key Statement EN5– Heritage Assets
Policy DMG1– General Considerations
Policy DME4– Protecting Heritage Assets

5. **Assessment of Proposed Development**

5.1 The main consideration in the determination of this listed building consent application is the impact upon the special architectural and historic interest of the listed building and its features (section 16 of the Act). Consideration is also made to the impact upon the setting of the listed building (section 16 and 66 of the Act) and the character and appearance of Whalley Conservation Area (section 72 of the Act) and any public benefits of proposed works.

5.2 Impact upon the special architectural and historic interest and setting of the listed building:

- 5.2.1 The case officer's letter of 26 September 2016 advised *"I do not intend to make my recommendations on the application until you have had time to consider my concerns and suggested amendments/ameliorative works"*. No response has been received.
- 5.2.2 In my opinion, the implemented and proposed works have a harmful impact upon the special architectural and historic interest of the listed building and its features because of the loss/alteration of important historic fabric and planform. I am principally concerned at the proposed/implemented Bedroom/Bathroom/second set of stairs to attic at First Floor (loss of important historic fabric including wattle and daub walling, doors and doorcases and fireplace grate) and plan form (the wattle and daub walling suggests this includes a C17 corridor). Furthermore, the approved plan for 3/1993/0385 & 0386 shows a new staircase within the latter corridor space – the proposed/implemented second staircase therefore appears unnecessary and incongruous. I am also mindful of the comments of Historic England and share concerns as to the level of consideration to such matters as use of materials, cleaning and proposed insulation.
- 5.2.3 The materials and plan form (particularly C17 origins) of Abbeycroft are intrinsic to the special architectural and historic interest of this nationally important building. No.3 Abbeycroft contains a number of C17 features of special architectural and historic interest and their importance and contribution to the listing has been examined by Historic England (RCHME), historic building consultants and the Planning Inspectorate.
- 5.2.4 I am mindful of: NPPG (Design 007; appended) in respect to the importance of details and materials to distinctiveness (Miller states that *"Abbeycroft is an important local heritage asset to Whalley and in particular to its Conservation Area, as it contributes to the special character upon which the area was established; and thus to the borough of Ribble Valley generally"*), 'Making Changes to Heritage Assets' (HE, February 2016 paragraph 42, 43, 45, 50 and 52; full text appended) in respect to the importance of historic fabric and plan form; 'Managing Significance in Decision Taking in the Historic Environment' (Historic England, March 2015 paragraph 28; appended) in respect to the cumulative impact of incremental changes (see planning history for Abbeycroft) and Adopted Core Strategy Policy DME4.

'Making Changes to Heritage Assets' identifies the importance of plan form and historic fabric to significance:

"The historic fabric will always be an important part of the asset's significance ... retention of as much historic fabric as possible, together with the use of appropriate materials and methods of repair, is likely to fulfil the NPPF policy to conserve heritage assets in a manner appropriate to their significance, as a fundamental part of any good alteration or conversion. It is not appropriate to sacrifice old work simply to accommodate the new" (paragraph 42).

This reiterates paragraph 38 'Conservation Principles, Policies and Guidance', Historic England, 2008 (appended).

"The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases (whether decorated or plain, principal or

secondary) and other features are likely to form part of its significance. Indeed they may be its most significant feature. Proposals to remove or modify internal arrangements, including the insertion of new openings or extension underground, will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations” (paragraph 45).

“Small-scale features, inside and out, ... will frequently contribute strongly to a building’s significance and removing or obscuring them is likely to affect the asset’s significance” (paragraph 50).

“Features such as tool marks, carpenters’ marks, smoke blackening, decorative painting, pargetting or sgraffito work are always damaged by sand-blasting and sometimes by painting or other cleaning, as is exposed timber. Such treatments are unlikely to be considered as repairs and would normally require listed building consent” (paragraph 14).

The Adopted Core Strategy Policy DME4 states:

“Any proposals involving the demolition or loss of important historic fabric from listed buildings will be refused unless it can be demonstrated that exceptional circumstances exist”.

- 5.2.5 I am mindful of Historic England’s opinion (‘Managing Significance in Decision-Taking in the Historic Environment’, 2015, paragraph 47; appended):

“The objective of conserving heritage assets for generations to come will not be met if there is no deterrent to those contemplating not applying for a consent and no remedy applied when consents are not sought when they should have been. Wrongdoing should obviously not be rewarded and those who obey the law should not be disadvantaged”.

5.3 Impact upon the character and appearance of Clitheroe Conservation Area:

- 5.3.1 The character of Whalley Conservation Area relies, in part, on the architectural and historic interest of its listed buildings. In my opinion, the unauthorised and proposed works to the interior of Abbeycroft are of some, albeit limited, harm to the character of Whalley Conservation Area because they erode the important C17 and possibly timber-framed origins of the historic building. The appearance of Whalley Conservation Area is unaffected - Abbeycroft has and retains the external appearance of a C19 stone structure.

5.4 Public benefits:

- 5.4.1 In general, essential repair works to a listed building are to be welcomed. However, in this case the details and impact of any necessary repair works have yet to be established (particularly implemented works) and it is therefore difficult to assess this potential public benefit.

6. Observations/Consideration of Matters Raised/Conclusion

- 6.1 I am mindful that NPPG states that “substantial harm is a high test, so it may not arise in many cases” and consider the harm to the special architectural and historic interest of the listed building and the character and appearance of Whalley Conservation Area to

be 'less than substantial'. NPPF paragraph 134 requires that this harm be weighed against any public benefits of the proposal and in this consideration I am mindful of recent legal decisions, NPPF paragraph 132 and comment on these by the Governance and Legal Director of Historic England:

“Any harm is to be given ‘great weight’ whether it is serious, substantial, moderate, minor or less than substantial. Whatever adjective you choose to describe it and however the harm is caused – directly or through an impact on the setting – every decision should acknowledge the general priority afforded to heritage conservation in comparison to other planning objectives or public benefits” (Conservation Bulletin, Issue 73: Winter 2014).

Necessary repairs are a potential public benefit of works. However and in respect to the information and level of detail submitted, I do not consider this to outweigh the harm to the listed building, its features of special interest and the character of Whalley Conservation Area.

Therefore, in attaching considerable importance and weight to the preservation of (i.e. avoiding harm to) the listed building, its setting and its features of special architectural and historic interest [section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990] and in giving ‘great weight’ to conservation (NPPF paragraph 132), I would recommend that listed building consent be refused.

RECOMMENDATION: That the application be REFUSED for the following reason:

1. The proposal has a harmful impact upon the special architectural and historic interest of the listed building because of the loss and alteration of important historic fabric and plan form.

BACKGROUND PAPERS

<http://www.legislation.gov.uk/ukpga/1990/9/contents>
[Planning (Listed Buildings and Conservation Areas) Act 1990]

<https://www.historicengland.org.uk/images-books/publications/conservation-bulletin-73/>
(page 46 ‘The Big Issue of Little Harm’, Conservation Bulletin: Issue 73 Winter 2014)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
(National Planning Policy Framework)

<https://www.gov.uk/guidance/national-planning-policy-framework/12-conserving-and-enhancing-the-historic-environment>
(National Planning Policy Guidance: Conserving and Enhancing the Historic Environment)

<https://www.gov.uk/government/publications/principles-of-selection-for-listing-buildings>
(‘Principles of Selection for Listed Buildings’)

<https://www.historicengland.org.uk/images-books/publications/making-changes-heritage-assets-advice-note-2/>
(‘Making Changes to Heritage Assets’, Historic England, 2016)

<https://content.historicengland.org.uk/images-books/publications/conservation-principles-sustainable-management-historic-environment/conservationprinciplespoliciesguidanceapr08web.pdf/>
(paragraph 38 'Conservation Principles, Policies and Guidance', Historic England, 2008)

<https://content.historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/gpa2.pdf/>
(‘Managing Significance in Decision-Taking in the Historic Environment’, 2015, paragraph 47)

https://www.ribblevalley.gov.uk/download/downloads/id/10010/adopted_core_strategy.pdf
(Adopted Core Strategy)

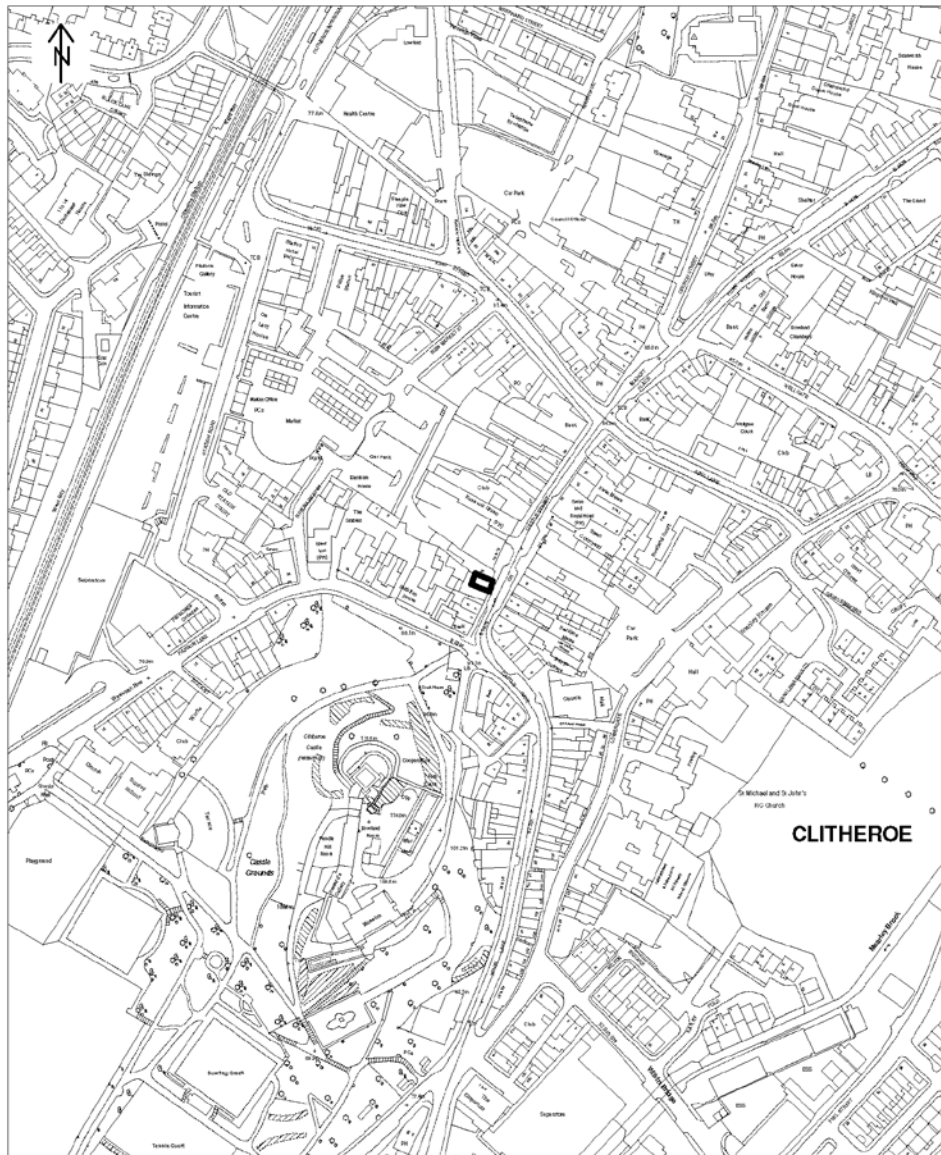
https://www.ribblevalley.gov.uk/downloads/download/3342/whalley_conservation_area
(Whalley Conservation Area Appraisal)

APPLICATION REF: 3/2016/0895

GRID REF: SD 374305 441792

DEVELOPMENT DESCRIPTION:

INTERNAL ALTERATIONS TO COMPLY WITH CURRENT BUILDING REGULATION REQUIREMENTS AT NORMAN COPE OPTICIANS, 11 CASTLE STREET, CLITHEROE BB7 2BT



3/2016/0895 11 Castle Street, Clitheroe BB7 2BT

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

No objections.

HISTORIC ENGLAND:

Do not wish to offer any comments on this occasion. Determine in accordance with national and local policy guidance, and on the basis of RVBC expert conservation advice.

HISTORIC AMENITY SOCIETIES:

Consulted and comments received from the Society for the Protection of Ancient Buildings (SPAB; 5 October 2016) which welcomes usage of the whole building and the proposed programme of repair. However, the assessment and analysis of the building's special interest and significance is limited and particularly in respect to the historic staircases proposed for demolition and the structural wall and timbers proposed to be demolished and altered at ground floor level. The stairs to the ground floor look relatively recent but parts of the existing stairs on the first and second floors certainly appear to be historic. The significance of these parts and their role in the building overall should be assessed and the proposals amended accordingly.

It is understood that many parts of historic buildings will not comply with modern Building Regulations, however, this should not be seen as justification for alterations and demolition of historic fabric. SPAB therefore urge the applicants to work with the case officer, as the Council's specialist conservation advisor, to revise the scheme to enable as fuller use of the building as possible while fully conserving its special interest.

LAAS:

The Lancashire Archaeological Advisory Service (initial comments; 4 October 2016) welcome the proposals to repair and refurbish this Listed Building and consider that the changes proposed to the rear stair would have less than substantial harm. The benefits to the building in bringing the upper storeys back into effective use are considered to outweigh this harm and LAAS have no objection to the proposed work.

The application is accompanied by a Heritage Statement, a Building Survey and plans which provide a rapid overview of the building and it is not considered that any further archaeological building recording is currently justified. Should, however, opening up works reveal either decay or damage that would require the replacement of structural elements LAAS may wish to revise this advice.

Clarification was sought and subsequently provided because the case officer had already (29 September 2016) requested further information as to the significance of the stairs (and was mindful of Planning Inspector comments at 28 Church Street Ribchester; 2 July 2013, NPPF paragraph 128 and Historic England's 'Making Changes to Heritage Assets' paragraph 42 and 45). LAAS confirmed that comments were from an archaeological view, rather than an architectural one and LAAS would always defer to RVBC expert conservation opinion with regard to buildings and architecture. The statement that changes proposed are considered to be 'less than substantial harm' is an opinion rather than a statement of fact and must be tempered with the information that LAAS did not make a site visit but relied on available documentation. However, LAAS did discount the statement in the Heritage Statement (2.2)

which suggested that the lower staircase may be of c.1980 - it seems to match the upper in width and angle etc. and appears rather too steep for that period, though it could have been repaired at that date.

It would seem a little perverse of an applicant to rely on input from a 'public comment' to justify a planning proposal and it is always possible that, given that LAAS didn't make an internal inspection, that it has underestimated the impact of the proposed changes.

Given the comments made by the Inspector in the case quoted, and the requirement for a Heritage Statement to assess the impact of the proposals on the significance of the building, it would seem sensible for the applicants to get their own supporting assessment of the impact of the changes on the building particularly given that only one of the four extant sections of stair are to be retained.

ADDITIONAL REPRESENTATIONS:

No letters of representation have been received.

1. Site Description and Surrounding Area

- 1.1 11 Castle Street is a Grade II listed building (30 September 1976) with C18 origins (list description) prominently sited within Clitheroe Conservation Area and the street scene. The list description is typically brief and refers to the front elevation and the exterior only (see the Clitheroe list). It identifies:

“Gable end to road rendered, side elevation in coursed stone. Coped gable ends with kneelers, rusticated quoins. 1 window on 2 storeys, stone surrounds. Attractive mid to late C19 shop front with carved brackets and fascia, 2 windows and centre door, at either end a small pediment on trusses decorated with vine leaves.

Nos 3 to 19 (odd) and the Starkie Arms Hotel form a group, Nos 3 to 7 being buildings of local interest only”.

11 Castle Street is within the setting of other listed buildings most notably: ‘13-19 Castle Street’; ‘9 Castle Street’; ‘Rose and Crown Hotel’; ‘4-12 Castle Street’ all Grade II listed.

- 1.2 The Clitheroe Conservation Area Appraisal (The Conservation Studio consultants; adopted by the Borough Council following public consultation 3 April 2007) identifies:

1-7 Castle Street to be Buildings of Townscape Merit making a positive contribution to character and appearance; an Important View from this part of Castle Street towards the Castle (Townscape Appraisal Map);

“The architectural and historic interest of the area’s buildings, 88 of which are listed”; (Summary of special interest).

“The conservation area is most notable for buildings from the late 18th century and 19th century, many of which replaced earlier structures - even the Church of St. Mary Magdalene dates primarily from a rebuilding in 1828 ...

In Clitheroe, as in other market towns, the 18th century marked a movement away from traditional vernacular building to a more consciously designed ‘polite’ form of architecture. Buildings from this period are influenced by a sense of proportion and

incorporate sliding sash windows and elements of classical detailing” (Architectural and historic character).

“The view of the Castle looking south along Castle Street is a defining image of the conservation area” (Key views and vistas);

“Stone is the most prevalent walling material ... conservation area’s lively roofscape ... Many buildings are covered in stucco, a form of render that was popular in the early 19th century. Similarly a large number of buildings have either by design or at a later date been rendered with a smooth or roughcast coat of plaster which conceals the walling material ... Historic windows are generally timber sliding sashes deeply recessed in the stone ... A particular architectural feature of interest is the different ways in which rainwater gutters are supported with curled metal or carved stone brackets at eaves level” (Building materials and local details).

“The Clitheroe Conservation Area contains a high proportion of commercial premises and a special feature of the conservation area is the remaining number of complete and partial 19th century shopfronts. Good examples of reasonably complete historic shopfronts are 11 Castle Street” (Historic shopfronts).

“Loss of architectural detail (original windows, doors etc)”; *“Insensitive alteration of historic buildings”*; *“Twentieth century development that fails to preserve the historic character and appearance of the conservation area”* (Principal negative features Character area 1: Clitheroe’s historic core).

1.3 The Buildings of England’ (Pevsner, 2000) identifies:

“Clitheroe is a townscape pleasure. It has no putting-off buildings, it has changes of level, and it has streets with bends. The main axis is Castle Street, wide, but not with strictly parallel frontages, and extending from the castle to the town hall. What new buildings were provided are imitation C16 and C17 and quite agreeable” (page 104).

2. **Proposed Development for which consent is sought**

2.1 Listed building consent is sought for the replacement of the Ground – Second Floor staircase (the First – Second flight of which is the only surviving stair in the listed building) and internal partition walls (including structural walling) and construction of a new staircase adjoining existing which to be compliant with current Building Regulations.

The applicant confirms (21 December 2016) that the business has continued to grow since purchase but future growth is restricted because of building constraints.

The application submission also includes a Building Survey Report. The Executive Summary identifies:

- (i) ‘*Substantial roof work*’ to be required (paragraph 2.3 suggests that this is the original roof construction; paragraph 3.1.1 suggests that the roof will require recovering and thermal efficiency upgrades);
- (ii) windows requiring ‘*considerable overhaul*’;
- (iii) ‘*the degree of timber decay within the shop front is extensive*’;
- (iv) ‘*services installations are very basic and generally considered to be lacking*’;
- (v) previous structural alterations and a sloping floor;
- (vi) debonding of the rendered surface may be occurring (paragraph 3.1. 6 suspects render may need replacing).

The report recommends the undertaking of further assessments and concludes (Chapter 6) that *“the building is considered to be in poor condition and warrants extensive repair and maintenance, which will need to be carried out in a sympathetic manner befitting a listed building ... envisage a substantial scope of work in order to bring the property back into a reasonable state of repair”*.

However, there is no schedule of proposed works submitted with the application. In respect to proposed roof works and protected species legislation, RVBC has been advised by the agent that *“the roof repairs do not require any local authority approval”* (emails 7 October 2016).

A heritage assessment has now been received. This interprets the brevity of the list description and reference to ‘group’ to suggest 11 Castle Street was *“listed for its group value contribution”*. The significance assessment is then made in respect to this belief in a *“group value listing”*. However, the ‘Principles of Selection for Listed Buildings’, DCMS, 2010, paragraph 6 (appended) explains that whilst group value can be an additional consideration *“The statutory criteria for listing are the special architectural or historic interest of a building”*. In my opinion, a disproportionate emphasis has therefore been placed on the external appearance of the building which has led to the conclusion that *“In summary the extent and nature of past changes to the interior mean that the interior plan form is not of notable evidential value and does not contribute to the primary significances of the building”*. In my opinion, the significance of the few interior surviving features of the 1984 conversion to opticians and test room is high as the remaining evidence of the historic character of the building.

The agent was advised of the case officer's concerns and recommendation to refuse LBC on 11 November 2016. Unfortunately, no consideration has been made to the comments of SPAB in seeking amendments to the scheme and minimising harm to the special interest of the listed building in accordance with the legal duties [recent information submitted by the agent reiterates that the second floor is to be used as a store and shows that a Ground Floor Consulting Room can (and has been in the past) be accommodated without obstructing access to the First and Second Floors).

3. **Relevant Planning History**

No pre-application advice has been sought.

3/1992/0632 – Removal of skylights. LBC granted 27 November 1992.

3/1990/0451 – Refurbishment of shop front. LBC granted 25 July 1990.

3/1990/0393 – Section 53 determination - main fascia sign (Certificate of Lawfulness). 5 June 1990.

3/1984/0284 – Proposed alterations to existing premises to form Optician's Shop and Test Room. LBC granted 13 June 1984. *Existing plans show a Basement – Ground stair running front to back and central in the plan. A Ground – First stair above this with a dog-leg to left. First – Second stair in same location as existing. Proposed plans show Ground – First in same location as existing. Notes state “All works to conform to the requirements of the Building Regulations 1976 (with amendment) ;“Strip out existing stairs between Ground Floor and First Floor including all existing Ground Floor partitions”; “Strip out stairs to Basement”; “Access to Basement for maintenance purposes only”; “Second Floor to be retained as existing except door sets”*. An April

1990 plan submitted by the agent (21 December 2016) confirms that the proposals were implemented.

4. **Relevant Policies**

Planning (Listed Buildings and Conservation Areas) Act 1990 (appended) 'Preservation' in the duties at sections 16, 66 and 72 of the Act means "doing no harm to" (*South Lakeland DC v. Secretary of State for the Environment* [1992]).

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Clitheroe Conservation Area Appraisal (adopted by the Borough Council 3 April 2007 following public consultation)

Ribble Valley Core Strategy:

Key Statement EN5 – Heritage Assets
Key Statement EC1 – Business and Employment Development

Policy DMG1 – General Considerations
Policy DME4 – Protecting Heritage Assets
Policy DMB1 – Supporting Business Growth and the Local Economy

5. **Assessment of Proposed Development**

5.1 The main consideration in the determination of this listed building consent application is the impact upon the special architectural and historic interest and setting of the listed building (section 16 of the Act). Consideration is also made to the impact upon the setting of other listed buildings (section 66 of the Act), the impact upon the character and appearance of Clitheroe Conservation Area (section 72 of the Act) and any public benefits of proposed works.

5.2 **Impact upon the special architectural and historic interest and setting of the listed building:**

5.2.1 In my opinion, the proposed removal of the historic staircase (First-Second Floor) is harmful to the special architectural and historic interest of the listed building.

I am mindful of the historically recent, extensive and harmful works undertaken to the listed building to bring the building into use as an Optician's Shop and Test Room (3/1984/0284). The removal of staircases and internal walls and relocation of staircases which predated the 1990 Act has had a detrimental impact upon the plan form and historic fabric significance of the listed building. I would concur with the heritage consultant that removal of the remaining historic staircase (now one of the few important surviving internal design features of the Georgian building along with a 6-panel door at Second Floor and covered fireplaces at Ground and First Floor back wall) is concerning. Furthermore, consideration to 3/1984/0284 and exposed historic fabric suggests the proposed replacement and widening of the Ground-First Floor stair (replaced 1984 - 1990) will result in further loss of original wide floor boarding and the part-obscuring of the First Floor back wall fireplace (the Ground Floor back wall fireplace is already obscured because of 3/1984/0284).

I am mindful of the intrinsic importance of the surviving historic stairs to the special interest of this listed building. 'Georgian Stairs' (The Georgian Group, 2001) states:

“Very often the stair was the most considerable and most conspicuous piece of craftsmanship in a building. Many Georgian builder’s pattern books contain elaborate instructions for calculating the dimensions of stairs ... the detailed nature of the instructions emphasises the fact that it was in the positioning and construction of the stair that Georgian builders had to wrestle most conspicuously with spatial geometry” (page 6).

I am also mindful of: 'Making Changes to Heritage Assets' (Historic England, February 2016 paragraph 42, 43, 45 and 47) in respect to the importance of historic fabric and plan form; 'Managing Significance in Decision Taking in the Historic Environment' (Historic England, March 2015 paragraph 28) in respect to the cumulative impact of incremental small-scale changes and NPPG (Conserving and enhancing the historic environment, paragraph 015) in respect to the need to consider the likelihood of continued and future changes in the assessment of Optimum Viable Use.

'Making Changes to Heritage Assets' identifies the importance of plan form and historic fabric to significance:

“The historic fabric will always be an important part of the asset’s significance ... retention of as much historic fabric as possible, together with the use of appropriate materials and methods of repair, is likely to fulfil the NPPF policy to conserve heritage assets in a manner appropriate to their significance, as a fundamental part of any good alteration or conversion. It is not appropriate to sacrifice old work simply to accommodate the new” (paragraph 42).

This reiterates paragraph 38 'Conservation Principles, Policies and Guidance', Historic England, 2008 (appended).

“The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases (whether decorated or plain, principal or secondary) and other features are likely to form part of its significance. Indeed they may be its most significant feature. Proposals to remove or modify internal arrangements, including the insertion of new openings or extension underground, will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations” (paragraph 45).

The submitted Heritage Statement identifies the likely domestic origins of 11 Castle Street and in this respect I am mindful of the importance of interior features and plan form to the integrity of the building type. Historic England's Listing Selection Guide 'Domestic 2: Town Houses' (2011) identifies specific considerations when considering town houses for designation:

“Status and Survival - The Georgian town houses that survive today will tend, through natural selection, to be the grander examples ... In all cases, the things to look for are the same: the survival of exterior and interior features, and of plan form ...

Interiors - Many houses have never been inspected internally (see *list description*), and features of interest may survive which have never been considered: new discoveries and new designations thus remain to be made ... Internally they include staircases; fireplaces; decorative plasterwork; joinery; doors, architraves, panelling, shutters etc; built-in cupboards or shelved niches ...

Alteration - Internally, the loss of major elements such as the staircase, or the room plan of the principal floors, or the stripping out of internal features, will undermine the case for listing”.

The premises have been successfully used as an Optician’s Shop and Test Room for the 33 years prior to purchase of the applicant. I do not consider the justification for the harmful works (principally the removal of the last surviving flight of historic stairs in this building of national importance but also the loss of original flooring and obstruction of a fireplace) to be clear or convincing (NPPF paragraph 132).

The submitted Design and Access Statement identifies:

“The staircase from ground to first floor which may also date from the late 1980’s, is to be altered so that the lower flight discharges towards the door rather than within an office. The BRegs requirements for a property of this arrangement require the stairs to discharge to within 3m of the exit. This is not possible but the proposed seems a suitable compromise. It also allows customers to access the first floor without passing through the test room”.

The 1984 and 1990 plans demonstrate that the current conflict between ground floor consulting room and access to upper floors using the existing stairs is very recent and could be reversed by alteration of modern partitions of no historic interest.

The ‘existing’ plans to 3/1984/0284 show that before 1984 the property had centrally placed front-back Ground-First Floor stairs which discharged much closer to the Castle Street exit than the stairs now proposed – it is suggested that consideration to the restoration of these stairs may provide improvements in respect of the Building Regulations whilst minimising harm to the listed building to that necessary.

Mindful of the duty at section 16 of the Act to have special regard to the desirability of preserving the building/features of special interest (see appended article ‘The Big Issue of Little Harm’) and NPPF paragraph 132, I therefore concur with the concerns of the national historic amenity society and question the necessity of the harmful works proposed.

Whilst the principle of repairs is welcomed, further information on the extent and impact on listed building character of all repair works is required. The LBC application contains a Heritage/Justification Statement which refers to Building Condition and ‘roofing works’ (1.5) and a Building Survey Report which advocates potentially extensive repair works. In my opinion, insufficient information has been submitted to enable the Borough Council to understand the impact of the repairs (which are alterations) on the special architectural and historic interest of the listed building. Section 7 and 16 of the Planning (Listed

Buildings and Conservation Areas) Act 1990 (appended) relates. The Building Survey Report's reference to substantial roof work, recovering and thermal efficiency upgrades to an apparently original roof does not provide comfort in the agent's unilateral determination of LBC requirements. In respect to suggested significant upgrade to services, I am mindful of Planning Inspector's comments in respect to the need for details of such works to minimise harm to listed building special interest at APP/T2350/E/07/2041941, 58 Moor Lane, Clitheroe (12 October 2007; Grade II listed building) and APP/T2350/E/13/2194332, 8 Church Brow, Clitheroe (13 January 2014; Grade II listed building).

5.3 Impact upon the setting of other listed buildings

5.3.1 Details of repair works necessary to determine impact.

5.4 Impact upon the character and appearance of Clitheroe Conservation Area

5.4.1 Details of repair works necessary to determine impact.

5.5 Public benefits:

5.5.1 The principle of building repair is welcomed. In the absence of consideration and evaluation to possible alternative and potentially less damaging improvement to Building Regulation compliance (as advocated by SPAB) the public benefit of proposed works is not apparent.

5.6 Landscape/Ecology:

5.6.1 Details of repair works necessary to determine impact and potential mitigation.

6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 It is unfortunate that assessment of the listed building's special architectural and historic interest and discussion of proposals (as advocated in NPPF paragraph 188-192) was not undertaken before application submission or building purchase. It is also disappointing that the applicant has not sought to engage in consideration to possible alternative proposals (as advocated by SPAB).

NPPG states that "substantial harm is a high test, so it may not arise in many cases" and in my opinion, the harm to the listed building is 'less than substantial'. NPPF paragraph 134 requires that this harm be weighed against the public benefits of the proposal and in this consideration I am mindful of recent legal decisions, NPPF paragraph 132 and comment on these by the Governance and Legal Director of Historic England:

"Any harm is to be given 'great weight' whether it is serious, substantial, moderate, minor or less than substantial. Whatever adjective you choose to describe it and however the harm is caused – directly or through an impact on the setting – every decision should acknowledge the general priority afforded to heritage conservation in comparison to other planning objectives or public benefits" (Conservation Bulletin, Issue 73: Winter 2014).

In respect to the submitted information, I do not consider the potential public benefits of the scheme to have been established or to outweigh the harm to the listed building and its features of special interest.

Therefore, in attaching considerable importance and weight to the preservation of (i.e. avoiding harm to) the listed building, its setting and its features of special architectural and historic interest [section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990], I would recommend that listed building consent be refused.

RECOMMENDATION: That Listed Building Consent be REFUSED for the following reason:

1. “The proposal has a harmful impact upon the special architectural and historic interest of the listed building because of the loss and alteration of important historic fabric and plan form (stairs, flooring and First Floor fireplace location) resulting from the removal of the First-Second Floor staircase and installation of the proposed Ground - Second Floor staircase”.

BACKGROUND PAPERS

<http://www.legislation.gov.uk/ukpga/1990/9/contents>

[Planning (Listed Buildings and Conservation Areas) Act 1990]

<https://www.historicengland.org.uk/images-books/publications/conservation-bulletin-73/>

(page 46 ‘The Big Issue of Little Harm’, Conservation Bulletin: Issue 73 Winter 2014)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

(National Planning Policy Framework)

<https://www.gov.uk/guidance/national-planning-policy-framework/12-conserving-and-enhancing-the-historic-environment>

(National Planning Policy Guidance: Conserving and Enhancing the Historic Environment)

<https://www.gov.uk/government/publications/principles-of-selection-for-listing-buildings>

(‘Principles of Selection for Listed Buildings’)

<https://www.gov.uk/government/organisations/planning-inspectorate>

(The Planning Inspectorate appeal decisions)

<https://www.historicengland.org.uk/images-books/publications/making-changes-heritage-assets-advice-note-2/>

(‘Making Changes to Heritage Assets’, Historic England, 2016)

<https://content.historicengland.org.uk/images-books/publications/conservation-principles-sustainable-management-historic-environment/conservationprinciplespoliciesguidanceapr08web.pdf/>

(paragraph 38 ‘Conservation Principles, Policies and Guidance’, Historic England, 2008)

<https://www.historicengland.org.uk/images-books/publications/dlsg-town-houses/>

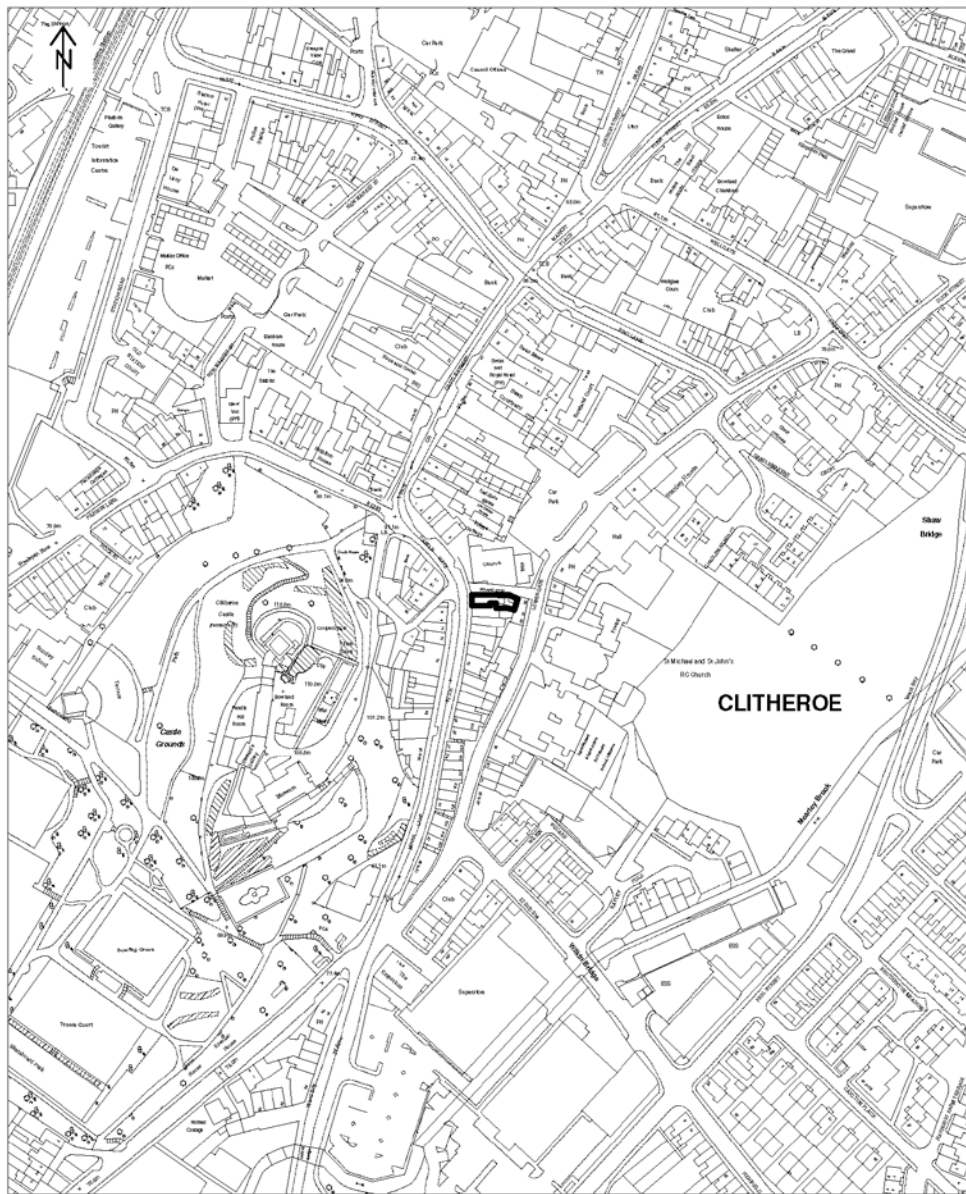
(Historic England’s Listing Selection Guide ‘Domestic 2: Town Houses’)

APPLICATION REF: 3/2016/1038

GRID REF: SD 374348 441715

DEVELOPMENT DESCRIPTION:

CREATION OF 2 RESIDENTIAL FLATS AT FIRST FLOOR LEVEL AND ASSOCIATED INTERNAL ALTERATIONS AT 1 MOOR LANE CLITHEROE BB7 1BE.



3/2016/1038 1 Moor Lane, Clitheroe BB7 1BE	
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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

No objections.

LCC HIGHWAYS:

No objections. Should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

The proposed 2 No one bed flats will have the same parking demand as the existing first floor office space and the development is in a highly accessible location with good access to public transport, shops schools and public transport and car ownership would be expected to be low.

HISTORIC ENGLAND:

Do not wish to comment on this occasion. Recommend determination in accordance with national and local policy guidance, and on the basis of RVBC expert conservation advice.

LAAS:

(Initial comments 21 November 2016) The proposals are for the same site as application 3/2016/0418 for which LAAS raised concerns regarding the impact on both the legibility of the historic development of the building and the impact on the historic street scene of the proposed metal external stair.

The present application removes the latter element and the accompanying Heritage Statement makes a reasonable case for the proposed internal changes. It also provides sufficient illustration of the interior of the building to show that a detailed building record (as described in our previous reply) would not be appropriate.

Whilst LAAS would still have some concerns regarding the very small size of the accommodation units produced this is not a heritage matter and LAAS would leave this to the Council to consider.

Please note that comments are made without the benefit of a site visit.

(Revised comments 18 January 2017) Further to letter of 21st November, LAAS has been made aware that some further inspection has been undertaken on the site. This has indicated that more evidence of the various phases of construction and use is likely to be visible within the building than the limited amount previously understood to be present. In light of this and of the note in the Heritage Statement (Haigh 2016, section 1.1) which indicates that the first floor was not inspected, LAAS should re-examine previous advice for this application.

Whilst LAAS would still consider that the building is modest in its architecture, it is sufficiently important as to be included in the statutory List. The Heritage Statement has established an outline chronology for the main elements of the building, but much detail is missing and is very unlikely to be available from documentary sources. LAAS's previous suggestion (made in relation to application 3/2016/0418) that the building may retain elements of particularly early date does not, however, seem to be justified. It is perhaps notable that of the c.900 building surveys noted on the Lancashire Historic Environment Record only a scant dozen are of shops, and this number includes converted former houses. This probably reflects the incremental nature of changes that such buildings experience rather than their significance - shops (and

shopfronts in particular) are noted as contributing considerably to the character of streets and reflecting issues of individual, corporate and municipal identity (Brennand (Ed) 2007 *An Archaeological Research Framework for North West England, Vol 2 Research Agenda and Strategy* p.146).

Consequently LAAS will revert to the recommendation made for the previous application (3/2016/0418) and recommend that a formal building survey be undertaken. This may be required by planning condition.

A Note is attached which states:

The programme of investigation should comprise a building survey to level 3 as described in "*Understanding Historic Buildings*" (Historic England 2016). It should concentrate on the areas where changes are proposed and attempt to ascertain the relative dates, construction sequence and uses of the various component elements. The work should be undertaken by an appropriately experienced and qualified professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists.

HISTORIC AMENITY SOCIETIES:

Objection received from the Council for British Archaeology (CBA) which states:

Significance and Heritage Protection

1 Moor Lane is a Grade II Listed Building (No. 1164099) of national significance as an early 19th century historic shop with integral shop-owner accommodation to the rear and first floor. Constructed in a number of phases, and with a possible earlier core, the two-storey property is rendered with slate roof and rusticated quoins. 1 Moor Lane retains evidence of historic town development and is significant as a surviving example of a small-scale commercial property designed to serve the needs of the local community.

Proposal comments

It should be made absolutely clear to the applicant that conducting unauthorised works to the Listed Building is a criminal offence. It is not a defence to say that the fact that the building was listed was not known. The unauthorised works have resulted in:

- the removal of walls within the basement level;
- the removal of walls and internal partitions to the ground and first floors;
- altering an external doorway in the basement level and raising the lintel;
- the removal of the floor, opening up and lowering of the basement level;
- the removal of the floors to the ground and first floors;
- the removal of the staircase between the ground and first floors;
- the removal of ceilings to the basement ground and first floors; and
- the removal of plasterwork, fixtures and fittings from the ground and first floors.

Clearly these unauthorised works are extensive and have removed a high proportion of the historic building fabric, resulting in damage to the Listed Building and harm and loss to its significance. The development of the site over time and its legibility as a historic shop with shop-owner accommodation to the rear and first floor is an important part of the significance of this building, as noted in the Heritage Statement (2016, paragraph 8.1). This has already been compromised by the removal of some of the interior partitions, walls and features. To remove all interior partitions and walls to the ground and first floors would constitute eradication of the building as a historic shop and cause harm to the designated Listed Building. In accordance with the NPPF paragraph 132, "*heritage assets are irreplaceable*" and your authority should be

convinced that there is "*clear and convincing justification*" for any harm or loss to the significance of the heritage asset. The CBA would question whether this is the case.

In justifying the works, the Heritage Statement (2016, paragraph 7.1) states that the unauthorised works were necessary in order to make the building safe. Part 1, Chapter II, Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that it is a defence *if* the works were urgently necessary in the interests of health and safety or for the preservation of the building; they were the minimum necessary and temporary works of repairs, support or shelter were not practicable; and, notice in writing justifying the works was given to the local authority as soon as reasonably practicable. In this instance it is clear that the works as described do not meet these criteria. As the works were carried out without a structural assessment of the building, the applicant cannot establish that the works were urgently necessary. In addition, the applicant has not demonstrated that the works have not eroded the structural integrity of 1 Moor Lane and the CBA is concerned that the works undertaken may have led to the structural failing of this asset and the potential for its collapse. The NPPF paragraph 128 recommends "*appropriate expertise where necessary*", and for this building the CBA strongly advises consultation with a qualified heritage professional to undertake a structural assessment of the building. This work should be carried out with substantial safeguards to preserve the structural integrity of the building without causing harm to the significance of this Listed Building.

The CBA feels that the application does not provide enough information to adequately judge the proposals. The NPPF requires proportionality and the information provided in regards to 1 Moor Lane (Grade II Listed Building) does not meet this requirement. In accordance with the NPPF paragraph 128 the level of detail in the application "*should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposals on their significance*". In this instance, the absence of a structural assessment and historic building recording means that the impact of these proposals on the significance of a designated heritage asset cannot be ascertained. An earlier application made in regards to 1 Moor Lane, which was refused permission, noted the importance for any future application to focus on the historic plan-form of the building and gable end (north elevation). The Heritage Statement (2016, paragraph 1.1) submitted as part of this application was produced without access to the first floor of the property and is therefore incomplete. Furthermore, whilst it provides a map regression of the building plot, it does not provide detail regarding the phasing and development of the property, nor does it provide an accurate assessment of the significance of the building. In accordance with NPPF paragraph 129 "*local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal*". Your authority should be sure of the significance and impact upon the building before permitting any works.

Further investigation of the built fabric is necessary in advance of development including, historic building recording and an impact assessment. The CBA believes that development proposals should be based on a sound understanding of the Listed Building's historic and architectural merits. As noted above, there has been no internal inspection of the first floor of the building to date. In accordance with the NPPF paragraph 141, developers are required to "*record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact*". In this instance, the loss of some of the historic fixtures and fittings should not be used as grounds to overlook historic building recording. The application is submitted only as a part retrospective application and the Heritage Statement indicates that a proportion of historic building fabric remains. A Level 3 historic buildings recording (to requirements laid out in Historic England's Understanding Historic Buildings 2016) is recommended prior to determination of this application. This should take place at the earliest stage possible, allowing the findings to be incorporated into the design

scheme to avoid harm to significant remaining aspects of the historic building. The CBA also recommends that the record be deposited with the relevant HER or local archive.

Summary

- The unauthorised works have caused damage to a designated heritage asset and harm and loss to its significance;
- The CBA feels that the expertise of a qualified heritage professional would be beneficial to enable a better understanding of the historic fabric and inform the application, in accordance with the National Planning Policy Framework (NPPF, 2012);
- There is insufficient information regarding the impact of proposals on the significance of the heritage asset as required in the NPPF paragraph 129: and
- Further investigation of the built fabric is necessary in advance of development and to inform appropriate remedial works, including: historic building recording, a structural assessment and an impact assessment.

ADDITIONAL REPRESENTATIONS:

No letters of representation have been received.

1. Site Description and Surrounding Area

- 1.1 '1 and 3 Moor Lane' is a Grade II listed (30 September 1976) building prominently sited in Clitheroe Conservation Area and the street scene. It has elevations to Moor Lane, 'Strang Stee', a stone paved pedestrian alley, and Lowergate (part of the medieval layout of the original settlement).

The building is shown on the OS 1:10,560 mapping of 1847 (sheet Lancashire 47) and in rather more detail on the 1:1,056 sheet of 1848 (Clitheroe Sheet 1 - show that history of extension and alteration to the rear, some of which was, no doubt, forced upon the builders by the steeply sloping site.

The list description identifies "*Early C19, possibly earlier origins*" but, typically, does not discuss the interior. Nos. 1 and 3 Moor Lane's important contribution to the street scene (despite "*2 modern shop fronts*") is suggested by "*Nos 1 to 3 form a group with Nos 5 to 11 (odd) which are buildings of local interest only*".

Pevsner in 'The Buildings of England: North Lancashire' (2000) suggests: "*Clitheroe is a townscape pleasure. It has no putting-off buildings, it has changes of level, and it has streets with bends*".

The Clitheroe Conservation Area Appraisal (The Conservation Studio consultants; adopted by the Borough Council following public consultation 3 April 2007) identifies:

All surrounding and facing buildings to be Buildings of Townscape Merit making a positive contribution to the character and appearance of the Conservation Area.

"the architectural and historic interest of the area's buildings; a pleasing historic townscape enhanced by the town's changes of level and curves in the old streets; Stone paved pedestrian alleys off Moor Lane and Church Street; The relatively intact medieval layout of the original settlement " (Summary of Special Interest)

"in the early 19th century, as a result of the growing industrial base, development spread south-west (Whalley Road and Moor Lane)" (Location and context).

“The core of the conservation area which is centred on Castle Street, Church Street, Wellgate and Lowergate is also the core of the town’s original 12th century settlement” (General Character and Plan Form).

“The construction of the first textile mills and the opening of new turnpike roads led to the first major expansion of the town and the construction of new streets, Moor Lane, York Street and King Street. By 1851 the population had risen to 7,000 and there were nine textile mills working in Clitheroe. Housing for the mill workers was located away the town centre beside the new mills” (Origins and historic development).

“The main axis of the borough was Castle Street, which led into the Market Place, which itself continued north as Church Street and Church Brow. Lowergate formed a second axis, more or less parallel to the main thoroughfare, on its east side” (The Effect of Historical Development on Plan Form).

“The conservation area is most notable for buildings from the late 18th century and 19th century, many of which replaced earlier structures - even the Church of St. Mary Magdalene dates primarily from a rebuilding in 1828

... In Clitheroe, as in other market towns, the 18th century marked a movement away from traditional vernacular building to a more consciously designed ‘polite’ form of architecture. Buildings from this period are influenced by a sense of proportion and incorporate sliding sash windows and elements of classical detailing such as pediments and friezes (Architectural and Historic Character).

“Lowergate is an ancient route which meanders, with varying width, from Wellgate to the lower end of Moor Lane. It contains some important historic buildings but west of Stanley House its townscape is marred by the blank aspect of the car park and the ‘backstreet’ atmosphere of its southern end” (Character Area 1: Clitheroe’s Historic Core).

“Loss of architectural detail (original windows, doors etc); Insensitive alteration of historic buildings; Twentieth century development that fails to preserve the historic character and appearance of the conservation area; Poor state of repair and neglect of the rear of Moor Lane (facing Lowergate)”

(Clitheroe Conservation Area and its Character Area 1: Clitheroe’s Historic Core: Principal Negative Features).

“Historic character and appearance including 88 listed buildings” (Clitheroe Conservation Area Strengths: The most important positive features).

“Loss of original architectural details”; “Insensitive alteration of historic buildings, including some modern shopfronts, spoiling the conservation area’s strong historic character and appearance”; “Twentieth century development that fails to preserve the historic character and appearance of the conservation area” (Weaknesses of the Clitheroe Conservation Area).

2. **Proposed Development for which consent is sought**

- 2.1 Planning permission is again (see 3/2016/0418) sought for a change of use of the first floor of the shop (Use Class A1) to two residential flats. Unfortunately, very extensive work to the interior of the listed building has been undertaken without LBC. Further

changes to the plan form and loss/alteration of historic fabric are proposed. Together the works comprise the removal of: existing stairs between ground and first floors; walls at basement ground and first floors; floors at basement (including opening up and lowering) ground and first floor level; ceilings at basement ground and first floors; alteration of an external doorway in the basement level (to Strang Stee) and plasterwork, fixtures and fittings from ground and first floors.

- 2.2 The proposed plans show significant changes to plan form (including new stair and corridor locations) in all elements apart from the basement storeroom.
- 2.3 The submitted Heritage Statement (2.2) identifies that the premises were used as a shop and offices until early 2016 (previous uses include a butchers shop in the twentieth century, and a furniture dealers in the late nineteenth century). The building is most likely to have been built as commercial premises such as a shop, with living accommodation on the first floor (8.1). Internally, the basement has three units (the rear two merged into one, historically). The ground and first floors are similarly tri-partite, although as with the basement, there is a variable degree of separation between the different areas. The shop occupied the front unit, with offices to the rear, with the staircase to the first floor situated at the south side of the shop area (6.3). The implemented and proposed works are harmful (9.3).
- 2.4 A Structural Assessment (submitted 13 December 2016) comments on the condition of the existing structure following reconstruction of the ground and first floors. The structural engineer is not satisfied with the support to first floor joists. The party wall and gable wall are built in randomly laid stonework and consequently he cannot be certain that the bolts fixing the timbers to the walls are all securely fixed. The stability of the gable wall (and possibly the party wall) depends on being laterally supported at first floor level and along the rear section of the ground floor. The structural engineer recommends that resin anchored bolts are drilled through the gable wall and tied in to the first floor structure. Similar details will apply to the rear section of the ground floor. The party wall cannot be stabilised by this method because there is no right of access into the adjacent property. Consequently, the structural engineer recommends that some brick piers are built in the front section and tied into the party wall using resin anchors. This work should ensure that the gable and party walls are adequately stabilised at both ground and first floor levels. In their present condition there is a risk that they could move outwards if the bolts fixing the joists supporting the first floor structure come loose.

3. **Relevant Planning History**

Pre-application advice has emphasised the need to analyse significance and justify works in detail.

3/2016/0418 (PA) & 0477 (LBC) Creation of 2 flats at first floor level and associated external alterations. PP and LBC refused 11 July 2016 and 12 July 2016. Reasons for refusal included "The proposed and implemented works have a harmful impact upon the special architectural and historic interest of the listed building because of the loss of important historic fabric and plan form". No pre-application advice was sought in respect to the works which had been largely implemented by application submission.

3/1996/0775 & 0776 – change of use from shop storage and prep. room to retail shop outlet with storage cellar and form new shop window and door. PP and LBC granted 6 March 1997.

3/1990/0475 – change of use from shop storage and preparation rooms to retail shop outlet with storage cellar and formation of new shop window and door. PP granted 23 August 1990.

3/1990/0557 – formation of new shop window and door. LBC granted 28 August 1990.

4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement EC1 – Business and Employment Development

Key Statement EN5 – Heritage Assets

Key Statement DS1 – Development Strategy

Key Statement HS1 – Housing Provision

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMG1 – General Considerations

Policy DME4 – Protecting Heritage Assets

Policy DMR1: Retail Development in Clitheroe

Planning (Listed Buildings and Conservation Areas) Act 1990 (appended)

'Preservation' in the duties at sections 16, 66 and 72 of the Act means "doing no harm to" (*South Lakeland DC v. Secretary of State for the Environment* [1992]).

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 **Impact upon the special architectural and historic interest and setting of the listed building:**

5.1.1 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is important in consideration to the 'planning balance' and states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

5.1.2 In my opinion and mindful of the comments of the national historic amenity society (CBA), the implemented and proposed works are very harmful to the special architectural and historic interest of the listed building because of the loss of important and irreplaceable historic fabric and plan form. The nationally important building would appear to have been used for retail and residential accommodation since construction and it is not understood why this particular conversion has led to the destruction of so much of the special architectural and historic interest of the building and threatened its structural stability.

5.1.3 I am mindful that the Adopted Core Strategy requires:

"In determining planning applications, all development must ... protect and enhance heritage assets" (Policy DMG1).

“Alterations ... to listed buildings ... which cause harm to the significance of the heritage asset will not be supported.

Any proposals involving the demolition or loss of important historic fabric from listed buildings will be refused unless it can be demonstrated that exceptional circumstances exist” (Policy DME4).

- 5.1.4 I am mindful of: NPPG (appended) in respect to the importance of details and materials to distinctiveness and the relationship between optimum viable use and the conservation of significance, ‘Making Changes to Heritage Assets’ (HE, February 2016 paragraph 42, 43, 45, 47, 50, 51 and 52; full text appended) in respect to the importance of historic fabric and plan form; ‘Managing Significance in Decision Taking in the Historic Environment’ (Historic England, March 2015 paragraph 28; appended) in respect to the cumulative impact of incremental changes.

‘Making Changes to Heritage Assets’ identifies the importance of plan form and historic fabric to significance:

“The historic fabric will always be an important part of the asset’s significance ... retention of as much historic fabric as possible, together with the use of appropriate materials and methods of repair, is likely to fulfil the NPPF policy to conserve heritage assets in a manner appropriate to their significance, as a fundamental part of any good alteration or conversion. It is not appropriate to sacrifice old work simply to accommodate the new” (paragraph 42). This reiterates paragraph 38 ‘Conservation Principles, Policies and Guidance’, Historic England, 2008 (appended).

“The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases (whether decorated or plain, principal or secondary) and other features are likely to form part of its significance. Indeed they may be its most significant feature. Proposals to remove or modify internal arrangements, including the insertion of new openings or extension underground, will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations” (paragraph 45).

“The introduction of new floors into a building or removal of historic floors and ceilings may have a considerable impact on an asset’s significance” (paragraph 47).

“Small-scale features, inside and out, ... will frequently contribute strongly to a building’s significance and removing or obscuring them is likely to affect the asset’s significance” (paragraph 50).

“Historic flooring materials will often be of interest in themselves. Additional care is needed on lower floors to ensure that archaeological interest below the finished surface is not adversely affected by proposed works” (paragraph 51).

NPPG_ ‘Conserving and Enhancing the Historic Environment’ 015 identifies:

“If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary

initial changes, but also as a result of subsequent wear and tear and likely future changes ... The optimum viable use may not necessarily be the most profitable one”.

5.1.5 I am mindful of the concerns of the CBA and would concur that: *“Clearly these unauthorised works are extensive and have removed a high proportion of the historic building fabric”* relating to the *“development of the site over time and its legibility as a historic shop with shop-owner accommodation to the rear and first floor”*. Furthermore, the proposal *“To remove all interior partitions and walls to the ground and first floors would constitute eradication of the building as a historic shop”*. In respect to the latter, I am also mindful of the comment of LAAS (18 January 2017) which identifies that shops contribute *“considerably to the character of streets and reflecting issues of individual, corporate and municipal identity”*.

5.1.6 Despite the seriousness of unauthorised works (see section 7 and 9 of the Act; appended), the information necessary to fully understand significance and the impact of unauthorised and proposed works (which will be important to the consideration of amelioration and the way forward) had not been received by the time of report writing (despite the prompt support of officers and the CBA with formulating the Written Scheme of Investigation). Concerns were identified in the Delegated Officers Reports of 11 and 12 July 2016, information requirements reiterated at pre-application (3 October 2016) and the above concerns of the CBA forwarded on the day of receipt (2 December 2016). Furthermore, the case officer requested details of *“the degree to which the works now proposed alleviate the effect of the unauthorised works or result in an enhancement of listed building and conservation area significance”* on 14 November 2016.

I am mindful of NPPG ‘Conserving and Enhancing the Historic Environment’ 009:

“Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals”.

5.1.7 The CBA has reminded the Borough Council that conducting unauthorised works to a Listed Building is a criminal offence and that it is not a defence to say that the fact that the building was listed was not known. Furthermore, the CBA states that in this instance it is clear that the works as described do not meet the mitigating criteria at section 9 of the Act. The Borough Council was not aware that this building close to its offices was at risk of immediate failure or even in need of repair. The potential structural instability of the listed building (see structural engineer’s recommendations) is alarming. I do not believe the ‘exceptional circumstances’ required by Policy DME4 for the loss of important historic fabric applies.

In this respect I am mindful of Historic England’s opinion (‘Managing Significance in Decision-Taking in the Historic Environment’, 2015, paragraph 47; appended):

“The objective of conserving heritage assets for generations to come will not be met if there is no deterrent to those contemplating not applying for a consent and no remedy applied when consents are not sought when they should have been.

Wrongdoing should obviously not be rewarded and those who obey the law should not be disadvantaged”.

5.1.8 The CBA has reminded the Borough Council that in accordance with the NPPF paragraph 132, *“heritage assets are irreplaceable”* it should be convinced that there is *“clear and convincing justification”* for any harm or loss to the significance of the heritage asset. The CBA would question whether this is the case and I would agree.

5.2 Impact upon the setting of other listed buildings and the character and appearance of Clitheroe Conservation Area:

5.2.1 The external impact of works is not clear mindful of the recommendations of the structural engineer as to building stability.

5.3 Change of use, Housing provision and Residential amenity:

5.3.1 The provision of additional housing is to be welcomed in principle and would contribute to the vitality and viability of Clitheroe shopping centre. Mindful of the town centre location, I do not believe that the proposals would result in an unacceptable impact upon the amenities of adjoining or nearby residents.

5.3.2 The Borough has a revised 5 year supply figure of 4.99 years when measured against the most recent monitoring information. The significance being that the Council cannot demonstrate a 5 year supply and the implications of paragraph 49 of NPPF must be taken into account in making any decisions on the application.

NPPF Paragraph 49 states that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

Where the council cannot demonstrate a 5 year supply the presumption is in favour of sustainable development.

Despite the principle of housing being acceptable, the implemented and proposed works do not contribute to protecting and enhancing the built or historic environment (NPPF paragraph 7 – the environmental role) and are not sustainable development.

5.4 Landscape/Ecology:

5.4.1 The applicant confirms that there is not a reasonable likelihood of protected and priority species being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site.

5.5 Highway issues:

5.5.1 I am mindful of the comments of LCC Highways and consider the proposals to have an acceptable impact upon highway safety and highway capacity.

6. Observations/Consideration of Matters Raised/Conclusion

6.1 NPPG states that “substantial harm is a high test, so it may not arise in many cases”. Mindful of uncertainties resulting from the inadequacy of submitted information, it is my opinion at the time of report writing that the harm to the listed building is ‘less than substantial’. NPPF paragraph 134 requires that this harm be weighed against any public benefits of the proposal and in this consideration I am mindful of recent legal decisions, NPPF paragraph 132 and comment on these by the Governance and Legal Director of Historic England:

“Any harm is to be given ‘great weight’ whether it is serious, substantial, moderate, minor or less than substantial. Whatever adjective you choose to describe it and however the harm is caused – directly or through an impact on the setting – every decision should acknowledge the general priority afforded to heritage conservation in comparison to other planning objectives or public benefits” (Conservation Bulletin, Issue 73: Winter 2014).

6.2 The building would appear to have been in a similar use to that now proposed throughout its history, the Borough Council was not made aware of any repair/maintenance/occupancy issues prior to implementation of the extensive unauthorised works and it appears that further works will now be necessary to ensure structural stability. In my opinion, the public benefit of this particular scheme of proposed residential accommodation is very limited and does not outweigh the harm to the listed building and its features of special interest.

6.3 Therefore, in attaching considerable importance and weight to the preservation of (i.e. avoiding harm to) the listed building, its setting and its features of special architectural and historic interest [section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990], and in giving ‘great weight’ to the conservation of the listed building (NPPF paragraph 132), I would recommend that planning permission be refused.

RECOMMENDATION: That the application be REFUSED for the following reason:

1. The proposal has a harmful impact upon the special architectural and historic interest of the listed building because of the loss and alteration of important historic fabric and plan form. This is contrary to Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy and the National Planning Policy Framework Paragraph 17 (conserve heritage assets in a manner appropriate to their significance), Paragraph 60 (reinforce local distinctiveness), Paragraph 131 (development sustaining and enhancing the significance of heritage assets and positively contributing to local character and distinctiveness) and Paragraph 132 (great weight to conservation).

BACKGROUND PAPERS

<http://www.legislation.gov.uk/ukpga/1990/9/contents>

[Planning (Listed Buildings and Conservation Areas) Act 1990]

<https://www.historicengland.org.uk/images-books/publications/conservation-bulletin-73/>

(page 46 ‘The Big Issue of Little Harm’, Conservation Bulletin: Issue 73 Winter 2014)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

(National Planning Policy Framework)

<https://www.gov.uk/guidance/national-planning-policy-framework/12-conserving-and-enhancing-the-historic-environment>

(National Planning Policy Guidance: Conserving and Enhancing the Historic Environment)

<https://www.gov.uk/government/publications/principles-of-selection-for-listing-buildings>

('Principles of Selection for Listed Buildings')

<https://www.historicengland.org.uk/images-books/publications/making-changes-heritage-assets-advice-note-2/>

('Making Changes to Heritage Assets', Historic England, 2016)

<https://content.historicengland.org.uk/images-books/publications/conservation-principles-sustainable-management-historic-environment/conservationprinciplespoliciesguidanceapr08web.pdf/>

(paragraph 38 'Conservation Principles, Policies and Guidance', Historic England, 2008)

<https://content.historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/gpa2.pdf/>

('Managing Significance in Decision-Taking in the Historic Environment', 2015, paragraph 47)

https://www.ribblevalley.gov.uk/download/downloads/id/10010/adopted_core_strategy.pdf

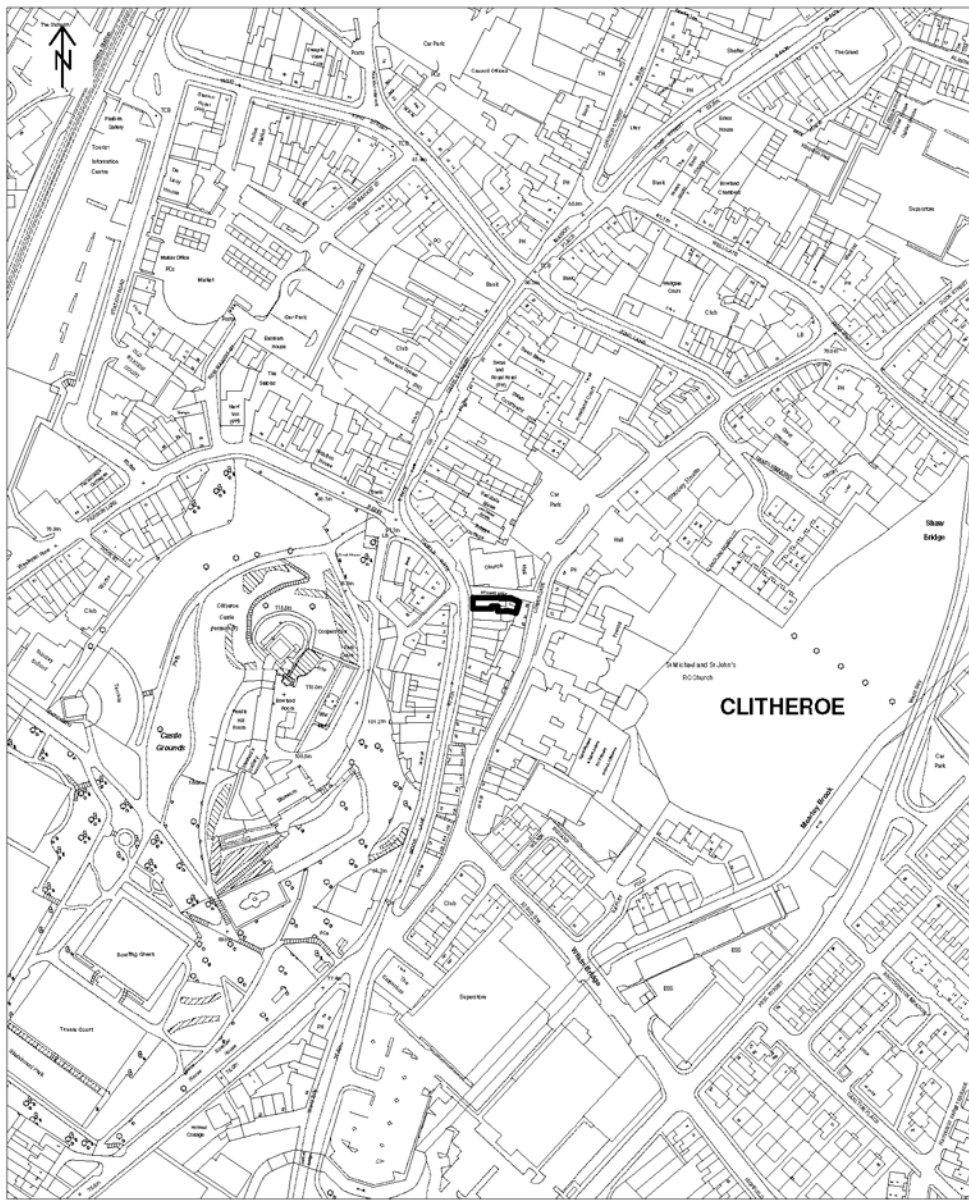
(Adopted Core Strategy)

APPLICATION REF: 3/2016/1039

GRID REF: SD 374348 441715

DEVELOPMENT DESCRIPTION:

CREATION OF 2 RESIDENTIAL FLATS AT FIRST FLOOR LEVEL AND ASSOCIATED INTERNAL ALTERATIONS AT 1 MOOR LANE CLITHEROE BB7 1BE



3/2016/1039 1 Moor Lane, Clitheroe BB7 1BE	
Scale 1:2500	© Crown Copyright Reserved. For reference purposes only. No further copies may be made. Ribble Valley Borough Council. Licence No.100018641 01 February 2017

CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

No objections.

LCC HIGHWAYS:

No objections. Should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

The proposed 2 No one bed flats will have the same parking demand as the existing first floor office space and the development is in a highly accessible location with good access to public transport, shops schools and public transport and car ownership would be expected to be low.

HISTORIC ENGLAND:

Do not wish to comment on this occasion. Recommend determination in accordance with national and local policy guidance, and on the basis of RVBC expert conservation advice.

LAAS:

(Initial comments 21 November 2016) The proposals are for the same site as application 3/2016/0418 for which LAAS raised concerns regarding the impact on both the legibility of the historic development of the building and the impact on the historic street scene of the proposed metal external stair.

The present application removes the latter element and the accompanying Heritage Statement makes a reasonable case for the proposed internal changes. It also provides sufficient illustration of the interior of the building to show that a detailed building record (as described in our previous reply) would not be appropriate.

Whilst LAAS would still have some concerns regarding the very small size of the accommodation units produced this is not a heritage matter and LAAS would leave this to the Council to consider.

Please note that comments are made without the benefit of a site visit.

(Revised comments 18 January 2017) Further to letter of 21st November, LAAS has been made aware that some further inspection has been undertaken on the site. This has indicated that more evidence of the various phases of construction and use is likely to be visible within the building than the limited amount previously understood to be present. In light of this and of the note in the Heritage Statement (Haigh 2016, section 1.1) which indicates that the first floor was not inspected, LAAS should re-examine previous advice for this application.

Whilst LAAS would still consider that the building is modest in its architecture, it is sufficiently important as to be included in the statutory List. The Heritage Statement has established an outline chronology for the main elements of the building, but much detail is missing and is very unlikely to be available from documentary sources. LAAS's previous suggestion (made in relation to application 3/2016/0418) that the building may retain elements of particularly early date does not, however, seem to be justified. It is perhaps notable that of the c.900 building surveys noted on the Lancashire Historic Environment Record only a scant dozen are of shops, and this number includes converted former houses. This probably reflects the incremental

nature of changes that such buildings experience rather than their significance - shops (and shopfronts in particular) are noted as contributing considerably to the character of streets and reflecting issues of individual, corporate and municipal identity (Brennand (Ed) 2007 *An Archaeological Research Framework for North West England, Vol 2 Research Agenda and Strategy* p.146).

Consequently LAAS will revert to the recommendation made for the previous application (3/2016/0418) and recommend that a formal building survey be undertaken. This may be required by planning condition.

A Note is attached which states:

The programme of investigation should comprise a building survey to level 3 as described in "*Understanding Historic Buildings*" (Historic England 2016). It should concentrate on the areas where changes are proposed and attempt to ascertain the relative dates, construction sequence and uses of the various component elements. The work should be undertaken by an appropriately experienced and qualified professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists.

HISTORIC AMENITY SOCIETIES:

Objection received from the Council for British Archaeology (CBA) which states:

Significance and Heritage Protection

1 Moor Lane is a Grade II Listed Building (No. 1164099) of national significance as an early 19th century historic shop with integral shop-owner accommodation to the rear and first floor. Constructed in a number of phases, and with a possible earlier core, the two-storey property is rendered with slate roof and rusticated quoins. 1 Moor Lane retains evidence of historic town development and is significant as a surviving example of a small-scale commercial property designed to serve the needs of the local community.

Proposal comments

It should be made absolutely clear to the applicant that conducting unauthorised works to the Listed Building is a criminal offence. It is not a defence to say that the fact that the building was listed was not known. The unauthorised works have resulted in:

- the removal of walls within the basement level;
- the removal of walls and internal partitions to the ground and first floors;
- altering an external doorway in the basement level and raising the lintel;
- the removal of the floor, opening up and lowering of the basement level;
- the removal of the floors to the ground and first floors;
- the removal of the staircase between the ground and first floors;
- the removal of ceilings to the basement ground and first floors; and
- the removal of plasterwork, fixtures and fittings from the ground and first floors.

Clearly these unauthorised works are extensive and have removed a high proportion of the historic building fabric, resulting in damage to the Listed Building and harm and loss to its significance. The development of the site over time and its legibility as a historic shop with shop-owner accommodation to the rear and first floor is an important part of the significance of this building, as noted in the Heritage Statement (2016, paragraph 8.1). This has already been compromised by the removal of some of the interior partitions, walls and features. To remove all interior partitions and walls to the ground and first floors would constitute eradication of the building as a historic shop and cause harm to the designated Listed Building. In accordance with the NPPF paragraph 132, "*heritage assets are irreplaceable*" and your authority should be

convinced that there is "*clear and convincing justification*" for any harm or loss to the significance of the heritage asset. The CBA would question whether this is the case.

In justifying the works, the Heritage Statement (2016, paragraph 7.1) states that the unauthorised works were necessary in order to make the building safe. Part 1, Chapter II, Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that it is a defence *if* the works were urgently necessary in the interests of health and safety or for the preservation of the building; they were the minimum necessary and temporary works of repairs, support or shelter were not practicable; and, notice in writing justifying the works was given to the local authority as soon as reasonably practicable. In this instance it is clear that the works as described do not meet these criteria. As the works were carried out without a structural assessment of the building, the applicant cannot establish that the works were urgently necessary. In addition, the applicant has not demonstrated that the works have not eroded the structural integrity of 1 Moor Lane and the CBA is concerned that the works undertaken may have led to the structural failing of this asset and the potential for its collapse. The NPPF paragraph 128 recommends "*appropriate expertise where necessary*", and for this building the CBA strongly advises consultation with a qualified heritage professional to undertake a structural assessment of the building. This work should be carried out with substantial safeguards to preserve the structural integrity of the building without causing harm to the significance of this Listed Building.

The CBA feels that the application does not provide enough information to adequately judge the proposals. The NPPF requires proportionality and the information provided in regards to 1 Moor Lane (Grade II Listed Building) does not meet this requirement. In accordance with the NPPF paragraph 128 the level of detail in the application "*should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposals on their significance*". In this instance, the absence of a structural assessment and historic building recording means that the impact of these proposals on the significance of a designated heritage asset cannot be ascertained. An earlier application made in regards to 1 Moor Lane, which was refused permission, noted the importance for any future application to focus on the historic plan-form of the building and gable end (north elevation). The Heritage Statement (2016, paragraph 1.1) submitted as part of this application was produced without access to the first floor of the property and is therefore incomplete. Furthermore, whilst it provides a map regression of the building plot, it does not provide detail regarding the phasing and development of the property, nor does it provide an accurate assessment of the significance of the building. In accordance with NPPF paragraph 129 "*local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal*". Your authority should be sure of the significance and impact upon the building before permitting any works.

Further investigation of the built fabric is necessary in advance of development including, historic building recording and an impact assessment. The CBA believes that development proposals should be based on a sound understanding of the Listed Building's historic and architectural merits. As noted above, there has been no internal inspection of the first floor of the building to date. In accordance with the NPPF paragraph 141, developers are required to "*record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact*". In this instance, the loss of some of the historic fixtures and fittings should not be used as grounds to overlook historic building recording. The application is submitted only as a part retrospective application and the Heritage Statement indicates that a proportion of historic building fabric remains. A Level 3 historic buildings recording (to requirements laid out in Historic England's Understanding Historic Buildings 2016) is recommended prior to determination of this application. This should take place at the earliest stage possible, allowing the findings to be incorporated into the design

scheme to avoid harm to significant remaining aspects of the historic building. The CBA also recommends that the record be deposited with the relevant HER or local archive.

Summary

- The unauthorised works have caused damage to a designated heritage asset and harm and loss to its significance;
- The CBA feels that the expertise of a qualified heritage professional would be beneficial to enable a better understanding of the historic fabric and inform the application, in accordance with the National Planning Policy Framework (NPPF, 2012);
- There is insufficient information regarding the impact of proposals on the significance of the heritage asset as required in the NPPF paragraph 129: and
- Further investigation of the built fabric is necessary in advance of development and to inform appropriate remedial works, including: historic building recording, a structural assessment and an impact assessment.

ADDITIONAL REPRESENTATIONS:

No letters of representation have been received.

1. Site Description and Surrounding Area

- 1.1 '1 and 3 Moor Lane' is a Grade II listed (30 September 1976) building prominently sited in Clitheroe Conservation Area and the street scene. It has elevations to Moor Lane, 'Strang Stee', a stone paved pedestrian alley, and Lowergate (part of the medieval layout of the original settlement).

The building is shown on the OS 1:10,560 mapping of 1847 (sheet Lancashire 47) and in rather more detail on the 1:1,056 sheet of 1848 (Clitheroe Sheet 1 - show that history of extension and alteration to the rear, some of which was, no doubt, forced upon the builders by the steeply sloping site.

The list description identifies "*Early C19, possibly earlier origins*" but, typically, does not discuss the interior. Nos. 1 and 3 Moor Lane's important contribution to the street scene (despite "*2 modern shop fronts*") is suggested by "*Nos 1 to 3 form a group with Nos 5 to 11 (odd) which are buildings of local interest only*".

Pevsner in 'The Buildings of England: North Lancashire' (2000) suggests: "*Clitheroe is a townscape pleasure. It has no putting-off buildings, it has changes of level, and it has streets with bends*".

The Clitheroe Conservation Area Appraisal (The Conservation Studio consultants; adopted by the Borough Council following public consultation 3 April 2007) identifies:

All surrounding and facing buildings to be Buildings of Townscape Merit making a positive contribution to the character and appearance of the Conservation Area.

"the architectural and historic interest of the area's buildings; a pleasing historic townscape enhanced by the town's changes of level and curves in the old streets; Stone paved pedestrian alleys off Moor Lane and Church Street; The relatively intact medieval layout of the original settlement " (Summary of Special Interest)

“in the early 19th century, as a result of the growing industrial base, development spread south-west (Whalley Road and Moor Lane)” (Location and context).

“The core of the conservation area which is centred on Castle Street, Church Street, Wellgate and Lowergate is also the core of the town’s original 12th century settlement” (General Character and Plan Form).

“The construction of the first textile mills and the opening of new turnpike roads led to the first major expansion of the town and the construction of new streets, Moor Lane, York Street and King Street. By 1851 the population had risen to 7,000 and there were nine textile mills working in Clitheroe. Housing for the mill workers was located away the town centre beside the new mills” (Origins and historic development).

“The main axis of the borough was Castle Street, which led into the Market Place, which itself continued north as Church Street and Church Brow. Lowergate formed a second axis, more or less parallel to the main thoroughfare, on its east side” (The Effect of Historical Development on Plan Form).

“The conservation area is most notable for buildings from the late 18th century and 19th century, many of which replaced earlier structures - even the Church of St. Mary Magdalene dates primarily from a rebuilding in 1828

... In Clitheroe, as in other market towns, the 18th century marked a movement away from traditional vernacular building to a more consciously designed ‘polite’ form of architecture. Buildings from this period are influenced by a sense of proportion and incorporate sliding sash windows and elements of classical detailing such as pediments and friezes (Architectural and Historic Character).

“Lowergate is an ancient route which meanders, with varying width, from Wellgate to the lower end of Moor Lane. It contains some important historic buildings but west of Stanley House its townscape is marred by the blank aspect of the car park and the ‘backstreet’ atmosphere of its southern end” (Character Area 1: Clitheroe’s Historic Core).

“Loss of architectural detail (original windows, doors etc)”; *“Insensitive alteration of historic buildings”;* *“Twentieth century development that fails to preserve the historic character and appearance of the conservation area”;* *“Poor state of repair and neglect of the rear of Moor Lane (facing Lowergate)”*

(Clitheroe Conservation Area and its Character Area 1: Clitheroe’s Historic Core: Principal Negative Features).

“Historic character and appearance including 88 listed buildings” (Clitheroe Conservation Area Strengths: The most important positive features).

“Loss of original architectural details”; *“Insensitive alteration of historic buildings, including some modern shopfronts, spoiling the conservation area’s strong historic character and appearance”;* *“Twentieth century development that fails to preserve the historic character and appearance of the conservation area” (Weaknesses of the Clitheroe Conservation Area).*

2. **Proposed Development for which consent is sought**

- 2.1 Listed building consent (largely retrospective) is again (see 3/2016/0477) sought for very extensive works to the interior of the listed building which the development description states is for the creation of two residential flats at first floor. This includes the unauthorised removal of: existing stairs between ground and first floors; walls at basement, ground and first floors; floors at basement (including opening up and lowering), ground and first floor level; ceilings at basement, ground and first floors; alteration of an external doorway in the basement level (to Strang Stee) and plasterwork, fixtures and fittings from ground and first floors.
- 2.2 The proposed plans show significant changes to plan form (including new stair and corridor locations) in all elements apart from the basement storeroom.
- 2.3 The submitted Heritage Statement (2.2) identifies that the premises were used as a shop and offices until early 2016 (previous uses include a butchers shop in the twentieth century, and a furniture dealers in the late nineteenth century). The building is most likely to have been built as commercial premises such as a shop, with living accommodation on the first floor (8.1). Internally, the basement has three units (the rear two merged into one, historically). The ground and first floors are similarly tri-partite, although as with the basement, there is a variable degree of separation between the different areas. The shop occupied the front unit, with offices to the rear, with the staircase to the first floor situated at the south side of the shop area (6.3). The implemented and proposed works are harmful (9.3).
- 2.4 A Structural Assessment (submitted 13 December 2016) comments on the condition of the existing structure following unauthorised reconstruction of the ground and first floors. The structural engineer is not satisfied with the support to first floor joists. The party wall and gable wall are built in randomly laid stonework and consequently he cannot be certain that the bolts fixing the timbers to the walls are all securely fixed. The stability of the gable wall (and possibly the party wall) depends on being laterally supported at first floor level and along the rear section of the ground floor. The structural engineer recommends that resin anchored bolts are drilled through the gable wall and tied in to the first floor structure. Similar details will apply to the rear section of the ground floor. The party wall cannot be stabilised by this method because there is no right of access into the adjacent property. Consequently, the structural engineer recommends that some brick piers are built in the front section and tied into the party wall using resin anchors. This work should ensure that the gable and party walls are adequately stabilised at both ground and first floor levels. In their present condition there is a risk that they could move outwards if the bolts fixing the joists supporting the first floor structure come loose.

3. **Relevant Planning History**

Pre-application advice has emphasised the need to analyse significance and justify works in detail.

3/2016/0418 (PA) & 0477 (LBC) Creation of 2 flats at first floor level and associated external alterations. PP and LBC refused 11 July 2016 and 12 July 2016. Reasons for refusal included "The proposed and implemented works have a harmful impact upon the special architectural and historic interest of the listed building because of the loss of important historic fabric and plan form". No pre-application advice was sought in respect to the works which had been largely implemented by application submission.

3/1996/0775 & 0776 – change of use from shop storage and prep. room to retail shop outlet with storage cellar and form new shop window and door. PP and LBC granted 6 March 1997.

3/1990/0475 – change of use from shop storage and preparation rooms to retail shop outlet with storage cellar and formation of new shop window and door. PP granted 23 August 1990.

3/1990/0557 – formation of new shop window and door. LBC granted 28 August 1990.

4. **Relevant Policies**

Planning (Listed Buildings and Conservation Areas) Act 1990 (appended)
'Preservation' in the duties at sections 16, 66 and 72 of the Act means "doing no harm to" (*South Lakeland DC v. Secretary of State for the Environment* [1992]).

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Ribble Valley Core Strategy:

Key Statement EC1 – Business and Employment Development
Key Statement EN5 – Heritage Assets
Key Statement DS1 – Development Strategy
Key Statement HS1 – Housing Provision
Policy DMB1 – Supporting Business Growth and the Local Economy
Policy DMG1 – General Considerations
Policy DME4 – Protecting Heritage Assets
Policy DMR1: Retail Development in Clitheroe

5. **Assessment of Proposed Development**

5.1 The main consideration in the determination of this listed building consent application is the impact upon the special architectural and historic interest of the listed building and its features (section 16 of the Act). Consideration is also made to the impact upon the setting of the listed building (section 16 and 66 of the Act) and the character and appearance of Clitheroe Conservation Area (section 72 of the Act) and any public benefits of proposed works.

5.2 **Impact upon the special architectural and historic interest and setting of the listed building:**

5.2.1 In my opinion and mindful of the comments of the national historic amenity society (CBA), the implemented and proposed works are very harmful to the special architectural and historic interest of the listed building because of the loss of important and irreplaceable historic fabric and plan form. The nationally important building would appear to have been used for retail and residential accommodation since construction and it is not understood why this particular conversion has led to the destruction of so much of the special architectural and historic interest of the building and threatened its structural stability.

5.2.2 I am mindful of: NPPG (appended) in respect to the importance of details and materials to distinctiveness and the relationship between optimum viable use and the conservation of significance, 'Making Changes to Heritage Assets' (HE, February 2016 paragraph 42, 43, 45, 47, 50, 51 and 52; full text appended) in respect to the importance of historic fabric and plan form; 'Managing Significance in Decision Taking in the Historic Environment' (Historic England, March 2015 paragraph 28; appended) in respect to the cumulative impact of incremental changes.

'Making Changes to Heritage Assets' identifies the importance of plan form and historic fabric to significance:

"The historic fabric will always be an important part of the asset's significance ... retention of as much historic fabric as possible, together with the use of appropriate materials and methods of repair, is likely to fulfil the NPPF policy to conserve heritage assets in a manner appropriate to their significance, as a fundamental part of any good alteration or conversion. It is not appropriate to sacrifice old work simply to accommodate the new" (paragraph 42). This reiterates paragraph 38 'Conservation Principles, Policies and Guidance', Historic England, 2008 (appended).

"The plan form of a building is frequently one of its most important characteristics and internal partitions, staircases (whether decorated or plain, principal or secondary) and other features are likely to form part of its significance. Indeed they may be its most significant feature. Proposals to remove or modify internal arrangements, including the insertion of new openings or extension underground, will be subject to the same considerations of impact on significance (particularly architectural interest) as for externally visible alterations" (paragraph 45).

"The introduction of new floors into a building or removal of historic floors and ceilings may have a considerable impact on an asset's significance" (paragraph 47).

"Small-scale features, inside and out, ... will frequently contribute strongly to a building's significance and removing or obscuring them is likely to affect the asset's significance" (paragraph 50).

"Historic flooring materials will often be of interest in themselves. Additional care is needed on lower floors to ensure that archaeological interest below the finished surface is not adversely affected by proposed works" (paragraph 51).

NPPG 'Conserving and Enhancing the Historic Environment' 015 identifies:

"If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes ... The optimum viable use may not necessarily be the most profitable one".

5.2.3 I am mindful of the concerns of the CBA and would concur that: *"Clearly these unauthorised works are extensive and have removed a high proportion of the historic building fabric"* relating to the *"development of the site over time and its legibility as a historic shop with shop-owner accommodation to the rear and*

first floor". Furthermore, the proposal "To remove all interior partitions and walls to the ground and first floors would constitute eradication of the building as a historic shop". In respect to the latter, I am also mindful of the comment of LAAS (18 January 2017) which identifies that shops contribute "considerably to the character of streets and reflecting issues of individual, corporate and municipal identity".

- 5.2.4 Despite the seriousness of unauthorised works (see section 7 and 9 of the Act; appended), the information necessary to fully understand significance and the impact of unauthorised and proposed works (which will be important to the consideration of amelioration and the way forward) had not been received by the time of report writing (despite the prompt support of officers and the CBA with formulating the Written Scheme of Investigation) . Concerns were identified in the Delegated Officers Reports of 11 and 12 July 2016, information requirements reiterated at pre-application (3 October 2016) and the above concerns of the CBA forwarded on the day of receipt (2 December 2016). Furthermore, the case officer requested details of "the degree to which the works now proposed alleviate the effect of the unauthorised works or result in an enhancement of listed building and conservation area significance" on 14 November 2016.

I am mindful of NPPG 'Conserving and Enhancing the Historic Environment' 009:

"Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals".

- 5.2.5 The CBA has reminded the Borough Council that conducting unauthorised works to a Listed Building is a criminal offence and that it is not a defence to say that the fact that the building was listed was not known. Furthermore, the CBA states that in this instance it is clear that the works as described do not meet the mitigating criteria at section 9 of the Act. The Borough Council was not aware that this building close to its offices was at risk of immediate failure or even in need of repair. The potential structural instability of the listed building (see structural engineer's recommendations) is alarming.

In this respect I am mindful of Historic England's opinion ('Managing Significance in Decision-Taking in the Historic Environment', 2015, paragraph 47; appended):

"The objective of conserving heritage assets for generations to come will not be met if there is no deterrent to those contemplating not applying for a consent and no remedy applied when consents are not sought when they should have been. Wrongdoing should obviously not be rewarded and those who obey the law should not be disadvantaged".

- 5.2.6 The CBA has reminded the Borough Council that in accordance with the NPPF paragraph I32, "heritage assets are irreplaceable" it should be convinced that there is "clear and convincing justification" for any harm or loss to the significance of the heritage asset. The CBA would question whether this is the case and I would agree.

5.3 Impact upon the setting of other listed buildings and the character and appearance of Clitheroe Conservation Area:

5.3.1 The external impact of works is not clear mindful of the recommendations of the structural engineer as to building stability.

5.4 Public benefits:

5.4.1 The building has been in a similar use to that now proposed throughout its history, the Borough Council was not made aware of any repair/maintenance/occupancy issues prior to implementation of the extensive unauthorised works and it appears that further works will now be necessary to ensure structural stability. Whilst some new housing is proposed, this is not sustainable development because of the detrimental impact upon the historic and built environment (NPPF paragraph 7). The public benefit of proposed works is very limited.

5.5 Landscape/Ecology:

5.5.1 The applicant confirms that there is not a reasonable likelihood of protected and priority species being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site.

6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 NPPG states that “substantial harm is a high test, so it may not arise in many cases”. Mindful of uncertainties resulting from the inadequacy of submitted information, it is my opinion at the time of report writing that the harm to the listed building is ‘less than substantial’. NPPF paragraph 134 requires that this harm be weighed against any public benefits of the proposal and in this consideration I am mindful of recent legal decisions, NPPF paragraph 132 and comment on these by the Governance and Legal Director of Historic England:

“Any harm is to be given ‘great weight’ whether it is serious, substantial, moderate, minor or less than substantial. Whatever adjective you choose to describe it and however the harm is caused – directly or through an impact on the setting – every decision should acknowledge the general priority afforded to heritage conservation in comparison to other planning objectives or public benefits” (Conservation Bulletin, Issue 73: Winter 2014).

6.2 In respect to the submitted information, I do not consider that any public benefits have been established to outweigh the harm to the listed building and its features of special interest.

6.3 Therefore, in attaching considerable importance and weight to the preservation of (i.e. avoiding harm to) the listed building, its setting and its features of special architectural and historic interest [section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990], I would recommend that listed building consent be refused.

RECOMMENDATION: That the application be REFUSED for the following reason:

1. The proposal has a harmful impact upon the special architectural and historic interest of the listed building because of the loss and alteration of important historic fabric and plan form.

BACKGROUND PAPERS

<http://www.legislation.gov.uk/ukpga/1990/9/contents>

[Planning (Listed Buildings and Conservation Areas) Act 1990]

<https://www.historicengland.org.uk/images-books/publications/conservation-bulletin-73/>

(page 46 'The Big Issue of Little Harm', Conservation Bulletin: Issue 73 Winter 2014)

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

(National Planning Policy Framework)

<https://www.gov.uk/guidance/national-planning-policy-framework/12-conserving-and-enhancing-the-historic-environment>

(National Planning Policy Guidance: Conserving and Enhancing the Historic Environment)

<https://www.gov.uk/government/publications/principles-of-selection-for-listing-buildings>

('Principles of Selection for Listed Buildings')

<https://www.historicengland.org.uk/images-books/publications/making-changes-heritage-assets-advice-note-2/>

('Making Changes to Heritage Assets', Historic England, 2016)

<https://content.historicengland.org.uk/images-books/publications/conservation-principles-sustainable-management-historic-environment/conservationprinciplespoliciesguidanceapr08web.pdf/>

(paragraph 38 'Conservation Principles, Policies and Guidance', Historic England, 2008)

<https://content.historicengland.org.uk/images-books/publications/gpa2-managing-significance-in-decision-taking/gpa2.pdf/>

('Managing Significance in Decision-Taking in the Historic Environment', 2015, paragraph 47)

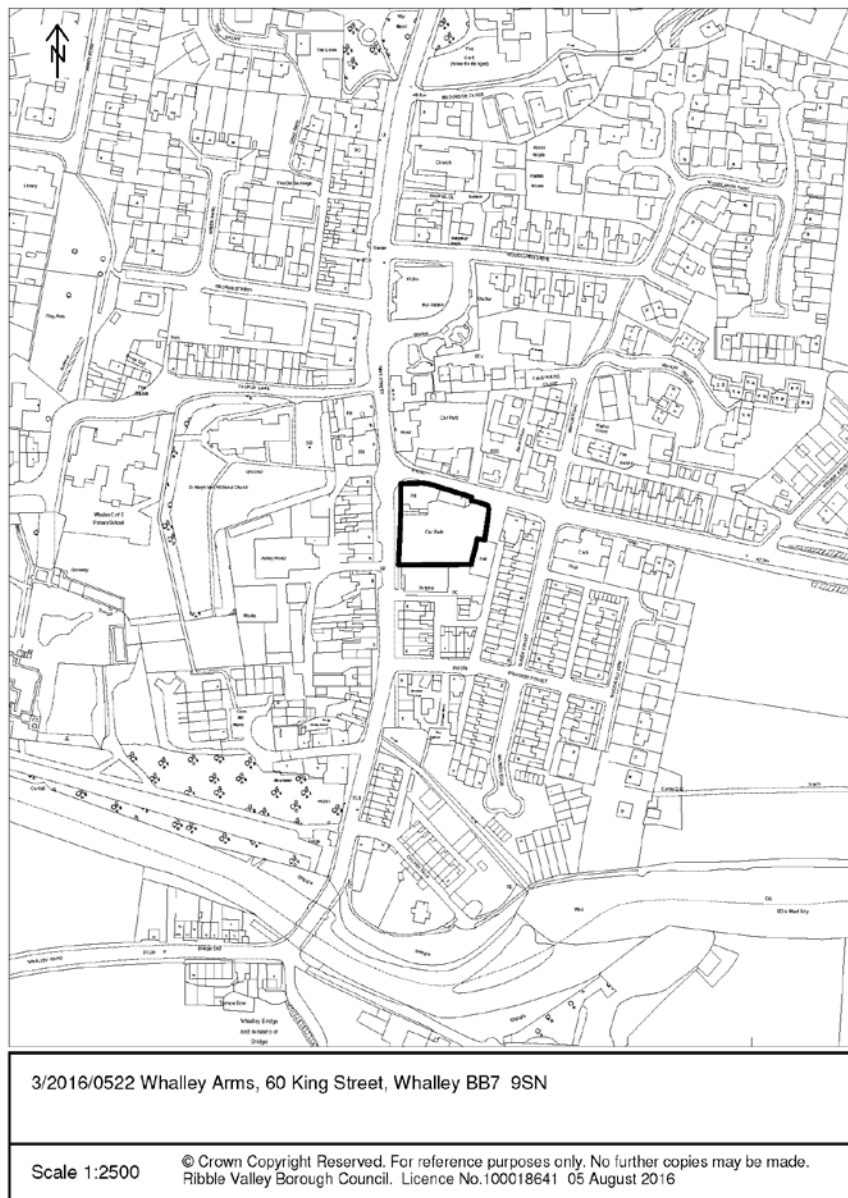
D APPLICATIONS ON WHICH COMMITTEE 'DEFER' THEIR APPROVAL SUBJECT TO WORK 'DELEGATED' TO THE DIRECTOR OF COMMUNITY SERVICES BEING SATISFACTORILY COMPLETED

APPLICATION REF: 3/2016/0522

GRID REF: SD 373349 436145

DEVELOPMENT DESCRIPTION:

3/2016/0522 CHANGE OF USE OF PREMISES FROM USE CLASS A4 TO USE CLASS A1, INTERNAL AND EXTERNAL ALTERATIONS AND WORKS TO PUBLIC CAR PARK AREA WITH ASSOCIATED WORKS. WHALLEY ARMS, 60 KING STREET, WHALLEY, BB7 9SN



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

The Parish Council does not object to the Whalley Arms development and are very pleased that the developers have appreciated the need for free parking access in the centre of Whalley, not just for the proposed Co-op but for other businesses as well. Sufficient, easy access parking is a major issue in Whalley. The developers suggest a free parking time of 1 hour. The Parish Council would wish this offer to increase to 1.5 hours with free parking after 6pm but whatever the final agreement we believe that it should form part of the planning consent.

HISTORIC ENGLAND:

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE:

Taken overall, the external changes are not excessive and do not appear to harm the significance of the building or its setting in the townscape.

Of more concern is the proposal to alter the interior by demolishing almost all internal walls (apparently including the staircase) and creating a single open space. The drawings supplied of the proposed ground floor raise a number of questions, not least of which is how the first floor is to be accessed, what division is proposed between the retail floor and goods storage area and where the staff rest areas and facilities are to be located.

The PHS states that the proposed changes are set out on the supplied plans. It does not describe the proposed internal changes further, nor does it assess the significance of any of the elements to be removed, simply stating (section 6.6) that no harm to the building will result. The demolition of the internal divisions between all of the elements is not simple removal of 'minor structural elements' and must be considered to be a significant change to the building. It has the potential to remove much, if not all, surviving evidence of the original layouts of the various parts of the buildings.

A more thorough and informed analysis of the building is required, along with the production of an appropriate record, before the conversion work is permitted to start.

CONSERVATION OFFICER (URBAN VISION):

The Whalley Arms is in the Whalley Conservation Area and is a grade II listed building. Paragraph 128 of the NPPF states in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should be consulted and the heritage assets assessed using appropriate expertise where necessary.

The Planning and Heritage Statement (PHS) does not supply sufficient information to describe the impact of the proposal on significance regarding the loss of a substantial part of the interior of the building and the loss of the A2 retail shop front. However since the original submission some additional information has been submitted and the Council have requested further reports.

The loss of a significant interior from a listed building could suggest the principle of the change of use is perhaps ill founded. However, I note the change from A4 to A1 is a permitted change.

The A2 shop front at the rear is shown at 1:100 but there is no information on its detail or with which to assess significance. Given it is described as a recent introduction to the east end of the building presumably it can be accurately dated and described. Its loss and replacement with a masonry wall would seem unlikely to be an enhancement to the listed building nor the conservation area. The existing timber door onto King Street is proposed to be replaced with a grey aluminium glazed door. This will appear incongruous on the principal face of the listed building.

A section of wall adjoin the Whalley Arms is shown to be removed. The Whalley Conservation Area Management Guidelines refer to the car park as weakness. Removing this wall will reduce the already limited sense of enclosure of the car park. There is an existing boundary circa 1m high and associated paraphernalia within the car park. This would be removed and replaced with a close boarded fence 2.5m high. While the existing car park is identified as a weakness and an opportunity for enhancement in the Guidelines it would be difficult to describe this change as a positive one to either the setting of the listed building or the conservation area in general.

Planning and Development Committee deferred both the Listed Building and Planning application for officers to negotiate some design changes as well as seek clarification on heritage issues with an objective to secure an approval.

HIGHWAYS:

No objection in principle but would require more details regarding technical issues

ADDITIONAL REPRESENTATIONS: One letter of objection which raises concern about the loss of a pub and the inappropriate use of materials.

1. Site Description and Surrounding Area

- 1.1 The proposal site is The Whalley Arms and the adjacent car park. The Whalley Arms is a vacant public house, with a small part of the rear of the premises having been previously used for financial and professional services. The application site is located within the town centre of Whalley. It faces onto King Street at the corner junction with Accrington Road. Due to this corner location it has two prominent frontages, with the main entrance door being located on the King Street elevation. Adjacent to the application site to the south is the Whalley Medical Centre, and to the east is the Masonic Hall, beyond which are residential dwellings. Opposite the site to the west, north and south are commercial uses such as 'The Dog Inn', 'The Swan Inn', estate agents, restaurants, and retail units situated alongside and below residential dwellings.
- 1.2 The building itself is both one and two stories high, with rooms located in the roof space. It is stone built with pitched slate roofs. It is located within Whalley Conservation Area and is Grade II Listed.

2. Proposed Development for which consent is sought

- 2.1 Planning permission is sought for external works consisting of the following:

- Removal of the existing A2 shopfront towards the eastern end of the building on the southern facing elevation. The existing window and door openings are to be blocked up with materials to match the existing building.
- Construction of new ramp leading to the goods in door (southern/car park elevation).
- Demolition of boundary wall which adjoins the King Street elevation.
- Construction of 2.5m high closed boarded timber fence to enclose new service yard.
- Replacement of existing entrance door with on King Street elevation with new aluminium glazed entrance door.

It should be noted that some elements of the scheme are still subject to further negotiation.

2.2 The application description includes the change of use of the premises from Use Class A4 (drinking establishments) to Use Class A1 (retail). However, this change is permitted by virtue of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016.

3. **Relevant Planning History**

3.1 3/2016/0523 – Application for Listed Building Consent for change of use of premises from use class A4 to use class A1, internal and external alterations and works to public car park area with associated works – pending decision

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EN5 – Heritage Assets

Key Statement EC2 – Development of Retail, Shops and Community Facilities and Services

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG3 – Transport and Mobility

Policy DME4 – Protecting Heritage Assets

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMR2 – Shopping in Longridge and Whalley

Whalley Conservation Area Appraisal 2005 “WCAA”

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Planning (Listed Buildings and Conservation Areas) Act 1990

Technical Guidance to National Planning Policy Framework

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 The NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity. Significant weight should be placed on the

need to support economic growth through the planning system. The NPPF also states that local planning authorities amongst other matters should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. It also states that local planning authorities should promote competitive town centres that provide customer choice, and should support existing business sectors.

- 5.1.2 The support expressed by the Parish Council for the retail unit and free parking is noted. However, as stated within paragraph 2.2, planning permission is not required for the change of use of the application site to a retail unit. In addition, the alterations proposed to the layout and operation of the car park do not require planning permission and therefore both of these elements of the scheme are not for consideration and cannot be controlled by way of this planning application. As such some of the technical requirements suggested by the County Surveyor may be deemed inappropriate given that the use itself would not require consent. Although no formal comments have been received from Regeneration I am of the opinion that the reuse would offer significant benefits in relation to regeneration and that the principle is accepted.
- 5.1.3 The Local Planning Authority is also considering a separate application for Listed Building Consent for works to the interior and exterior of the building, this is running concurrently to this application for planning permission.
- 5.1.4 The principle of alterations to the external elevations of the host premises is acceptable. However, such works must also be acceptable in terms of their impact on the visual amenity of the host premises and the character and appearance of Whalley Conservation Area. In this case the proposed works are not considered acceptable in these respects.

5.2 Impact upon Residential Amenity:

- 5.2.1 The NPPF states that there are three dimensions to sustainable development; economic, social and environmental. The planning system needs to perform each of these roles. The environmental role contributes to protecting and enhancing our natural, built and historic environment, and as part of this, helping minimise waste and pollution.
- 5.2.2 Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 5.2.3 Due to their nature and location, the proposed alterations will have a minimal impact on the residential amenity of the occupants of neighbouring residential properties, in terms of loss of outlook, daylight and sunlight. The proposal includes 2.5m high fencing to enclose a new plant yard and a noise report has been commissioned to assess any impact from the proposed plant yard. The report has been assessed by the Council's Environmental Health Officer who does not consider there would be any significant impact as a result of the proposal but would suggest a condition could be imposed in relation to servicing hours.

5.2.4 In summary, the proposed external alterations are considered to be in accordance with Policy DMG1 of the Core Strategy and the NPPF in terms of their impact on residential amenity.

5.3 Visual Amenity/External Appearance/Heritage and Cultural:

5.3.1 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.

5.3.2 In respect of designated heritage assets the NPPF states that when determining the impact on the significance of a heritage asset great weight should be given to the assets conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

5.3.3 Whilst it is noted that the Lancashire Archaeological Advisory Service have raised no objections to the proposed external works, the Conservation Officer of Urban Vision has raised significant objections. Firstly, he has noted that the submitted Planning and Heritage Statement does not supply sufficient information to describe the impact of the proposal on significance regarding the loss of the A2 retail shop front. This is contrary to paragraph 128 of the NPPF, which states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should be consulted by the applicant and the heritage assets assessed using appropriate expertise where necessary. More detail has now been submitted.

5.3.4 Although some additional information has been submitted I still consider limited information has been provided to enable the LPA to fully assess its significance. The Conservation Officer (UV) has advised that the loss and replacement of the shop front with a masonry wall would neither enhance the appearance of the listed building or the conservation area. In addition, as currently submitted, the proposed replacement of the existing timber door onto King Street with a grey aluminium glazed door will appear incongruous on the principal face of the listed building.

5.3.5 The removal of the section of wall adjoining the public house facing onto King Street is also considered to be unacceptable. As noted by the Conservation Officer (UV), the removal of this section of wall will reduce the already limited sense of enclosure of the car park and would be in conflict with the Whalley Conservation Area Management Guidelines, which refer to the car park as a weakness. The introduction of a 2.5m closed boarded timber fence adjacent to the southern facing elevation of the building would also introduce a highly incongruous and alien feature which would result in harm to the setting of the listed building and the conservation area.

5.3.6 It is recognised that that the proposed external works and internal works will result in some harm to the significance of the Grade II Listed building, and the character of the conservation area.

5.3.7 Committee will recall that this application and the Listed Building application were recommended for refusal at the 18th August Planning and Development Committee but it was resolved to seek additional information and possible design amendments to secure a positive recommendation. I acknowledge the views of Committee which expressed support to the scheme with a request to seek some design amendments. Some amendments and additional information have been secured. However, in this instance, I now consider that the community benefits associated with the application including the reuse of an empty building and the long term viability of a listed building in a prominent location of the Conservation Area enable a positive recommendation.

5.4 Other Issues:

5.4.1 I note the comments from the Parish Council but do not consider this as a reasonable condition but would suggest that a condition be imposed in relation to the overall parking management. The County Surveyor has requested clarification and improvements to the scheme but as the use itself does not require the benefit of planning permission I consider some of the requirements to be unreasonable.

RECOMMENDATION: That the application 3/2016/0522 be Deferred and Delegated to the Director of Community Services subject to receipt of satisfactory further information in relation to Heritage aspects of the proposal and the following conditions:

Time Limit

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 pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Plans and Further Details

2. The approval relates to drawing numbers:-

Dwg No	Drawing Title
5619(P) 203	Proposed elevation plan received on 23/12/16 with the exception of the details of the entrance door on King Street and fencing details.
5619(P) 103	Proposed Ground Floor Plan received on 23/12/16
5619(P) 103-1	Proposed First Floor Plan
5619(P) 503	Proposed Site Plan received on 23/12/16
5619(P) 110 Rev B	Ground Floor Demolition Plan
5619(P) 10-1	First Floor Demolition Plan received on 23/12/16
5619(P) 203 Rev A	Section Plan received on 23/12/16

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

3. Precise specifications or samples of all external surfaces including any replacement materials and surfacing materials of the development hereby approved shall have been submitted to and approved by the Local Planning Authority before their use in the

proposed development. The approved details shall be implemented as part of the development.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policies DMG1 and DME4 of the Core Strategy Adopted Version.

4. Notwithstanding the elevational details of the proposed entrance door on to the King Street elevation and the close boarded fence around the service yard further details shall be provided in accordance with a scheme which shall first have been submitted to, and approved by, the local planning authority.

REASON: To the interest of visual amenity and to ensure adequate car parking is available prior to the development coming into use and comply with Policies DMG1 and DME4 of the Ribble Valley Core Strategy adopted version.

5. Prior to the commencement of the development section details at a scale of not less than 1:20 of each elevation of the buildings/alterations hereby approved shall have been submitted to and approved by the Local Planning Authority.

For the avoidance of doubt the sections shall clearly detail all eaves, guttering/rain water goods, soffit/overhangs, window/door reveals and the proposed window/door framing profiles and materials. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality and in order to safeguard the special architectural and historic interest of the listed buildings, the character and appearance of the Whalley Conservation Area in accordance with Policies DMG1 and DME4 of the Ribble Valley Core Strategy

Deliveries

6. No deliveries shall take place unless and until a service yard and deliveries management plan for the site has been submitted to and approved in writing by the local planning authority. Servicing and deliveries shall thereafter take place in accordance with the approved management plan at all times unless otherwise agreed in writing by the local planning authority.

REASON: To manage conflicts between customers and deliveries/servicing of the units and to safeguard the living conditions of occupiers of nearby dwellings and in order to protect the amenities of the occupiers of nearby properties and in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

Highways

7. Notwithstanding the submitted car parking identified on the plan further details of additional mobility spaces and a car park management plan shall be provided in accordance with a scheme which shall first have been submitted to, and approved by, the local planning authority. The approved scheme shall be implemented and the spaces available for use before the development hereby approved is first brought into use.

REASON: To ensure adequate car parking is available prior to the development coming into use and comply with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy adopted version.

Materials

8. Full details of the floor surfaces, any street furniture which shall include details of cycle rails to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority prior to use in the development. Development shall only proceed in accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policies DMG1 and DME4 of the Ribble Valley Core Strategy Adopted Version.

9. Full details of the positioning and appearance of plant, ventilation grilles, ducts and pipework, rainwater goods on the building shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Only those approved details shall form part of the proposed development.

REASON: To ensure that the appearance of the development is appropriate to the character of the building and the setting of the area and comply with Policies DMG1 and DME4 of the Ribble Valley Core Strategy adopted version.

10. Precise specifications or samples of all external surfaces including any replacement materials and surfacing materials of the development hereby approved shall have been submitted to and approved by the Local Planning Authority before their use in the proposed development. The approved details shall be implemented as part of the development.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policies DMG1 and DME4 of the Core Strategy Adopted Version.

Amenity

11. The use of the premises in accordance with this permission shall be restricted to the Hours between 0700 to 2300 on Monday to Sundays.

REASON: The use of the premises outside these hours could prove injurious to the character of the area and in order to safeguard residential amenities and to comply with Policy DMG1 of the Ribble Valley Core Strategy.

Heritage

12. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt the submitted details shall include a building record to level 3 and using the standards and guidance set out in the English Heritage document 'Understanding Historic Buildings' (2006).

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings and to comply with Policy DME4 of the Ribble Valley Core Strategy Adopted Version

BACKGROUND PAPERS

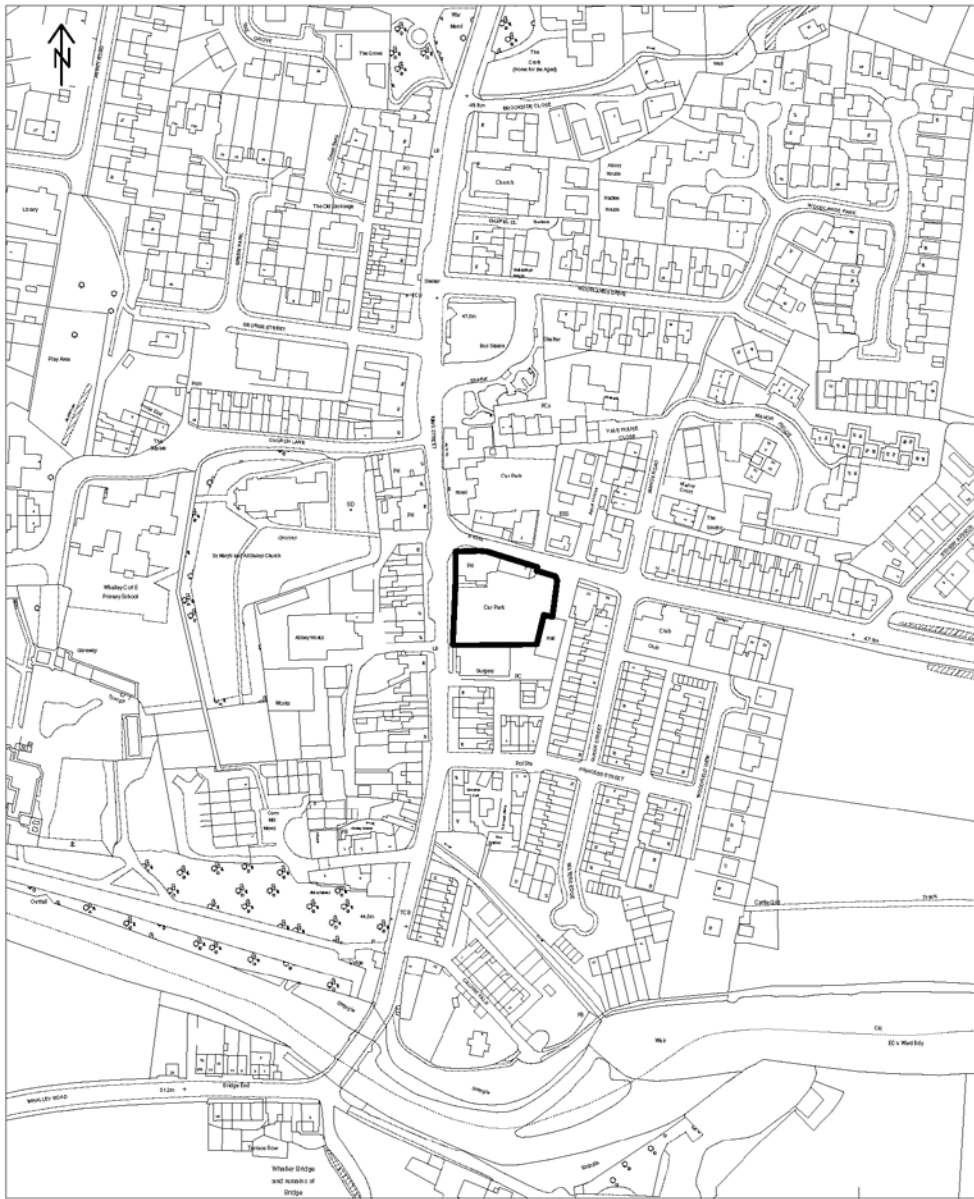
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2016%2F0522

APPLICATION REF: 3/2016/0523

GRID REF: SD 373349 436145

DEVELOPMENT DESCRIPTION:

3/2016/0523 LISTED BUILDING CONSENT EXTERNAL ALTERATIONS AND WORKS TO PUBLIC CAR PARK AREA WITH ASSOCIATED WORKS AT WHALLEY ARMS, 60 KING STREET, WHALLEY



3/2016/0522 Whalley Arms, 60 King Street, Whalley BB7 9SN

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

The Parish Council does not object to the Whalley Arms development and are very pleased that the developers have appreciated the need for free parking access in the centre of Whalley, not just for the proposed Co-op but for other businesses as well. Sufficient, easy access parking is a major issue in Whalley. The developers suggest a free parking time of 1 hour. The Parish Council would wish this offer to increase to 1.5 hours with free parking after 6pm but whatever the final agreement we believe that it should form part of the planning consent.

HISTORIC ENGLAND:

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE:

Taken overall, the external changes are not excessive and do not appear to harm the significance of the building or its setting in the townscape.

Of more concern is the proposal to alter the interior by demolishing almost all internal walls (apparently including the staircase) and creating a single open space. The drawings supplied of the proposed ground floor raise a number of questions, not least of which is how the first floor is to be accessed, what division is proposed between the retail floor and goods storage area and where the staff rest areas and facilities are to be located.

The PHS states that the proposed changes are set out on the supplied plans. It does not describe the proposed internal changes further, nor does it assess the significance of any of the elements to be removed, simply stating (section 6.6) that no harm to the building will result. The demolition of the internal divisions between all of the elements is not simple removal of 'minor structural elements' and must be considered to be a significant change to the building. It has the potential to remove much, if not all, surviving evidence of the original layouts of the various parts of the buildings.

A more thorough and informed analysis of the building is required, along with the production of an appropriate record, before the conversion work is permitted to start.

CONSERVATION OFFICER:

The Whalley Arms is in the Whalley Conservation Area and is a grade II listed building. Paragraph 128 of the NPPF states in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should be consulted and the heritage assets assessed using appropriate expertise where necessary.

The Planning and Heritage Statement (PHS) does not supply sufficient information to describe the impact of the proposal on significance regarding the loss of a substantial part of the interior of the building and the loss of the A2 retail shop front. The loss of a significant interior from a listed building could suggest the principle of the change of use is perhaps ill founded. However, I note the change from A4 to A1 is a permitted change.

The A2 shop front at the rear is shown at 1:100 but there is no information on its detail or with which to assess significance. Given it is described as a recent introduction to the east end of the building presumably it can be accurately dated and described. Its loss and replacement with a masonry wall would seem unlikely to be an enhancement to the listed building nor the conservation area. The existing timber door onto King Street is proposed to be replaced with a grey aluminium glazed door. This will appear incongruous on the principal face of the listed building.

A section of wall adjoin the Whalley Arms is shown to be removed. The Whalley Conservation Area Management Guidelines refer to the car park as weakness. Removing this wall will reduce the already limited sense of enclosure of the car park. There is an existing boundary circa 1m high and associated paraphernalia within the car park. This would be removed and replaced with a close boarded fence 2.5m high. While the existing car park is identified as a weakness and an opportunity for enhancement in the Guidelines it would be difficult to describe this change as a positive one to either the setting of the listed building or the conservation area in general.

Planning and Development Committee deferred both the Listed Building and Planning application for officers to negotiate some design changes as well as seek clarification on heritage issues with an objective to secure an approval.

HIGHWAYS:

No objection in principle but would require more details regarding technical issues

ADDITIONAL REPRESENTATIONS: One letter of objection which raises concern about the loss of a pub and the inappropriate use of materials.

None received.

1. Site Description and Surrounding Area

- 1.1 The proposal site is The Whalley Arms and the adjacent car park. The Whalley Arms is a vacant public house, with a small part of the rear of the premises having been previously used for financial and professional services. The application site is located within the town centre of Whalley. It faces onto King Street at the corner junction with Accrington Road. Due to this corner location it has two prominent frontages, with the main entrance door being located on the King Street elevation. Adjacent to the application site to the south is the Whalley Medical Centre, and to the east is the Masonic Hall, beyond which are residential dwellings. Opposite the site to the west, north and south are commercial uses such as 'The Dog Inn', 'The Swan Inn', estate agents, restaurants, and retail units situated alongside and below residential dwellings.
- 1.2 The building itself is both one and two stories high, with rooms located in the roof space. It is stone built with pitched slate roofs. It is located within Whalley Conservation Area and is Grade II Listed.

2. Proposed Development for which consent is sought

- 2.1 Planning permission is sought for external works consisting of the following:

- Removal of the existing A2 shopfront towards the eastern end of the building on the southern facing elevation. The existing window and door openings are to be blocked up with materials to match the existing building.
- Construction of new ramp leading to the goods in door (southern/car park elevation).
- Demolition of boundary wall which adjoins the King Street elevation.
- Construction of 2.5m high closed boarded timber fence to enclose new service yard.
- Replacement of existing entrance door with on King Street elevation with new aluminium glazed entrance door. This is still subject to further negotiation as it is not possible to retain the original but I consider a more traditional timber door would be preferable.

2.2 The application description includes the change of use of the premises from Use Class A4 (drinking establishments) to Use Class A1 (retail). However, this change is permitted by virtue of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016.

3. **Relevant Planning History**

3.1 3/2016/0523 – Application for Planning Permission for change of use of premises from use class A4 to use class A1, internal and external alterations and works to public car park area with associated works – pending decision

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EN3 – Sustainable Development and Climate Change

Key Statement EN5 – Heritage Assets

Key Statement EC2 – Development of Retail, Shops and Community Facilities and Services

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG3 – Transport and Mobility

Policy DME4 – Protecting Heritage Assets

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMR2 – Shopping in Longridge and Whalley

Whalley Conservation Area Appraisal 2005 “WCAA”

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Planning (Listed Buildings and Conservation Areas) Act 1990

Technical Guidance to National Planning Policy Framework

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 The principle of alterations to the external elevations of the host premises is acceptable. However, such works must also be acceptable in terms of their impact on the visual amenity of the host premises and the character and

appearance of Whalley Conservation Area and the impact on the Grade 2 Listed Building.

5.2 Heritage issues/ Cultural/Visual Amenity/External Appearance:

- 5.2.1 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.
- 5.2.2 In respect of designated heritage assets the NPPF states that when determining the impact on the significance of a heritage asset great weight should be given to the assets conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 5.2.3 Whilst it is noted that the Lancashire Archaeological Advisory Service have raised no objections to the proposed external works, the Conservation Officer of Urban Vision has raised significant objections during consideration of the application. Firstly, he has noted that the submitted Planning and Heritage Statement does not supply sufficient information to describe the impact of the proposal on significance regarding the loss of the A2 retail shop front. This is contrary to paragraph 128 of the NPPF, which states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should be consulted by the applicant and the heritage assets assessed using appropriate expertise where necessary. More detail has now been submitted and it now includes more retention of some internal walls and justification for the proposal.
- 5.2.4 More information has now been provided to justify the detail of the shop front to enable the LPA to assess its significance. Previously Conservation Officer from Urban Vision has advised that the loss and replacement of the shop front with a masonry wall would neither enhance the appearance of the listed building or the conservation area. In addition, as currently submitted, the proposed replacement of the existing timber door onto King Street with a grey aluminium glazed door will appear incongruous on the principal face of the listed building.
- 5.2.5 The removal of the section of wall adjoining the public house facing onto King Street is also considered to be unacceptable. As noted by the Conservation Officer, the removal of this section of wall will reduce the already limited sense of enclosure of the car park and would be in conflict with the Whalley Conservation Area Management Guidelines, which refer to the car park as a weakness. The introduction of a 2.5m closed boarded timber fence adjacent to the southern facing elevation of the building would also introduce a highly incongruous and alien feature which would result in harm to the setting of the listed building and the conservation area.
- 5.2.6 Committee will recall that this application and the Planning application were recommended for refusal at the 18th August Planning and Development Committee but it was resolved to seek additional information and possible design amendments to secure a positive recommendation. I acknowledge the views of

Committee which expressed support to the scheme with a request to seek some design amendments. Some amendments and additional information have been secured. However, in this instance, I now consider that the community benefits associated with the application including the reuse of an empty building and the long term viability of a listed building in a prominent location of the Conservation Area enable a positive recommendation.

5.2.7 I note the previous concerns expressed and accept that some harm will result to the significance of the Grade II Listed building, and the character of the conservation area. However, I consider the community benefits associated with the application including the reuse of an empty building in a prominent location of the Conservation Area render the proposal acceptable.

RECOMMENDATION: That Listed Building Consent under 3/2016/0523 be Deferred and Delegated to the Director of Community Services subject to receipt of satisfactory further information in relation to Heritage aspects of the proposal and the following conditions:

Time Limit

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 pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Plans and Further Details

2. The approval relates to drawing numbers:-

Dwg No	Drawing Title
5619(P) 203	Proposed elevation plan received on 23/12/16 with the exception of the details of the entrance door on King Street and fencing details.
5619(P) 103	Proposed Ground Floor Plan received on 23/12/16
5619(P) 103-1	Proposed First Floor Plan
5619(P) 503	Proposed Site Plan received on 23/12/16
5619(P) 110 Rev B	Ground Floor Demolition Plan
5619(P) 10-1	First Floor Demolition Plan received on 23/12/16
5619(P) 203 Rev A	Section Plan received on 23/12/16

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

3. Full details of the floor surfaces, street furniture which shall include details of cycle rails to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority prior to use in the development. Development shall only proceed in accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the materials to be used are appropriate to the locality in accordance with Policies DMG1 and DME4 of the Ribble Valley Core Strategy Adopted Version.

4. Notwithstanding the elevational details of the proposed entrance door on to the King Street elevation and the close boarded fence around the service yard further details shall be provided in accordance with a scheme which shall first have been submitted to, and approved by, the local planning authority.

REASON: To the interest of visual amenity and to ensure adequate car parking is available prior to the development coming into use and comply with Policies DMG1 and DME4 of the Ribble Valley Core Strategy adopted version.

5. Prior to the commencement of the development section details at a scale of not less than 1:20 of each elevation of the buildings/alterations hereby approved shall have been submitted to and approved by the Local Planning Authority.

For the avoidance of doubt the sections shall clearly detail all eaves, guttering/rain water goods, soffit/overhangs, window/door reveals and the proposed window/door framing profiles and materials. The development shall be carried out in strict accordance with the approved details.

REASON: In order that the Local Planning Authority may ensure that the detailed design of the proposal is appropriate to the locality and in order to safeguard the special architectural and historic interest of the listed buildings, the character and appearance of the Whalley Conservation Area in accordance with Policies DMG1 and DME4 of the Ribble Valley Core Strategy.

Heritage

- 6 No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt the submitted details shall include a building record to level 3 and using the standards and guidance set out in the English Heritage document 'Understanding Historic Buildings' (2006).

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings and to comply with policy DME4 of the Ribble Valley Core Strategy Adopted Version

BACKGROUND PAPERS

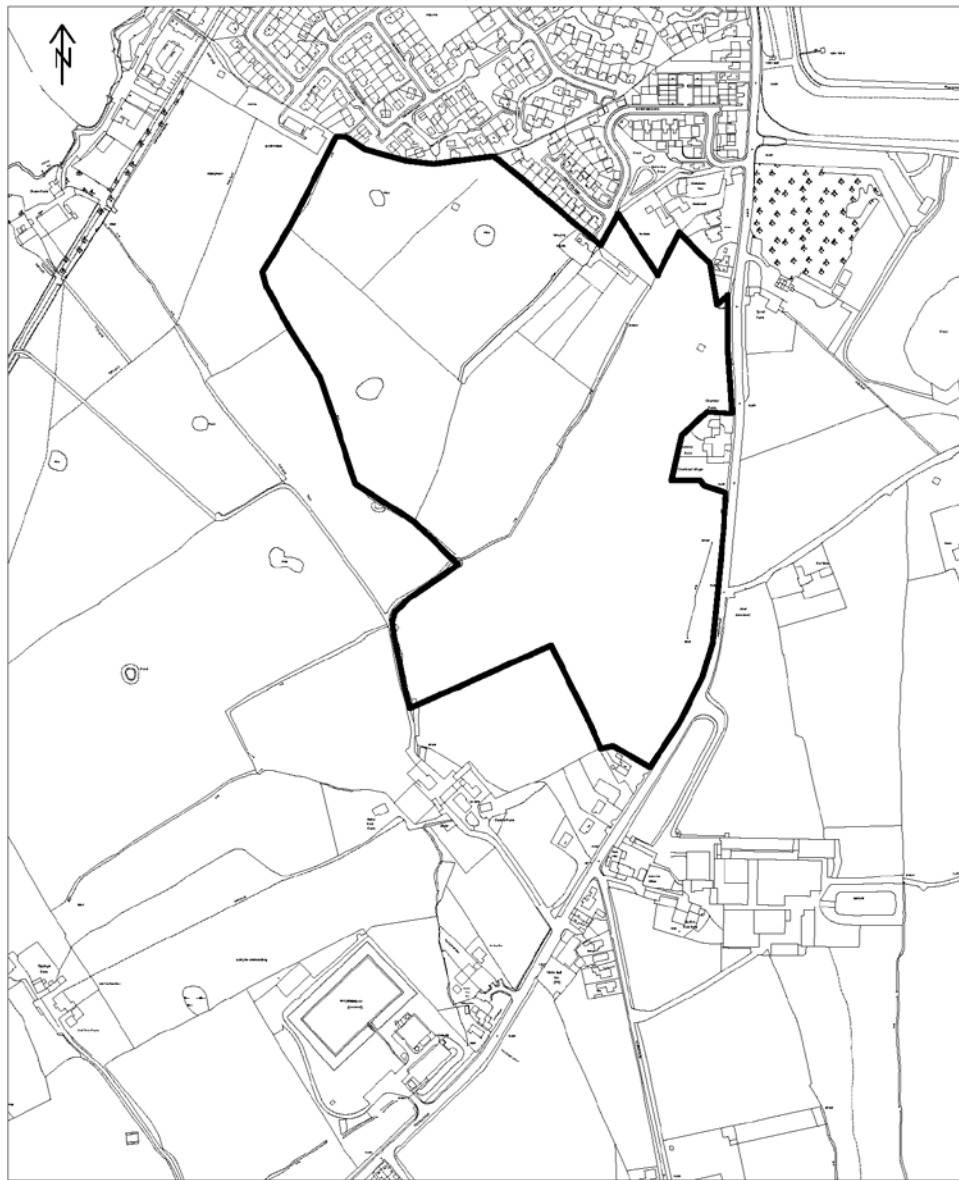
https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2016%2F0522

APPLICATION REF: 3/2016/0974/P

GRID REF: SD 360006 445807

DEVELOPMENT DESCRIPTION:

RESIDENTIAL DEVELOPMENT INCLUDING THE ERECTION OF 275 DWELLINGS, A LOCAL NEIGHBOURHOOD CENTRE, ACCESS ARRANGEMENTS AND ASSOCIATED LANDSCAPING/WILDLIFE INFRASTRUCTURE. LAND WEST OF PRESTON ROAD, LONGRIDGE



3/2016/0974 Land west of Preston Road Longridge

Scale 1:5000

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Longridge Town Council objects to the application on the following grounds:

- In light of recent proposals that this land be utilised for work provision.
- The wording is too vague in relation to the potential S.106 agreement.

ELECTRICITY NORTHWEST

No objection to the proposal but note that the development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. ENW have stated that where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements.

ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):

As submitted, currently LCC cannot support the development proposal for the following reason:

As submitted the applicant has not demonstrated the site can provide safe and adequate means pedestrian/cycle connectivity to integrate with the existing built environment or measures to encourage sustainable public transport; hence the development is not in line with a number of key paragraphs of the NPPF including the three dimensions of sustainable development.

The Highways development Control Section has added that the applicant may wish to submit a package of sustainable transport measures to address the issues relating to the provision for public transport, cycling and walking modes that, if acceptable, may overcome the concerns.

ENVIRONMENT AGENCY:

No objections to the proposal but wish to offer the following observations in relation to Foul drainage:

The application forms states that the method of foul sewage disposal is unknown. The development should comply with Paragraph 20 of the "Water supply, wastewater and water quality" category of the national Planning Practice Guidance (PPG) and the first presumption must always be to provide a system of foul drainage discharging into a public sewer. Our records indicate that there are foul and combined sewers in the north-western area of the site. Should the applicant wish to install an alternative method of disposal they will have to demonstrate why it is not feasible to connect to the existing public sewer.

LOCAL LEAD FLOOD AUTHORITY (LLFA)

Response awaited.

LANCASHIRE ARCHAEOLOGY ADVISORY SERVICE (LAAS)

Lancashire Archaeological Advisory Service have recommended that a pre-determination field evaluation of the site based on the presence of an unusual concentration of findspots of prehistoric tools and the presumed presence of associated settlement, echoes some of the

findings of the heritage statement supplied in 2015 (L-P Archaeology, February 2015), but assigns a somewhat greater probability to the presence of significant remains. Despite the above recommendations no field evaluation works are known to have been carried out in relation to this new application and the present proposals are not accompanied by a heritage statement. Lancashire County Archaeology Service state that it is preferred that an archaeological field evaluation be undertaken before a planning decision is taken.

LAAS further advise that it would be possible, but less preferable, for a planning condition to be applied to any consent granted requiring a full phased programme of archaeological investigation to be undertaken and the results of that work to be submitted, along with proposals for an appropriate scheme of impact mitigation, as part of the reserved matters application.

LANCASHIRE FIRE AND RESCUE SERVICE (LFRS)

LFRS have no objection to the proposal but have offered the following observations:

The following recommendations are made to make the applicant aware of conditions which will have to be satisfied on a subsequent Building Regulation application. The conditions may affect the elevation of the building and access to them. These recommendations must be included if this application passes to another party prior to Building Regulation submission.

It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'. If Document B, Part B5 cannot be fully complied with then, in certain circumstances, the installation of a residential sprinkler system may be used as a compensatory feature, but professional advice should be sought in such cases.

LCC CONTRIBUTIONS (EDUCATION)

Based upon the latest assessment, taking into account all approved applications in the area, LCC will be seeking a contribution for 80 primary school places. However LCC will not be seeking a contribution for secondary school places. Calculated at the current rates, this would result in a claim of:

Primary places:

(£12,257 x 0.97) x BCIS All-in Tender Price (272 / 240) (Q1-2016/Q4-2008)

= £13,474.53 per place

£13,474.53 x 80 places = £1,077,962.40

This assessment represents the current position on 09/11/2016. LCC reserve the right to reassess the education requirements taking into account the latest information available

It should be noted, given the application is made in outline, that this assessment is based on the assumption that the dwellings are all 4 bedroom houses. Should this not be the case a reassessment will be required once accurate bedroom information becomes available. This could result in a reduced pupil yield dependant on dwelling size.

NATURAL ENGLAND

Natural England have no objection to the proposal and have assessed the application using the Impact Risk Zones data (IRZs) and are satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Red Scar and Tun Brook Woods SSSI has been notified.

Natural England further advise that the SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England wishes to draw attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), which requires the authority to re-consult Natural England.

NATIONAL GRID

National Grid apparatus has been identified as being in the vicinity of the proposed development as follows:

- National Gas Transmission Pipelines and associated equipment
- Low or medium pressure gas pipes and associated equipment (as a result it is highly likely that there are gas services and associated apparatus in the vicinity).

The consultation has been forwarded to the Land and Asset Protection Team for further response.

UNITED UTILITIES:

No objection to the proposal subject to the imposition of planning conditions relating to foul/surface water drainage and a sustainable drainage management and maintenance plan for the lifetime of the development.

ADDITIONAL REPRESENTATIONS:

11 letters of representation have been received objecting to the application on the following grounds:

- The proposal exceeds the anticipated level of development for Longridge as embodied within the Core Strategy
- The proposal would result in an oversupply of housing which would undermine the Local Planning Authority's ability to plan for sustainable development
- The proposal represents significant encroachment into the open countryside
- The proposal will put additional strain on existing services, facilities and infrastructure
- The proposal will create a harmful precedent
- Loss of amenity
- Impact upon the highways network
- The application would undermine the character of the area
- The presence of three storey dwellings will be of detriment to adjacent existing properties
- The proposal will be of detriment to highway safety
- Inadequate capacity within existing schools
- Negative impacts upon wildlife and protected species

1. Site Description and Surrounding Area

- 1.1 The application site is a 18.84 Hectare plot of land located on the eastern side of Preston Road, being located at the southern extents of the Settlement of Longridge. The site is currently outside but adjacent the defined settlement boundary for Longridge. Members will note that the site is also located outside of the Regulation 18 Draft Settlement Boundary.

- 1.2 The site is greenfield in nature being currently used for the purposes of Agriculture. The northern extents of the site accommodates an ENWL double circuit 132000 volt tower line with the southern extents of the site being located above a national gas transmission pipeline.
- 1.2 The site is bounded on all sides by existing hedgerow and a small amount of tree planting, with the site playing host to a number of hedgerows, small number of trees and a number of existing ponds. A small number of watercourses run through the site from south to north. The site is bounded by existing residential development to the north, the dwellings associated with what was formerly known as Charnley farm to the east and playing fields to the west.

2. **Proposed Development for which consent is sought**

- 2.1 Outline consent (matters of access only) is sought for the erection of up to 275 dwellings including a local neighbourhood centre, access arrangements and associated landscaping/wildlife infrastructure on land west of Preston road, Longridge.
- 2.2 The submitted details propose dual vehicular and pedestrian access to the site being provided off Preston Road (B6243). The submitted masterplan proposes a singular loop road serving the development off of which are located a number of secondary routes and cul-de-sacs. It is proposed that a significant area of land to the south will be brought forward as a proposed Wildlife Area and that the development will incorporate a number of existing ponds into the overall development as part of a network of habitat improvements.
- 2.3 The indicative site layout proposes areas of public open space and includes the provision of a 'Neighbourhood Centre' for use by both residents of the development and the wider community of Longridge. A number of cycle links are proposed within the development with footpath links to existing public rights of way.
- 2.4 The applicant has submitted Draft Heads of terms which outlines that 30% of the proposed dwellings will be for affordable housing provision and that 15% of the overall number of dwellings on site will be for occupation by those over 55 years of age with half of this provision being provided within the affordable provision and the remaining being provided on an open market basis.

3. **Relevant Planning History**

3/2015/0393:

Outline application for residential development including the erection of 305 dwellings, a local neighbourhood centre and associated landscaping/wildlife infrastructure. (Refused and appeal lodged)

Members will note that the above appeal will be determined by way of a Public Inquiry which is currently scheduled for the 10th of May 2017.

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement DS2 – Presumption in Favour of Sustainable Development

Key Statement EN3 – Sustainable Development and Climate Change
Key Statement EN4 – Biodiversity & Geodiversity
Key Statement DMI1 – Planning Obligations
Key Statement DMI2 – Transport Considerations
Key Statement H1 – Housing Provision
Key Statement H2 – Housing Balance
Key Statement H3 – Affordable Housing

Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport and Mobility
Policy DME1 – Protecting Trees & Woodlands
Policy DME2 – Landscape and Townscape Protection
Policy DME3 – Site and Species Protection and Conservation
Policy DME5 – Renewable Energy
Policy DME6 – Water Management

Policy DMH1 – Affordable Housing Criteria
Policy DMH3 – Dwellings in the Open Countryside
Policy DMB4 – Open Space Provision
Policy DMB5 – Footpaths and Bridleways

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Technical Guidance to National Planning Policy Framework

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

5.1.1 The application site is located outside but directly adjacent the southern extents of the currently Defined Settlement Boundary for Longridge. Key Statement DS1 of the Core Strategy aims to promote development in and guide development towards the most suitable locations in the borough. The classification of settlements into Principal, Tier 1 and Tier 2 settlements was ultimately determined by the preparation of an evidence base document, which assessed the sustainability of settlements which subsequently informs the overall Development Strategy for the Borough to aid in achieving sustainable development. The Development Strategy is clear in its approach that housing development outside of the 32 defined settlements or the principal settlements will therefore now only be acceptable, in principle, if it is for local needs housing or would result in measureable regeneration benefits, neither of which applies to the current proposal.

5.1.2 Policy DMG2 sets out the strategic considerations in relation to housing and states that residential development or the creation of new residential planning units outside the defined Settlement Areas must meet a number of considerations, none of which apply to the current outline proposal for the erection of 275 dwellings in the defined open countryside. In respect of dwellings in the open countryside and those located in the Forest of Bowland AONB these are covered by Policies DMH3 which similarly seeks to resist such developments unless they are to meet an identified local need or specific criteria, none of which apply to the current proposal.

- 5.1.3 Whilst it is recognised, in principle and isolation, it could be considered that the proposal is in direct conflict with the adopted development Plan. In assessing the application the Council must take into account that the Local Authority cannot at present demonstrate a 5 year supply of housing. In light of this matter the Local Planning Authority must take full account of Paragraph 49 of the National Planning Policy Framework that states the following:

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

- 5.1.4 In respect of this matter and the acceptability of the principle of development the Head of regeneration and Housing has offered additional context and observations, concluding that in this instance, there are no grounds for a policy objection. For the benefit of members the full response is as follows:

In terms of the Development Strategy the Core Strategy directs development to main settlements, such as Longridge. As previously indicated on the earlier application, my advice is maintained that in locational terms the site in principle is capable of being considered a sustainable location in strategic terms. The principal policy consideration was the harm to the Core Strategy as a result of surplus housing measured against the Core Strategy requirements. At the time of determination of application 3/2015/0393 the Council could demonstrate a 5 year land supply position, giving primary weight to the core strategy provisions.

Circumstances have since changed. Work in relation to submissions made to the Council's Regulation 18 consultation on the Housing and Economic DPD, means that there needs to be an adjustment made to the Council's housing land calculation in relation to the application of the 20% buffer. Extensive research has been undertaken to review changes to best practice since early 2016, and in particular the approaches taken by Inspectors reporting on Local Plans as well as reviewing relevant appeals as part of that evidence search. This has given rise to a need to revise the application of the buffer which in my view the Council will need to recognise. This issue has been discussed with the Development Plan Working Group in some detail at the meeting held on 12 January where the need to make an adjustment to the methodology was supported.

The net effect of this is to generate a revised 5 year supply figure of 4.99 years when measured against our most recent monitoring information. The significance being that the Council cannot demonstrate a 5 year supply and the implications of paragraph 49 of NPPF must be taken into account in making any decisions on the application.

NPPF Paragraph 49 states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

Where the council cannot demonstrate a 5 year supply the presumption is in favour of sustainable development.

The Council is required to deliver sustainable development and my view is that when looking at the implications of NPPF it is also important to have regard to the provisions of the Core Strategy which provides the Council's expression of sustainable development. As indicated, the location at Longridge is considered a sustainable location. Longridge is identified as a main settlement where housing is to be directed. The Core strategy recognises that the housing numbers are minimum requirements, but also seeks to manage the rate at which the settlements develop. The main issue is one of permitting a surplus against planned requirements and the impact this has upon controlling the underlying scale, delivery and phasing of growth. Notwithstanding that, the development would deliver additional housing which meets the Governments (and the Framework objective) of boosting housing supply, it would also deliver affordable housing both of which are significant benefits.

This application is for a reduced number of dwellings when compared to the previous application and if the identified residual is taken off, the relevant number of additional dwellings is in the order of some 250 dwellings. Taking into account the fact that this is an outline application and allowing for reserved matters and the sale of the site to be completed, delivery would be likely to be deferred following conventional practice, in my view, for up to 2 years. Assuming that a site of this nature would be developed by one developer on the basis of 30 units per annum, the total amount that would be added to our supply in the five year period (up to 2023) if this application was approved would be around 90 units. The immediate impact is therefore mitigated. Clearly if a second housebuilder was active on the site this mitigating effect would be less but the agent has indicated that a single developer will deliver the site.

Approving the site still generates a surplus. However taking account of the likely delivery the net impact of the units delivered in practice is reduced to a level where it would be difficult to demonstrate clearly that there is significant harm to the underlying Core Strategy.

The Core Strategy at Key Statement DS2 addresses the presumption in favour of sustainable development and in the circumstances where para 49 is applicable, the Core Strategy states;

"... Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise --- taking into account whether:

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework when taken as a whole; or*
- specific policies in that Framework indicate that development should be restricted.*

In the current circumstances I do not consider, in policy terms that there are any material considerations that would significantly or demonstrably outweigh the benefits of boosting housing supply in these circumstances or delivering

affordable housing. In a position where the council cannot demonstrate a 5 year supply the Core Strategy directs towards the grant of permission. As a matter of policy principle the application is consistent with the Core Strategy.

In summary, the application has to be determined against the Council's ability to demonstrate a 5 year housing land supply, National Planning Policy and the consequent provisions of the Core Strategy. Having considered the relevant policy matters I raise no policy objections to the application.

- 5.1.5 Whilst it is still recognised that the proposal would still result in a potential oversupply when measured against the objectively assessed outstanding residual housing need for Longridge it should be noted that these residual housing numbers are a minimum target to be met to achieve sustainable housing growth within the Borough as defined within the Core Strategy. It is equally important to fully recognise that the residual housing need numbers are therefore not intended to be an upper limit not to be exceeded.
- 5.1.6 Whilst exceeding the residual housing need number may result in 'oversupply' when assessed against the current projected objective need, it is important to equally consider what harm, if any, is resultant from any such perceived oversupply. The Local Planning Authority must also identify such harm which must be both quantifiable and measurable.
- 5.1.7 In respect of the matter of oversupply it is likely that the impact of the units delivered in practice, by virtue of delivery rates, the submission of reserved matters and the likely need for significant site preparation or infrastructure works, would be reduced to a level where it would be difficult to demonstrate clearly that there is significant harm to the underlying Core Strategy.
- 5.1.8 Taking into account the location of site and its relationship to a principal settlement, the inability of the Local Planning Authority to demonstrate a 5 year supply of housing, the proposals contribution to reaching a 5 years supply of housing and taking full account of Para. 49 of the National Planning Policy Framework it is clear that the Local Planning Authority must take the view, in the current circumstances, that the principle of the development is to be considered acceptable.

5.2 Impact upon Residential Amenity:

- 5.2.1 Given the application is made in outline, no detailed assessment of any potential impacts upon existing neighbouring residential amenity can be made at this stage. However given the potential proximity of the development to existing residential dwellings the Local Planning Authority is currently engaged in negotiation regarding the defining of parameters that will clearly specify offset distances between existing and proposed dwellings.
- 5.2.2 It should additionally be noted that the Local Planning Authority are also seeking to secure the inclusion of a landscape buffer/margin, adjacent existing residential development, to further reduce/mitigate any potential impacts upon residential amenity from the development.

5.3 Masterplan and Urban Design Principles

- 5.3.1 Given the application is made in outline, members will note that matters of detailed design, external appearance and scale cannot be considered at this stage. However the Local planning Authority is of the opinion that the overall masterplan and Urban Design approach to the site should be clearly established and considered at this stage. This will aid in ensuring that the current application, if approved, will fully inform and guide the approach taken to the site at later detailed design stages of the proposal, particularly any subsequent reserved matters submission.
- 5.3.2 The Local Planning Authority is of the opinion that adopting this approach will ensure a level of consistency from outline to reserved matters stage and allows for acceptable principles and parameters to be agreed at an early stage in the design development process of the process. Adopting this approach additionally ensure that the Local Planning Authority can assess the overall benefits associated with the development and to some degree assess the potential visual or physical compatibility with the landscape to which the proposal it is to be located within.
- 5.3.3 Following a number of concerns in relation to the overall masterplan for the site, the Local Planning Authority is currently engaged in detailed and extensive negotiation in relation, but not limited to, the following aspects of the proposal:
- Production of a Landscape Framework/Green infrastructure plan that clearly defines specified margins (minimum and maximum) in metres around site edges.
 - Production of a Movement Framework (Cycle & Pedestrian) for the whole site clearly defining linkages and the locations of network of shared cycle/footways.
 - Further work to be undertaken on clearly defining the intentions in respect of the wildlife area. Amendments to include shared pedestrian/cycle routes integral to the wildlife area and the inclusion of areas of community woodland.
 - A detailed package of Newt mitigation, compensation and enhancement.
 - A detailed package of ecological enhancement for the site as a whole.
 - Clearly define development parcels, define maximum/minimum densities within each parcel. Amendments to include a noticeable reduction in densities towards southern extents of site to aid in the development successfully reflecting the transition from a more urban pattern of development to that of a more semi-rural context.
 - Amendments to ensure that gateway arrival points and nodes are better defined.
 - Omit three storey dwellings from the proposal and provide commitment that no part of the development will exceed two storeys in height.
 - Define offset distances, to include 5/6m landscape margin, adjacent all existing neighbouring dwellings. The agreed margin should be in addition to standard anticipated 10/10.5m rear gardens for proposed dwellings. This landscape margin should be located outside defined residential curtilages and maintained at a later date by a management company or similar.
 - Relocate Neighbourhood Centre to a more centralised and accessible location. The centre should be complimented with formal play area and robust green infrastructure.
 - The proposed uses/functions that the neighbourhood Centre is to accommodate should be clearly defined as should its 'community role'.

- Additional work to be undertaken to define Character Areas within the masterplan and further clarity to be provided as to how these will be approached or defined in terms of variances in elevational treatment, materials, landscaping and streetscape.
- A network of informal play areas to be scattered throughout the site. These should be complemented with pedestrian/cycle routes and an approach adopted that ensure both interact with the green infrastructure to be proposed.
- Increase number of informal/formal play areas within the site. Potentially adopting a 'trim trail' approach by siting a number of the areas within the green infrastructure or adjacent the pedestrian/cycle network.
- Increase the provision of amenity landscaping within the development.
- General overall aspirational context to be provided in respect of the development as a whole, this should be fully conveyed within a revised Design & Access Statement or Masterplan document for the site.
- Provide a commitment in terms of Bungalow provision. Potentially specify suggested locations of bungalows. It has been discussed that these could be located to minimise impact upon existing adjacent residential development and this could be defined within the overall parameters plan(s) to be provided.

5.3.4 Members will note that negotiations in relation to the above matters are progressing in a positive manner and I am confident that these issues will be resolved to the satisfaction of the Local Planning Authority, at the time of the writing of the report the applicant has provided firm commitments that all of the above matters will be fully addressed.

5.4 Highway Safety and Accessibility / Public Rights of Way:

5.4.1 The Highway Development Control Section has at this stage, raised an objection to the proposal on the basis that the applicant has not demonstrated that the site can provide safe and adequate means of pedestrian/cycle connectivity to integrate with the existing built environment or measures to encourage sustainable public transport.

5.4.2 In respect of the above the Highways development Control Section consider that the developer would need to provide improvement suggestions and/ or financial contributions to improve accessibility in the following areas:

- Public Transport - to improve service provision and reliability on the Longridge ~ Grimsargh ~ Ribbleton ~ Preston City Centre public transport priority corridor;
- Pedestrian and Cycle Measures - contribution to the Preston - Longridge railway cycle route. To provide a cycle route along the old Preston to Longridge railway, or alternative provision on Preston Road if old railway route cannot be delivered.
- Pedestrian and Cycle Measures - contribution to Longridge Loop;
- Public Realm Improvements - On routes to Longridge Town funding/works to provide PROW upgrades, widened footways along Preston Road, improved uncontrolled crossings to improve linkage and accessibility to schools/ work/ services;
- Travel Plan assistance by LCC – A financial contribution of £24,000 for the purpose of LCC providing advice and guidance on Travel Plan development and implementation in line with 2.1.5.16 of the Planning Obligations in Lancashire Policy (September 2008);

- Full Travel Plan Target Funding - LCC would expect the Travel Plan to include appropriate funding to support the measures and achieve the targets of the Full Travel Plan.
- 5.4.3 Negotiations in respect of these matters are underway and with a number of these matters being integral to the masterplan amendments being sought by the Local planning Authority to ensure a coherent and holistic approach. In light of this it is considered that these matters will be satisfactorily resolved following further negotiation and engagement.
- 5.4.4 In respect of the overall highways and access arrangements the applicant proposes all general vehicular traffic will access the site from Preston Road via 2 new priority junctions. An entrance to/from Water Meadows to the north will also be provided, although this would be restricted for use by emergency vehicles (if required), pedestrians and cyclists only.
- 5.4.5 The proposed vehicular access arrangements include 10m kerb radii, ghost right turn lanes, flare for two vehicles to exit the site and a pedestrian crossing island over the site access junction arms. The submitted details also illustrate 2.4m x 90m visibility splays and associated existing hedgerows that will need to be removed/replanted to either provide the road widening for the junction, or set back to the rear of the vision splays.
- 5.4.6 The access roads are 7.5m wide with 2m wide footways into the site on either side of each site access, with the most southern footway widened to 3m to enable use as a shared foot/cycleway. The 3m foot/cycleway has been continued along Preston Road, ending opposite Pinfold Lane where a dropped kerb will be provided.
- 5.4.7 The submitted information includes new bus stop proposals on Preston Road as part of the development. Two new bus stops will be provided flanking the new north access junction, each stop featuring raised kerbs, shelters, timetable information and bus stop markings. Further new sections of footway with pedestrian refuge/crossing points are proposed to provide safe access to the new south bound bus stop.
- 5.4.8 The access details also propose that the existing 30mph speed limit on Preston Road will be extended to approximately 120m south of the southern site access. In consideration of the junction and general highway safety LCC would support extending the existing 30mph zone to incorporate the development access as this will moderate traffic speeds on the approach to the site entrance. The speed limit change is also considered appropriate bearing in mind the increased urbanisation of the Preston Road with development and resultant introduction of vulnerable road users onto what is essentially a country road at present.
- 5.4.9 The Highways Development Control section consider that access points meet applicable design standards and are capable of accommodating the development traffic movements and providing safe and adequate access for non-motorised residents. As submitted the proposed access points from Preston Road are acceptable as "in principle" drawings for planning purpose which will need to be detailed up to full construction drawings as part of any s278 agreement with the County Council.

5.5 Landscape/Ecology:

5.5.1 The application is accompanied by an Ecological Scoping Report, Bat Activity Transect Survey and a Great Crested Newt (GCN) Impact Assessment. The documents note the likely presence of GCN and the presence of potential habitat on site. A number of measures regarding habitat mitigation and enhancement are proposed including the introduction of three new ponds on site and the creation of a Wildlife Area, further detail has been requested in respect of these matters.

5.6 Infrastructure, Services and developer Contributions:

5.6.1 The submitted Draft Heads of term put forward a commitment by the applicant to pay a contribution towards off-site facilities in Longridge and this will be subject to negotiation and take account of the facilities to be provided on site. Given the application only seeks to establish the upper quantum of development to be provided on site, based on current practice by the Local Planning Authority, this will require a method for calculation to be applied at the reserved matters stage as follows:

The contribution sought will be based on the following occupancy ratios at a rate of £216.90 cost per person:

- 1 bed unit - 1.3 people
- 2 bed unit - 1.8 people
- 3 bed unit - 2.5 people
- 4 bed unit - 3.1 people
- 5 + bed unit - 3.5 people

The above method for calculation and a commitment to meet such requirements will be enshrined within the finalised S.106 agreement.

5.6.2 The applicant has submitted a commitment to meet the Core Strategy requirements in relation to overall housing mix and affordable housing provision on site. It is proposed 30% of the proposed dwellings will be for affordable housing provision and that 15% of the overall number of dwellings on site will be for occupation by those over 55 years of age with half of this provision being provided within the affordable provision and the remaining being provided on an open market basis. The mix of rental, shared ownership and other tenure will be agreed through further negotiation and once again be enshrined within the final S.106 agreement for the proposal.

5.6.3 LCC Education have requested that a contribution be made towards 80 primary school places totalling £1,077,962.40. Members will note that this figure is based on the assumption that all units are 4 bedroom dwellings. A reassessment based on a £13,474.53 per primary place cost will be applied when an accurate bedroom mix is available. Such a method for calculation will be contained within the S.106 agreement for the proposal.

5.7 Flood Risk and Drainage:

5.7.1 United Utilities have raised no objection to the proposal subject to the imposition of condition. Comments are awaited from the Local Lead Flood Authority (LLFA)

in respect to an overall drainage strategy for the site based on sustainable principles; however it is anticipated that such matters are likely to be resolved through the imposition of planning conditions.

6. **Observations/Consideration of Matters Raised/Conclusion**

- 6.1 The application is being brought before Committee at this stage with members being respectfully asked to consider the principle of the development, which allow the Local Planning Authority to further engage in detailed negotiation in respect of the overall masterplan approach and sustainable transport measures associated with the application. It is recognised, at the time of the writing of this report, a small number of other matters remain outstanding. However, I am confident that these matters will be resolved to the satisfaction of the Local Planning Authority to ensure the proposal maintains consistency with the aims and objectives of the adopted Core Strategy. Progress in these matters will be reported verbally.
- 6.2 For the reasons outlined above and notwithstanding the matters to be resolved, the proposed development is considered to be acceptable provided outstanding matters in relation to the overall masterplan approach taken to the site and matters relating to sustainable means of travel including pedestrian/cycle connectivity to integrate with the existing built environment or measures to encourage sustainable public transport are satisfactorily resolved.
- 6.3 It is further considered that the benefits associated with the proposal and its contribution towards a 5 years supply of housing within the borough, in the context of Paragraph 49 of the National Planning Policy Framework, outweighs any harm from the proposal and the application is recommended accordingly.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Community Services for approval to receipt of acceptable details in relation to matters of: Sustainable transport measures, Drainage, Overall masterplan and Urban Design approach/principles, Movement Framework, Green infrastructure provision and to allow further work to be undertaken regarding the detailed wording of conditions and subject to the satisfactory completion of a Legal Agreement. This shall be completed within 3 months from the date of this decision or if the 3 month period is exceeded delegated to the Head of Planning Services in conjunction with the Chairperson and Vice Chairperson of the Planning and Development Committee and subject to the following conditions:

1. No part of the development hereby permitted shall be commenced on any phase (as referred to in Condition 4) until full details of the layout, scale and appearance of the buildings and landscaping within that phase (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the Local Planning Authority.

In relation to landscaping, the details for each phase shall include: the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform, full specifications of all boundary treatments and a scheme of maintenance, including long term design objectives.

Reason: As the application is outline only and to define the scope of the reserved matters in accordance with Policies DMG1 and DME3 of the Ribble Valley Core Strategy.

2. No more than 275 dwellings shall be developed on the application site edged red on the submitted Red Line Boundary Plan (OS Plan 10.192 11) and the vehicular and pedestrian accesses to the site shall be constructed in accordance with a scheme that shall have first been submitted to and agreed in writing with the Local Planning Authority in consultation with the Highways Authority.

Each site access shall be constructed to base course level prior to the first occupation of a dwelling within the relevant phase or parcel of the development served by the access and completed in accordance with a timetable to be submitted for each phase as referred to in Condition 4 of this permission.

Reason: For the avoidance of doubt and to clarify the scope of the permission in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

3. Application(s) for approval of all of the outstanding reserved matters related to the consent hereby approved must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates.

(a) The expiration of three years from the date of this permission; or

(b) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

4. Prior to the submission of any reserved matters application, a phasing scheme including the parcels which shall be the subject of separate reserved matters applications shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the submitted information shall include anticipated commencement dates and annual delivery rates of housing for each phase or parcel of development.

Reason: To ensure the development is appropriately phased to deliver a sustainable form of development, to assist the Local Planning Authority in planning for future sustainable housing growth and assist the Local Planning Authority in the production of accurate housing trajectories in accordance with Policies DMG1, DMG2, DMI2 and Key Statements DS1, DS2 and EN3 of the Ribble Valley Core Strategy.

5. The details in respect of the submission of any reserved matters shall be in strict accordance with the design principles and parameters to be established within revised documentation which shall have first been submitted to and agreed in writing by the Local planning Authority.

Reason: To ensure the development accords with the agreed general principles in relation to design, green infrastructure and pedestrian, cycle and vehicular movement within the site in accordance with Policies DMG1, DMG3, DME1, DME2 DME3, DMI2, DMB4, DMB5 and Key Statements EN3 and EN4 of the Ribble Valley Core Strategy.

6. Applications for the approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) including the levels of the proposed roads.

For the avoidance of doubt the submitted information shall include existing and proposed sections through the site including details of the height and scale and location of proposed housing in relation to adjacent existing development/built form (where applicable). The development shall be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory form of development, its visual compatibility with the defined open countryside, in the interests of visual and residential amenities and to ensure the Local planning Authority can make an accurate assessment of the potential impacts upon existing nearby residential amenity in accordance with Policy DMG1 of the Ribble Valley Core Strategy.

7. Landscape/Ecology:

To be determined following the receipt of further detailed information in relation to impacts upon protected species or species of conservation concern. Conditions likely to relate (not exclusively) to matters of:

- Methodology for maintenance of green networks/habitat corridors and the long term management and maintenance of ponds.
- Likely impacts as a result of the construction phase of the development and methodology/timings for mitigation and implementation of enhancement.
- Landscape management and phasing for delivery of areas of public open space (formal/informal) including Wildlife area.

8. Highways Details:

To be determined following further negotiation relating to methods for sustainable travel

9. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies DMG1 and DME6 of the Ribble Valley Core Strategy.

10. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG and in accordance with Policies DMG1 and DME6 of the Ribble Valley Core Strategy.

11. Further Sustainable Drainage Details:

To be determined following response from the Local Lead Flood Authority

12. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites have been submitted to, and approved in writing by the Local Planning Authority.

For the avoidance of doubt the details shall be submitted on a dwelling/building dependent bird/bat species site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual building/dwelling and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be incorporated into those individual dwellings during the construction of those individual dwellings identified on the submitted plan and be made available for use before each such dwelling is occupied and thereafter retained. The development shall be carried out in strict accordance with the approved details.

Reason: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and to reduce the impact of development in accordance with Policies DMG1, DME3 and Key Statement EN4 of the Ribble Valley Core Strategy.

13. Applications for the approval of reserved matters shall be accompanied by elevational and locational details including the height and appearance of all boundary treatments, fencing, walling, retaining wall structures and gates to be erected within the development.

For the avoidance of doubt the submitted details shall include the precise nature and location for the provision of measures to maintain and enhance wildlife movement within and around the site by virtue of the inclusion of suitable sized gaps/corridors at ground level. The development shall be carried out in strict accordance with the approved details.

Reason: To comply with Key Statement EN4 and Policies DMG1 and DME3 of the Ribble Valley Core Strategy, to ensure a satisfactory standard of appearance in the interests of the visual amenities of the area and to minimise the potential impacts of the development through the inclusion of measures to retain and enhance habitat connectivity for species of importance or conservation concern.

14. No development shall take place within a phase (pursuant to condition 4 of this consent) until a Construction Method Statement for the relevant phase has been submitted to and approved in writing by the local planning authority. For the avoidance of doubt the submitted statement shall provide details of:

- A. The location of parking of vehicles of site operatives and visitors
- B. The location for the loading and unloading of plant and materials
- C. The location of storage of plant and materials used in constructing the development
- D. The locations of security hoarding
- E. The location and nature of wheel washing facilities to prevent mud and stones/debris being carried onto the Highway (For the avoidance of doubt such

facilities shall remain in place for the duration of the construction phase of the development) and the timings/frequencies of mechanical sweeping of the adjacent roads/highway

- F. Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- G. The highway routes of plant and material deliveries to and from the site.
- H. Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.
- I. Days and hours of operation for all construction works.

The approved statement shall be adhered to throughout the construction period of the development.

Reason: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway in accordance with Policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2016%2F0974

SECTION 106 APPLICATIONS

<u>Plan No</u>	<u>Location</u>	<u>Date to Committee</u>	<u>Number of Dwellings</u>	<u>Progress</u>
3/2016/0580	Spout Farm Preston Road, Longridge	12/1/17	34	With Applicants Solicitor

APPEALS UPDATE

<u>Application No and reason for appeal</u>	<u>Date Received/ Appeal Start Date</u>	<u>Site Address</u>	<u>Type of Appeal Procedure</u>	<u>Date of Inquiry/Hearing if applicable</u>	<u>Progress</u>
3/2015/0605 R	03/05/16	Little Snodworth Fm Snodworth Rd Langho	WR		Appeal Dismissed 22/12/2016
3/2015/0393 R	10/08/16	Land west of Preston Road Longridge (Grimbaldeston Fm)	Inquiry	03/05/17 to 05/05/17 (3 days)	Bespoke timetable
3/2016/0516 R	12/10/16	Seven Acre Bungalow Forty Acre Lane Longridge	WR		Awaiting Decision
3/2016/0750 R	17/11/16	24 Higher Road Longridge	WR		Awaiting Decision
3/2016/0279 R	Awaiting start date from PINS	Dove Syke Eaves Hall Lane West Bradford	LB		
3/2015/0776 R (enf)	26/01/17	Land off Lambing Clough Lane Hurst Green	Hearing	Provisionally 4 th or 5 th April 2017	Statement due 02/03/17
3/2015/0780 R (enf)	26/01/17	Timothy House Fm Whalley Road Hurst Green	Hearing	Provisionally 4 th or 5 th April 2017	Statement due 02/03/17
3/2016/0369 R	30/11/16	Greengore Farm Hill Lane Hurst Green	WR		Awaiting Decision
3/2016/0370 R	30/11/16	Greengore Farm Hill Lane Hurst Green	WR		Awaiting Decision
3/2016/0346 R	Awaiting start date from PINS	30 Barker Lane Mellor	WR (to be confirmed)		
3/2016/0858 R	13/12/16	Davis Gate Barn Clitheroe Road Dutton	WR		Awaiting Decision
3/2016/0833 R	20/01/17	Moorgate Farm Kenyon Lane Dinckley	WR		Statement Due 24/02/17