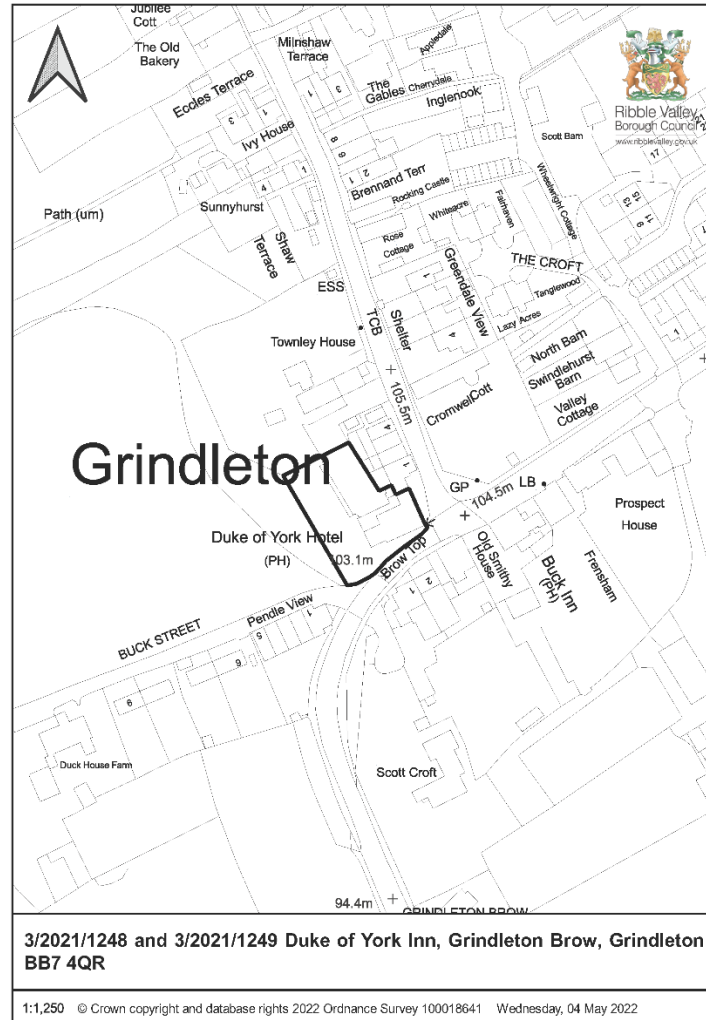


APPLICATION REF: 3/2021/1248

GRID REF: SD 375906 445495

DEVELOPMENT DESCRIPTION:

CHANGE OF USE FROM PUBLIC HOUSE WITH LIVING ACCOMMODATION TO RESIDENTIAL USE. DEMOLITION AND REPLACEMENT OF SINGLE STOREY EXTENSIONS, ALTERATIONS TO VEHICLE ACCESS AND LANDSCAPING. FOLLOWING REFUSED APPLICATIONS 3/2019/0049 AND 3/2020/0219



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Object: Viable as a public house/restaurant – 4 parties have made offer to purchase; a Community Asset; low garden walling removes footpaths and affects Brow Top vehicle line of sight; aluminium door and window frames unsuitable in listed building; impact of levelled garden on neighbours.

LANCASHIRE COUNTY COUNCIL (HIGHWAYS):

No objection subject to condition (height of walling; provision of cycle store and electric vehicle charging point. Informative suggested).

HISTORIC ENGLAND:

Do not wish to offer any comments. Suggest seeking views of the RVBC specialist conservation adviser.

HISTORIC BUILDINGS AND PLACES:

No objection to principle of change of use.

Concern: evidence that building was purpose built as an inn and upper window to the east gable (lookout for traffic entering the village from the east) and east stair (to take advantage of the light from this large window; window to the rear of the hall is not of a scale or position that would suggest it was constructed to relate to a stair landing) of greater significance than suggested.

Object: stone wall to Grindleton Brow and Main Street which an overly domestic feature in setting of the former Inn (takes away from its historic role as a public house) and bin store along the highly visible east elevation.

Concern: design of new garage extension/replacement of 1960s restaurant (why demolish; blank wall is highly visible - more active appearance preferable; recommend use of modern materials so garage understood to be a clear addition).

LANCASHIRE COUNTY COUNCIL (ARCHAEOLOGY):

Impact of development more significant than suggested (historic fabric and design concerns). Impact of works on buried archaeology not considered (features relating to the earlier occupation of the site). Recommend condition – extant historic building full record before conversion; watching brief during groundworks.

CADENT GAS:

No objection (informative required).

ADDITIONAL REPRESENTATIONS:

Three letters of support:

Enhancement of property (unsightly, damp and vermin; 1970s extension replaced);
The Buck will be developed as public house/restaurant (2 pubs cannot be sustained).

23 letters of objection:

- Loss of community cultural and social facility (The Buck will meet the needs of those outside the village). Historic function as gathering place. Only central amenity in village and focal point. Preserve use as public house;
- Loss of character to village and AONB;

- Employment if retained as a pub. Need to encourage visitors (no longer any shops/cafes/public toilets);
- Architectural landmark listed building which always a licensed premise;
- The owner has repeatedly rejected viable proposals. Unrealistic price for sale. Interest in purchase not pursued. The Bowland Charitable Trust have offered to purchase (roughly what owner paid) the property and retain as local pub. Grindleton Community Pub Co offer previously rejected by owner;
- Same developer as King Street Clitheroe;
- No operational pub in village (no change since application last considered). Buck needs to be operational as pub before consider this application;
- Previous planning refusal reasons relevant. Refuse to determine under section 70;
- Owner should be pressured into undertaking essential maintenance of the Grade II listed building within the conservation area (deterioration to strengthen case of conversion);
- Walling will restrict pedestrians and detract from the listed building. Traffic increase from Lakes-Manchester pipeline. Existing Grindleton parking problems. Exiting site dangerous;
- RVBC officers objected to Buck Inn application because of impact to setting of the listed building – acknowledgement that integral to Grindleton;
- Alterations not in keeping with centre and key part of the conservation area – flat roofed extension with glazed elevations and adjacent garage incongruous and prominent. Gates harmful;
- Frequency and number of applicant meetings with RVBC officers. Lack of RVBC officer enforcement. Cosy relationship;
- Bat report not convincing.

1. **Site Description and Surrounding Area**

- 1.1 The 'Duke of York Hotel' is a Grade II listed public house prominently sited within Grindleton Conservation Area (corner site at the entrance to the village from Grindleton Brow).
- 1.2 The application site is located within the village boundary of Grindleton (a tier 2 settlement in the adopted Core Strategy) and is within the Forest of Bowland AONB.
- 1.3 The Duke of York is now closed and has been vacant since at least July 2017. The ground floor comprises public bar areas, dining room, toilets and catering kitchen. There are internal stairs to a cellar which has an external beer drop from the pavement in Main Street. At first floor the proprietors flat contains a lounge, kitchen, bathroom and three bedrooms.
- 1.4 The site is within the setting of Townley House (Grade II listed; House, c,1800) and Swindlehurst Farmhouse (Grade II listed; House, late C18th with C17th remains). The adjacent Buck Inn is a Building of Townscape Merit making a positive contribution to the in the character and appearance of Grindleton Conservation Area.

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

- 2.1 Planning permission is sought for the change of use of the historic public house to a dwelling, demolition of two modern public house extensions, construction of garage extension and dining/kitchen glazed extension, enclosure of the boundary with walling and gates, excavation and lowering of the rear plot and alterations to historic fabric.

- 2.2 The proposed south-west gable garage extension is single storey with double-pitch roof and a width longer than a bay of the historic building. Stone walls, slate roof, timber windows and doors.
- 2.3 The fully glazed (aluminium frame) rear extension has a flat roof.
- 2.4 The wall enclosure is to the whole of the front apron of the site and consists of stone walling with rounded top to 1m high and gates/gate pillars. No further drawings or details submitted. The walling is shown to be attached to the historic fabric.
- 2.5 The proposed rear plot excavation and ground lowering is substantial and is not accompanied by any detail in respect to its significance or impact to neighbouring walls. It is suggested that this area was reconfigured and raised in 1968.
- 2.6 It is proposed to: install 3 rooflights to the north-west elevation; remove render from the historic south-west elevation and re-paint the historic stone corbels. No details submitted to indicate the impact to historic fabric.
- 2.7 It is proposed to alter interior planform including some new walling in emphasis of a double-pile plan, removal of the ground-attic north-east gable staircase and installation of a new ground-attic staircase at the rear of the building.
- 2.8 A revised site plan received 21/3/2022 deletes the north-east gable garden/ bin store (outside the red edge of the location plan) from the development.

3. **Relevant Planning History**

3/2021/1249 - Listed Building consent for the change of use from public house with living accommodation to residential use. Demolition and replacement of single storey extensions, alterations to vehicle access and landscaping. Following refused application 3/2019/0050. Under consideration.

3/2020/0219 - Change of use from public house with living accommodation (A4 drinking establishment) to residential use (C3 dwelling). Resubmission of application 3/2019/0049. Refused 26/6/2020.

3/2019/0050 - Change of use from public house with living accommodation to one dwelling with business use. Demolition of existing single-storey extensions and construction of new single-storey extension (Listed Building Consent). Refused 12/4/2019.

3/2019/0049 - Change of use from public house with living accommodation to one dwelling with business use. Demolition of existing single-storey extensions and construction of new single-storey extension. Construction of new, two-storey, three-car garage with business storage above. Construction of three new two-storey holiday lets. Refused 11/4/2019.

3/2009/0289 - Proposed level standing/seating area (Listed Building Consent) (Resubmission). Approved with Conditions.

3/2009/0288 - Proposed level standing/seating area (Resubmission). Approved with Conditions.

3/2008/0447 - Retrospective application for decking to front of building (Listed Building Consent). Refused.

3/2008/0448 - Retrospective application for decking to front of building. Refused.

3/1997/0842 - Extension to rear of premises to form link to toilets and store (Listed Building Consent). Approved with Conditions.

3/1997/0841 - Extension to rear of premises to form link to toilets and store. Approved with Conditions.

4. **Relevant Policies**

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

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EN2 – Landscape

Key Statement EN5 – Heritage Assets

Key Statement H1 – Housing Provision

Key Statement EC1 – Business and Employment Development

Key Statement EC2 – Development of retail, shops and community facilities and services

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport and Mobility

Policy DME3 – Site and Species Protection & Conservation

Policy DME4 – Protecting Heritage Assets

Policy DMH3 – Dwellings in the Open Countryside and AONB

Policy DMH4 – The Conversion of Barns and Other Buildings to Dwellings

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMR3 – Retail Outside the Main Settlements

NPPF

NPPG

5. **Assessment of Proposed Development**

5.1 **Impact upon the special architectural and historic interest of the listed building, the setting of listed buildings and the cultural heritage of the Forest of Bowland AONB:**

5.1.1 The list description identifies:

"Public house, early C19th. Squared sandstone with diagonal tooling. Stone slate roof. Double-pile plan ... To the left is a further bay having a double window on the ground floor and a single window above, and with quoins having diagonal tooling.

The right-hand return wall (facing east) has 3 windows on the ground floor and 4 on the 1st floor, similar to those of the main facade. Above is an attic window with plain stone surround and semi-circular head”.

- 5.1.2 The Grindleton Conservation Area Appraisal identifies:
The Duke of York Inn to be one of only three listed buildings and one of only two Focal Buildings (“the streetscape is largely made up of vernacular houses, without church until 1805, manor, rectory or ‘polite’ houses”);
- 5.1.3 “Grindleton is primarily a residential village, with little employment within the village except for two pubs and Greendale Mill (outside the conservation area)” (Definition of the special interest of the conservation area: Activities/uses);
- 5.1.4 “The village also has two public houses – The Duke of York and The Buck Inn – dating from the 18th century, both symmetrical double pile houses” (Definition of the special interest of the conservation area: Plan form and building types):
- 5.1.5 “Roughcast render has long been used in the area as a wall covering. Today there is a trend for removing the render and exposing the rubble, which can result in a less attractive building, with aggressively cleaned stone and coloured pointing” (Definition of the special interest of the conservation area: Architectural Qualities; also Weaknesses; also Threats);
- 5.1.6 “Gutter brackets: stone brackets supporting the front gutter are not as common here as they are further south in the Ribble Valley, but are found on ... the Duke of York Hotel” (Definition of the special interest of the conservation area: Local Details);
- 5.1.7 The assertions of the submitted Heritage Statement are questioned by Historic Buildings and Places in respect to the evidence for original use as a dwelling and the location of the main stairs. The Heritage Statement is equivocal in respect to the access point to the attic.
- 5.1.8 The Heritage Statement identifies a significant phase of interior alteration between 1905 and 1926 (including a new stair to the east associated with two new first floor windows to the gable and a first-floor lateral corridor) and further alteration in the late C20 with the creation of wide openings to all the ground floor public rooms.
- 5.1.9 The Duke of York Inn was listed for its national importance as a building of special architectural and historic interest on the 20 February 1984 (with the C20 internal alterations and extensions). Listing Selection Guides: Commerce and Exchange Buildings (Historic England 2017) identifies “Commercial premises are intrinsically prone to change and alteration and cannot be expected to survive in their original configuration”.
- 5.1.10 The loss of the original and historic use of the building as a public house at the centre of the community is harmful to the listed building as a building of special historic interest. NPPG Historic Environment identifies “The National Planning Policy Framework definition further states that in the planning context heritage interest may be archaeological, architectural, artistic or historic. This can be interpreted as follows ... Historic Interest “An interest in past lives and events

(including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity". Listing Selection Guides: Commerce and Exchange Buildings (Historic England 2017) identifies "Community interest: Commercial premises, as prominent places of public gathering, have sometimes played leading parts in the story of a community and their claims to note should be considered accordingly" (2.9).

5.1.11 Historic Buildings and Places object to the proposed enclosure of the front of the site with walls and gates. This exacerbates the loss of functional significance. Consideration has been made to the appeal (re: 3/2012/0729) at the Dog and Partridge, Tosside "Although no physical alteration would be made, the functional significance of the building (which from the list description, was purpose built as a public house) and its central status in village life would be lost through the proposal. Once in domestic use the outer appearance of the listed building would inevitably change with time – the signage denoting its use would have to change to prevent mistaken attempts at access and the currently open frontage would become private. With the proposed change of use, all of the historic ground floor accommodation would be removed from public access and the traditional use of the public house would be fundamentally altered".

5.1.12 Historic Buildings and Places are concerned at the proposed closure of stairs at the north-east elevation and proposed stairs at the rear of the property. 'Making changes to heritage assets' (Historic England, 2016) identifies a number of tests which have not been met "Restoration is likely to be acceptable if:

The significance of the elements that would be restored decisively outweighs the significance of those that would be lost;

The work proposed is justified by compelling evidence of the evolution of the heritage asset and is executed in accordance with that evidence;

The form in which the heritage asset currently exists is not the result of a historically significant event;

The work proposed respects previous forms of the heritage asset.

The submitted Heritage Statement identifies in respect to the attic that "a lofty single space reached by a wooden stair rising from the east side (again unlikely to be original as it was probably originally served by a continuation of the main stair at the rear)". Submitted photographs show some support for the assertions – a section of narrow, more recent, floorboards to the attic floor in the area above the existing first floor bathroom – cut outs of early wide floorboards in the attic to accommodate the existing stair up to the attic from first floor (however, in respect to the latter there are adjoining infills which may suggest an earlier wider staircase in this location). The existing bathroom floor is under a floor covering. The evidence for closure of existing stairs and the installation of stairs to the width of those proposed is not compelling.

- 5.1.13 The removal of the modern and incongruous extensions related to the business operation of the site is welcomed. However, the proposed garage is unduly prominent with little set-back from the historic range and a width more than a bay width of the historic building. The proposed fully glazed extension (aluminium framed) will be reflective during day and lit-up at night focussing attention from the stone walls and pattern of historic fenestration to the modern addition. 'Making changes to heritage assets' (Historic England, 2016) identifies "it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting".
- 5.1.14 The unbroken form of the stone slate roof is important. The proposed rooflights are prominent, incongruous and conspicuous in views from Main Street. 'Making changes to heritage assets' (Historic England, 2016) identifies "the insertion of new elements such as doors and windows, (including dormers and roof lights to bring roof spaces into more intensive use) is quite likely to adversely affect the building's significance. Harm might be avoided if roof lights are located on less prominent roof slopes".
- 5.1.15 The proposed rear plot excavation and ground lowering has a significant impact on the character of this elevated space. The significance of this element of setting and the impact of works on boundary walling with Kayley Terrace has not been explained. 'Making changes to heritage assets' (Historic England, 2016) identifies "buildings will often have an important established and historic relationship with the landscaping that exists or used to exist around them".
- 5.1.16 No details of paint application to the eaves corbels have been submitted. Many paints are impermeable or have low permeability to liquid moisture. This can result in moisture being trapped in some forms of wall construction with the risk of long-term deterioration to the building fabric (Alterations to Listed Buildings, IHBC, 2021).
- 5.1.17 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority 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.
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of the planning acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 5.1.18 NPPF paragraph 199 requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance

NPPF paragraph 200 requires that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 5.1.19 The proposals are contrary to Ribble Valley Core Strategy Policy DME4. This states that in considering development proposals the council will make a presumption in favour of the conservation and enhancement of heritage assets and their settings. Alterations or extensions to listed buildings or buildings of local heritage interest, or development proposals on sites within their setting which cause harm to the significance of the heritage asset will not be supported. Proposals within a conservation area will be required to conserve and where appropriate enhance its character and appearance and those elements which contribute towards its significance. This should include considerations as to whether it conserves and enhances the special architectural and historic character of the area as set out in the relevant conservation area appraisal. Development which makes a positive contribution and conserves and enhances the character, appearance and significance of the area in terms of its location, scale, size, design and materials and existing buildings and structures will be supported.

Ribble Valley Core Strategy Policy DMG1 states that in determining planning applications, all development must: Design: 1. be of a high standard of building design which considers the 8 Building in Context Principles (from the CABE/English Heritage Building on Context Toolkit. 2. be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials. Environment: 3. all development must protect and enhance heritage assets and their settings.

- 5.1.20 The loss of longstanding and original use, impact of extension, alteration to the historic fabric and roof form and enclosure of the setting results in substantial harm to the listed building and less than substantial harm (because only affects a part, albeit a Focal Building, of the designated heritage asset) to Grindleton Conservation Area.

5.2 Land use:

- 5.2.1 RVBC Policy (have considered Exempt Information concerning marketing, valuation and viability) identify:

Grindleton is a tier 2 settlement and considered as one of the less sustainable settlements in the Borough. Policy DMG2 identifies that development must meet at least one of six specific criteria, which includes '*development for small-scale uses appropriate to a rural area where a local need or benefit can be demonstrated*'. This proposal would contribute to the regeneration of a site within Grindleton's settlement boundary which has been vacant for several years, and in this regard is perceived to bring demonstrable benefit, fulfilling DMG2, criteria 5. Furthermore, by making use of existing buildings and curtilage for residential development the proposal satisfies Policy DMH3, by virtue of the site also being '*suitably located*' as the policy states (the site is within the settlement boundary and would not be isolated from the village).

However, Public Houses such as the Duke of York Inn benefit from protection through local policy and the NPPF as a result of both their value as community

assets as well as their employment generating potential as a commercial business. Key Statement EC2 states:

'Proposals that have an adverse impact on existing community facilities would only be permitted as an exception where the proposed development would bring defined and demonstrable benefits ... The Council will continue to require robust evidence that much needed smaller retail and other facilities in the more rural parts of the area are no longer viable before considering other forms of use.'

By bringing the building back into use, the proposal would successfully support regeneration in the village and enable the retention of a historic asset, both of which provide 'defined and demonstrable benefit' as the policy states.

The sentiment of Key Statement EC2 is reinforced by Policy DMR3, which clarifies that proposals seeking a change of use of ground floor commercial properties within the village boundaries will need to demonstrate the change of use will not lead to adverse impacts on the local economy. Furthermore, the policy places a requirement on the applicant to provide information to demonstrate there is no demand to retain the premises in commercial use:

'The property will be expected to have been offered for sale on the open market for a period of at least 12 months at a realistic price (confirmed by independent verification). Information on all offers made, together with copies of the sale particulars will also be required accompany the application.'

Acknowledge that a series of marketing reports, viability assessments and valuations are referenced in the attached planning statement. Having reviewed these documents it is clear that there is a longstanding issue with the viability of a commercial use at this site and it is known the unit has been vacant for several years. In addition, the marketing information supplied suggests there is little demand for an alternative employment generating use at this location. On this basis the proposal is seen to satisfy the viability and marketing tests of Policies DMB1 and DMR3 of the Core Strategy.

The Duke of York is a grade II listed building located within Grindleton Conservation Area and has also been listed as an asset of community value. As a result, there would be rather critical heritage implications to this proposal which must be balanced accordingly.

Policies EN5 and DME4 ensure the protection of these assets within the Borough, with the authority committed to ensuring the long-term protection of heritage assets by ensuring a viable use is found, optimising opportunities for sustaining and enhancing their significance. This is echoed by para 202 (formerly 196) of the Framework, weighing public benefit and securing the 'optimum viable use' of the building against the harm that would be done through the implementation of proposals such as this.

Conclusion: The impact of this proposal on the significance of the Duke of York as a heritage asset, as well as Grindleton Conservation Area as a whole, is clearly the primary matter relevant to the application's determination. Little doubt that a Public House on this site is not viable, and therefore an alternative optimum viable

use will need to be found in the future which preserves its significance and built form. The policy tests of the local plan are satisfied in relation to the local economy and the change of use to a single dwelling.

5.3 Residential Amenity:

5.3.1 Details of the impact of rear plot excavation and ground lowering on boundary treatments including boundary walling have not been submitted.

5.3.2 The proposals do not have overlooking, overshadowing or overbearing impacts on residential amenities.

5.4 Highway Safety and Accessibility:

5.4.1 LCC Highways identify an acceptable impact subject to conditions.

5.5 Landscape/Ecology:

5.5.1 RVBC Countryside identify that the proposed development does not require an EPS Licence to proceed lawfully.

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

6.1 NPPF paragraph 201 identifies of 'substantial harm' to designated heritage assets:

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

NPPF paragraph 201 identifies of 'substantial harm' to designated heritage assets:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The application submission does not suggest immediate concern in respect to the maintenance and repair of the listed building. The proposed harmful extensions and alterations to the fabric do not appear necessary to achieve the public benefits of re-use and contractor employment. The benefit of bringing the site back into use does not

outweigh the harm to the special architectural and historic interest and setting of the listed building and the character and appearance of Grindleton Conservation Area.

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

1. The proposed development has a harmful impact upon the special architectural and historic interest and setting of the Duke of York Hotel listed building and the character and appearance of Grindleton Conservation Area because of the loss of important historic use, the unduly prominent and incongruous form of proposed extensions, incongruous and conspicuous rooflights, the loss and alteration of important historic fabric, the enclosure of the curtilage by walling and gates and excavation and ground lowering of the rear plot. This is contrary to Key Statement EN5 and Policy DME4 and DMG1 of the Ribble Valley Core Strategy.

BACKGROUND PAPERS