

<u>INDEX OF APPLICATIONS BEING CONSIDERED</u> <u>MEETING DATE: THURSDAY, 7 JANUARY 2020</u>						
<u>Application No:</u>	<u>Page:</u>	<u>Officer:</u>	<u>Recommendation:</u>	<u>Site:</u>		
A	APPLICATIONS REFERRED BACK TO COMMITTEE FOR APPROPRIATE CONDITIONS:					
				NONE		
B	APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR APPROVAL:					
	<u>3/2020/0078</u>	1	AD	AC	War Memorial Clitheroe Castle	
	<u>3/2020/0873</u>	6	AD	AC	War Memorial Clitheroe Castle	
C	APPLICATIONS WHICH THE DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING RECOMMENDS FOR REFUSAL:					
				NONE		
D	APPLICATIONS UPON WHICH COMMITTEE DEFER THEIR APPROVAL SUBJECT TO WORK DELEGATED TO DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING BEING SATISFACTORILY COMPLETED					
				NONE		
E	APPLICATIONS IN 'OTHER' CATEGORIES:					
				NONE		

LEGEND

AC Approved Conditionally
R Refused
M/A Minded to Approve

AB Adam Birkett
AD Adrian Dowd
HM Harriet McCartney
JM John Macholc

LE Laura Eastwood
RB Rebecca Bowers
SK Stephen Kilmartin

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

meeting date: THURSDAY, 7 JANUARY 2021
title: PLANNING APPLICATIONS
submitted by: DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING

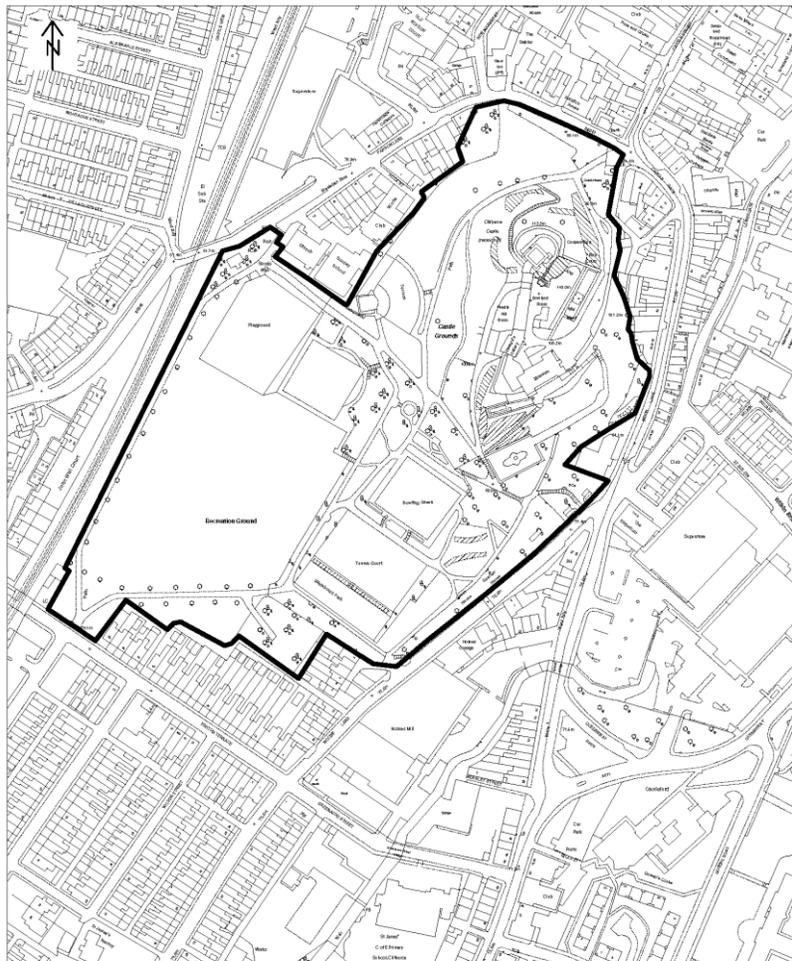
PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990:

APPLICATION REF: 3/2020/0078 (PA)

GRID REF: SD 374270 441665

DEVELOPMENT DESCRIPTION:

ERECTION OF TWO SETS OF GALVANISED AND POWDER COATED RAILINGS TO MATCH EXISTING RAILINGS ADJACENT TO DAWN REDWOOD TREE AT WAR MEMORIAL CLITHEROE CASTLE, CASTLE GATE, CLITHEROE



3/2019/0336 Bowling Green Cafe Castle Hill Castle Grounds Clitheroe BB7 1BG

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

No objections.

HISTORIC ENGLAND:

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

HISTORIC AMENITY SOCIETIES and THE GARDENS TRUST:

Consulted, no comments received.

LANCASHIRE GARDENS TRUST:

Consulted, no comments received.

LANCASHIRE COUNTY COUNCIL ARCHAEOLOGY:

No objection. No archaeological work required. Would support an application for Scheduled Monument Consent.

ADDITIONAL REPRESENTATIONS:

Clitheroe Civic Society consider that there is insufficient information to properly assess the extent of works and the works that can be ascertained are inappropriate in content and presentation (description of works and materials; understanding of forces which need to be considered - and appropriate mechanical fixings to effectively resist these in this location).

1. Site Description and Surrounding Area

1.1 'Clitheroe War Memorial' is a Grade II listed building (28 April 2018). The list description identifies:

"standing in the grounds (which are a Grade II-registered park) of the Grade I-listed castle below the keep, within a square, stone-paved memorial garden bounded by low stone walls with steps flanked by walls", "The Boer War memorial is fixed to the stone wall behind the memorial" and "The lawns flanking the cenotaph were dedicated on Saturday 23rd June 1956 as a Garden of Remembrance".

1.2 The War Memorial may also be a curtilage structure of the Clitheroe Castle Keep and Curtain Walls Grade I listing [Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990] because the Castle and its grounds were purchased by public subscription to form a war memorial in November 1920.

1.3 The building is prominently sited within the Clitheroe Castle Historic Park and Garden (Grade II), Clitheroe Conservation Area and the setting of 'Premises occupied by Ribble Valley Borough Council in grounds of Clitheroe Castle' and 'Outbuilding and Stable block to Clitheroe Castle and premises occupied by Ribble Valley Borough Council' (both Grade II).

- 1.4 The Clitheroe Castle Historic Park and Garden description suggests that the terrace (and outer walls) predate the War Memorial:

“Gardens and Pleasure Grounds ... Below is a second terrace, laid out as gardens round the War Memorial. Both garden terraces were in place by 1844 (1st edition OS map published 1844)”.

- 1.5 The applicant has submitted the War Memorial landscape design proposals from c.1920. This identifies a symmetrical design with the cenotaph at its centre. It appears that trees were subsequently added at memorial garden corners to augment this formal design.

- 1.6 The War Memorial is also within the boundary of the ‘Clitheroe Castle; medieval enclosure castle’ scheduled monument. The description identifies:

“The monument includes the upstanding and buried remains of Clitheroe Castle, an enclosure castle constructed during the late 11th to early 12th centuries ... A number of features are excluded from the scheduling; these are all buildings other than the keep and curtain wall, all post medieval walls and railings, all notice boards, a war memorial, all toilet blocks, all seats and benches, all greenhouses, and the surfaces of all paths and access drives; the ground beneath all these features is included”.

- 1.7 Clitheroe Conservation Area Appraisal Summary of special interest identifies:

“Clitheroe Castle, a Scheduled Ancient Monument”; “The Castle Grounds which is included on the English Heritage Register of Parks and Gardens”; “Panoramic views from Clitheroe Castle”.

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

- 2.1 Planning permission is sought for galvanised and powder coated mild steel railings (with fleur-de-leys and half-round heads to match adjacent) around the surface roots of the Dawn Redwood tree at the north-west corner of the War Memorial gardens. This is to enable retention of the tree (probably part of the original commemorative and formal landscape design) whilst providing safe public access to the gardens. Temporary fencing now restricts access to the walkway adjoining the tree where the surfacing has been lifted by root growth.

- 2.2 Two sets of railings (in an ‘L’ shape) will contain the area subject to root heave (including part of the footpath providing circulation around the perimeter of the memorial gardens). The railings are proposed to be attached to the memorial garden boundary walls (anchored to the mortar joints rather than historic stonework; the applicant has recently confirmed that it is proposed to drill the railings on site, in situ, to guarantee the fixings are in the mortar. Depending on the quality of the mortar, it is suggested that either thunder bolts or threaded bar and an epoxy resin be used). There is a need for ground anchorage of the railings by a corner post, 1 brace and 4 legs (this is subject to the scheduled monument consent).

- 2.3 The submitted information states that the Dawn Redwood has amenity and commemorative value. An Arboricultural Method Statement identifies how damage to trees will be prevented during the construction phase.

3. **Relevant Planning History**

3/2009/0196 - To professionally clean the War Memorial in the garden of remembrance in the Clitheroe Castle Grounds. Withdrawn.

4. **Relevant Planning Policies**

Ribble Valley Core Strategy:

Key Statement EN5– Heritage Assets
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 **Impact upon the special architectural and historic interest and setting of listed buildings, the character and appearance of Clitheroe Conservation Area and the character of Clitheroe Castle historic park and garden:**

5.1.1 The applicant has now submitted further details of the proposed fixing of railings to historic boundary walls. It is suggested that should members be minded to approve the application, that a condition be attached ensuring the impact to any historic fabric be minimised to that which is essential.

5.1.2 The proposed works appear to have been carefully considered by the applicant, with minimal impact to historic fabric and architectural and historic interest. Whilst there is a loss to circulation around the perimeter of the memorial gardens and some alteration to site symmetry (which deliberately focusses views on the War Memorial) this is justified and outweighed by the public benefits of tree retention and public safety (NPPF 194 and 196).

5.2 **Impact upon the scheduled monument**

5.2.1 The Department for Culture, Media and Sport has granted scheduled monument consent for the works subject to conditions (Historic England inspection of works; depth of foundation holes for the fence shall not exceed 350mm).

6. **Conclusion**

6.1 The proposed works are necessary to ensure tree retention and public safety. In giving considerable importance and weight to the duties at section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in giving ‘great weight’ to the conservation of the designated heritage assets (NPPF paragraph 193) and in consideration to Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy, it is recommended that planning permission be granted.

RECOMMENDATION: That planning permission is granted subject to the imposition of the following condition(s):

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 by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The permission shall relate to the development as shown on Plan Reference:

Railing Specification
Railings Sheet 1
Arboricultural Method Statement

3. Notwithstanding that shown in the submitted information, precise specifications of the location and means of fixture of the railings to the historic boundary walling shall have been submitted to and approved by the Local Planning Authority before implementation in the proposed works.

REASON: In order to safeguard the special architectural and historic interest of the listed building, the setting of listed buildings and the character and appearance of Clitheroe Conservation Area in accordance with Policies DMG1 and DME4 of the Ribble Valley Core Strategy.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0336

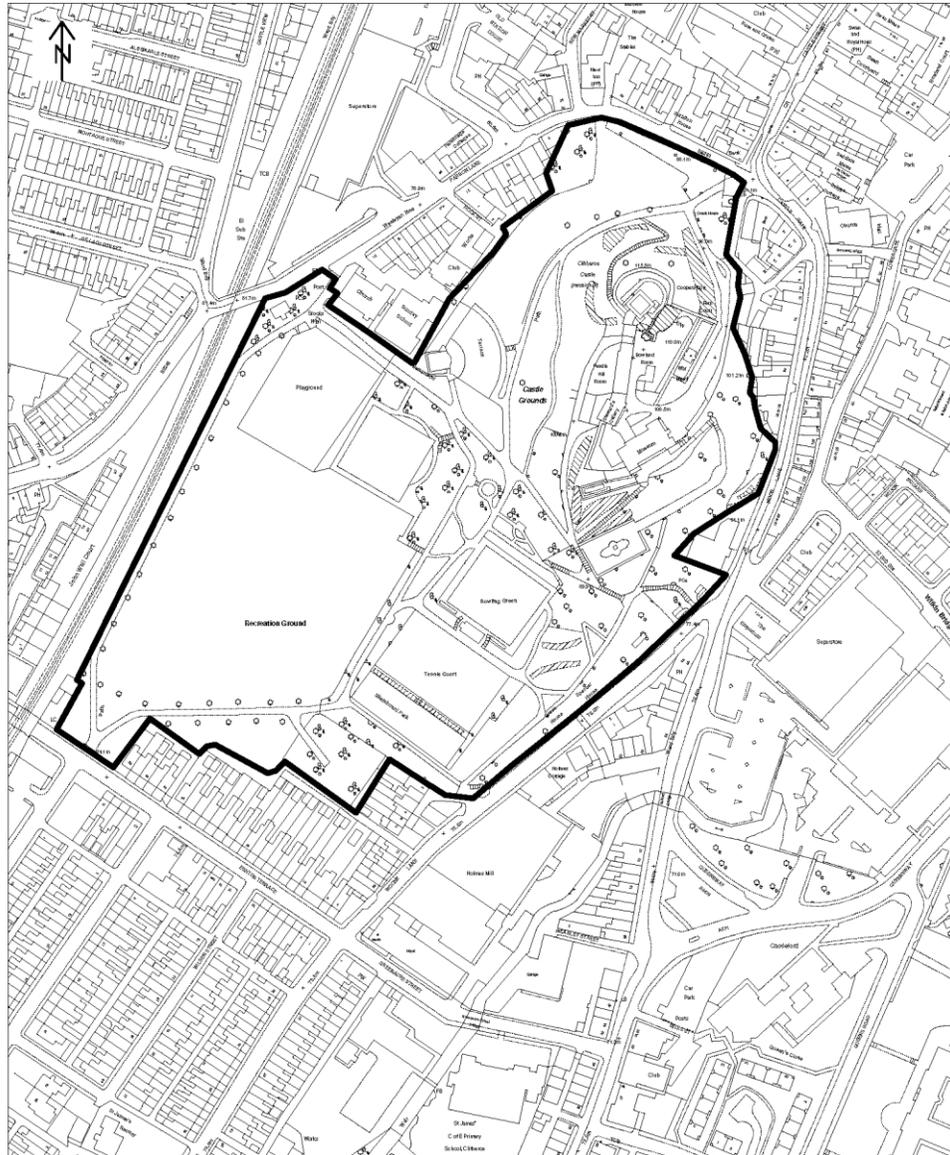
RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

APPLICATION REF: 3/2020/0873 (LBC)

GRID REF: SD 374270 441665

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ERECTION OF TWO SETS OF GALVANISED AND POWDER COATED RAILINGS TO MATCH EXISTING RAILINGS ADJACENT TO DAWN REDWOOD TREE AT WAR MEMORIAL, CLITHEROE CASTLE, CASTLE GATE, CLITHEROE



3/2019/0336 Bowling Green Cafe Castle Hill Castle Grounds Clitheroe BB7 1BG

Scale 1:2500

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CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

No objections.

HISTORIC ENGLAND:

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

HISTORIC AMENITY SOCIETIES and THE GARDENS TRUST:

Consulted, no comments received.

LANCASHIRE GARDENS TRUST:

Consulted, no comments received.

LANCASHIRE COUNTY COUNCIL ARCHAEOLOGY:

No objection. No archaeological work required. Would support an application for Scheduled Monument Consent.

ADDITIONAL REPRESENTATIONS:

Clitheroe Civic Society consider that there is insufficient information to properly assess the extent of works and the works that can be ascertained are inappropriate in content and presentation (description of works and materials; understanding of forces which need to be considered - and appropriate mechanical fixings to effectively resist these in this location).

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- 1.4 The Clitheroe Castle Historic Park and Garden description suggests that the terrace (and outer walls) predate the War Memorial:

“Gardens and Pleasure Grounds ... Below is a second terrace, laid out as gardens round the War Memorial. Both garden terraces were in place by 1844 (1st edition OS map published 1844)”.

- 1.5 The applicant has submitted the War Memorial landscape design proposals from c.1920. This identifies a symmetrical design with the cenotaph at its centre. It appears that trees were subsequently added at memorial garden corners to augment this formal design.

- 1.6 The War Memorial is also within the boundary of the ‘Clitheroe Castle; medieval enclosure castle’ scheduled monument. The description identifies:

“The monument includes the upstanding and buried remains of Clitheroe Castle, an enclosure castle constructed during the late 11th to early 12th centuries ... A number of features are excluded from the scheduling; these are all buildings other than the keep and curtain wall, all post medieval walls and railings, all notice boards, a war memorial, all toilet blocks, all seats and benches, all greenhouses, and the surfaces of all paths and access drives; the ground beneath all these features is included”.

- 1.7 Clitheroe Conservation Area Appraisal Summary of special interest identifies:

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- 2.3 The submitted information states that the Dawn Redwood has amenity and commemorative value. An Arboricultural Method Statement identifies how damage to trees will be prevented during the construction phase.

3. **Relevant Planning History**

3/2020/0078 - Erection of two sets of galvanised and powder coated railings to match existing railings adjacent to dawn redwood tree. PA under consideration.

3/2009/0196 - To professionally clean the War Memorial in the garden of remembrance in the Clitheroe Castle Grounds. Withdrawn.

4. **Relevant Planning 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]).

Clitheroe Conservation Area Appraisal

Ribble Valley Core Strategy:

Key Statement EN5– Heritage Assets
Policy DMG1– General Considerations
Policy DME4– Protecting Heritage Assets

NPPF
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 The applicant has now submitted further details of the proposed fixing of railings to historic boundary walls. It is suggested that should members be minded to approve the application, that a condition be attached ensuring the impact to any historic fabric be minimised to that which is essential.

5.1.2 The proposed works appear to have been carefully considered by the applicant, with minimal impact to historic fabric and architectural and historic interest. Whilst there is a loss to circulation around the perimeter of the memorial gardens and some alteration to site symmetry (which deliberately focusses views on the War Memorial) this is justified and outweighed by the public benefits of tree retention and public safety (NPPF 194 and 196).

6. **Conclusion**

6.1 The proposed works are necessary to ensure tree retention and public safety. In giving considerable importance and weight to the duties at section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in giving 'great weight' to the conservation of the designated heritage assets (NPPF paragraph 193) and in consideration to Key Statement EN5 and Policies DME4 and DMG1 of the Ribble Valley Core Strategy, it is recommended that listed building consent be granted.

RECOMMENDATION: That listed building consent is granted subject to the imposition of the following condition(s):

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. The permission shall relate to the development as shown on Plan Reference:

Railing Specification
Railings Sheet 1
Arboricultural Method Statement

3. Notwithstanding that shown in the submitted information, precise specifications of the location and means of fixture of the railings to the historic boundary walling shall have been submitted to and approved by the Local Planning Authority before implementation in the proposed works.

REASON: In order to safeguard the special architectural and historic interest of the listed building, the setting of listed buildings and the character and appearance of Clitheroe Conservation Area in accordance with Policies DMG1 and DME4 of the Ribble Valley Core Strategy.

BACKGROUND PAPERS

https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2019%2F0336

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>Costs application received</u>	<u>Date of Inquiry or Hearing if applicable</u>	<u>Progress</u>
3/2018/0932 R (Enforcement appeal)	20/02/2020	Bolton Peel Farm Bolton by Bowland Road Bolton by Bowland BB7 4NJ	WR			Awaiting Decision
3/2018/1105 R	09/01/2020	Higher College Farm Lower Road Longridge PR3 2YY	Hearing		02/12/20 Virtual	Awaiting Hearing
3/2019/0510 R	24/04/2020	Land SW of Clitheroe Golf Club, Whalley Road Barrow BB7 9BA	Hearing		16/09/20 Virtual	Appeal Dismissed 12/11/2020
3/2020/0288 R	26/08/2020	Bay Gate Farm Barrett Hill Brow, Bolton by Bowland BB7 4PQ	WR			Appeal Dismissed 13/11/2020
3/2020/0329 R	28/09/2020	Three Millstones Hotel Waddington Road West Bradford BB7 4SX	WR			Awaiting Decision
3/2020/0058 R	Waiting for start date from PINS	Oxendale Hall Osbaldeston Lane Osbaldeston BB2 7LZ	WR (to be confirmed by PINS)			
3/2020/0057 R	Waiting for start date from PINS	Oxendale Hall Osbaldeston Lane Osbaldeston BB2 7LZ	WR (to be confirmed by PINS)			
3/2020/0669 R	Waiting for start date from PINS	3 Bradley Court Chipping BB7 3LY	HH			
3/2020/0590 R	Waiting for start date from PINS	Leaside, Mire Ash Brow Mellor BB2 7EZ	HH			
3/2018/0468 3/2018/0474 Redetermination of appeal following High Court Order	24/09/2020	Great Mitton Hall Mitton Road Mitton BB7 9PQ	Hearing		30/11/20 Virtual	Awaiting Decision
3/2020/0617 R	Waiting for start date from PINS	Wythenstocks Barn Back Lane Grindleton BB7 4RW	HH			
3/2020/0488 R	Waiting for start date from PINS	The River House Balderstone Hall Lane Balderstone BB2 7LA	HH			