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## PLANNING STATEMENT

**IN RESPECT OF A PLANNING APPLICATION AND  
AN APPLICATION FOR LISTED BUILDING  
CONSENT FOR THE PROPOSED CHANGE OF USE  
FROM CLASS B1 OFFICE TO CLASS C3  
RESIDENTIAL (TWO DWELLINGS)**

**AT**

**STANLEY HOUSE, LOWERGATE, CLITHEROE**

**Prepared by:** Colin Sharpe  
**Our Client:** Mr D Sunderland  
**Our Ref:** Sun/768/2165/CS  
**Date:** 4 October 2016



Chartered Surveyors ■■■ Planning & Development ■■■ Land Agents  
Valuers ■■■ Property Agency ■■■ Property Management



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## **1. INTRODUCTION AND BACKGROUND INFORMATION**

- 1.1 Gary Hoerty Associates have been instructed by Mr D Sunderland to submit a planning application and an application for Listed Building Consent on his behalf for the proposed change of use from offices to two dwellings at Stanley House, Lowergate, Clitheroe.
- 1.2 As the property is a Listed Building within a Conservation Area a separate Heritage Asset Statement (H.A.S.) has also been submitted with the applications. We would request that the contents of both the submitted Statements are taken into account in the determination of the applications
- 1.3 In this Planning Statement (as supported by the H.A.S.) we will consider the applications against the relevant national and local planning guidance and policies. We will explain why we consider the proposal to comply with all relevant guidance and policies and why, therefore, planning permission and Listed Building Consent should both be granted.

## **2. THE APPLICATION SITE AND SURROUNDINGS**

- 2.1 Stanley House is a two storey building within a relatively large curtilage situated on the east side of Lowergate in Clitheroe Town Centre. It is a Grade II Listed Building within the Conservation Area.
- 2.2 The site is adjoined to the north and east by relatively modern residential properties in Candlemakers Court. Vehicular access into the site is via a gateway and driveway from Candlemakers Court, close to its junction with Lowergate. Immediately to the north-west is a two storey building used for storage purposes and other uses by the Scouts. That building is accessed from Candlemakers Court via the driveway and parking area within the curtilage of Stanley House.
- 2.3 The predominant uses in the wider locality include traditional terraced housing; commercial uses; a government building (The Job Centre); public houses; and St Michael and St John's Church, Church Hall, Presbytery and Primary School.

## **3. THE PLANNING AND GENERAL HISTORY OF THE SITE**

- 3.1 The following planning and Listed Building applications provide the context to the consideration of these current applications:
  - 3/1982/0616 & 0617 – Planning permission and Listed Building Consent (LBC) granted for alterations and extensions to form additional office accommodation.
  - 3/1982/0635 – LBC Granted for alterations to divide the building into two separate units of office accommodation to enable essential repairs to be carried out.

- 3/1980/0196 & 0197 – Proposed demolition and development for housing. LBC was refused and the planning application was withdrawn.
- 3/2012/0838 & 0839 – LBC and planning permission granted for the change of use of the building from Class B1 office to Class C3 residential (two houses).
- 3/2016/0469 & 0470 – Planning Permission and Listed Building Consent refused for the change of use from B1 office to C3 residential (resubmissions of 3/2012/0838 & 0839).

3.2 The building has, historically, been used for residential purposes but, we are advised by our client that, following a period of various uses, it has been both owned and used in recent years jointly by our client's architectural practice and a firm of solicitors. In 1980, previous owners of the site were refused LBC for the demolition of the building to allow the residential development of the site. Following that refusal, our client was granted permission in 1982 for the use of the building for office purposes, as a result of which the site was purchased from the previous owner. We are advised by our client that at the time, the building was in a poor state of repair with smashed window frames, broken marble fireplaces, internal rubbish and graffiti.

3.3 When our client and his partner retired, their architectural practice continued, but moved to other premises in Clitheroe. Since then, Stanley House has been rented to a number of separate organisations but our client's personal circumstances now make it necessary for him to dispose of the building.

3.4 On 12 November 2012 planning permission and LBC were granted for the change of use of the building from offices to residential in the form of two houses. The approved change of use was not implemented and no works were commenced on any of the approved internal alterations. The permission and consent therefore lapsed on 12 November 2015.

3.5 As it was still our client's intention to convert and change the use of the building to form two houses, the applications were re-submitted and given references 3/2016/0469 and 0470. Although the proposed development and the plans/documents submitted with the applications were identical to the previously approved applications, the resubmissions were both refused. The reasons given for the refusal of the applications, and the explanation for those reasons, as given in the Delegated Item File Report (DIFR), will be discussed in Section 5 of this Statement.

#### **4. THE PROPOSED DEVELOPMENT**

4.1 As previously stated, the applications seek permission/consent for exactly the same development that was approved in 2012. It is proposed to change the use of the building from offices to residential in the form of two houses.

- 4.2 The building comprises an original C18 part and a C19 addition. The size of the building and its internal configuration lends itself to sub-division into two dwellings with the minimum of internal alteration. The proposal involves the separation of the original building from the later addition. Externally, no alterations to the building are either needed or proposed as access to both dwellings is gained through existing entrance doors.
- 4.3 Listed Building Consent is, however, sought for a number of relatively minor internal alterations that are required to facilitate the proposed change of use/conversion. These alterations comprise the following:
1. Basement – the walling up of one small opening, that had only been formed in the late 1990s.
  2. Ground Floor – the formation of one small opening; the walling up of two small openings; and the formation of one small partition.
  3. First Floor – the formation of one small opening; the walling up of one small opening; and the formation of two new partitions.
  4. Second Floor – the walling up of two small openings, both of which were formed in the 1980s, and the formation of two new partitions.
- 4.4 These internal alterations are limited to those that are necessary in order to allow the use of the building as two dwellings. In the main this is limited to the blocking off of doors on all four levels which link the two sides of the building. With the exception of one first floor opening, those doors and their surrounds are not original but were formed to facilitate the change of use of the building into office in 1984. The other changes are limited to the insertion of minor partitions and internal linking doors. None of these changes affect the structural integrity of the listed building.
- 4.5 With regards to the curtilage of the building, the car park and garden area will be subdivided to provide car parking and garden areas to both properties, as shown on a submitted plan. The existing access through the site to the scout building is to be maintained.

## **5. PLANNING POLICY CONSIDERATIONS**

### **5.1 General**

- 5.1.1 Local Planning Authorities are required to determine planning applications in accordance with the statutory development plan unless material considerations indicate otherwise. In order for these planning applications to be approved the proposal must satisfy, as far as possible, the guidance contained within the National Planning Policy Framework (NPPF Adopted March 2012) and the relevant policies of the Ribble Valley Core Strategy (Adopted December 2014).

- 5.1.2 We set out below extracts from the relevant documents in order to assess the planning application against all the appropriate policies and guidance.

## 5.2 National Planning Policy Framework (NPPF)

- 5.2.1 The main national planning policy guidance is set out in the National Planning Policy Framework (NPPF).

### National Planning Policy Framework (NPPF)

- 5.2.2 The adoption of the National Planning Policy Framework in March 2012 means that it is now the main national planning policy guidance influencing planning decision making and replaces a substantial number of documents previously in place. *"The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied, it sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so."*

- 5.2.3 Paragraphs 11 – 16 of the NPPF highlight the presumption in favour of sustainable development confirming that *"planning law requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise"*. The NPPF does not change the statutory status of the development plan as the starting point for decision making and therefore proposed development that accords with an up to date local plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It also highlights the desirability of local planning authorities having an up to date local plan in place. Ribble Valley does have an up to date local plan in place.

- 5.2.4 Importantly, paragraph 14 of the NPPF states:

*At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For plan-making this means that:*

- *local planning authorities should positively seek opportunities to meet the development needs of their area;*

• *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

- *specific policies in this Framework indicate development should be restricted.*

*For decision-taking this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

5.2.5 Paragraph 14 clearly spells out the Government's presumption in favour of allowing sustainable development unless the adverse impacts of doing so would be very significant.

5.2.6 Paragraph 15 states:

*"Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally."*

5.2.7 Paragraph 19 states:

*"The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."*

5.2.8 Paragraph 126 states:

*"Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- *the desirability of new development making a positive contribution to local character and distinctiveness; and*
- *opportunities to draw on the contribution made by the historic environment to the character of a place."*

5.2.9 Paragraph 128 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 have been consulted and the heritage assets assessed using appropriate expertise where necessary."*

5.2.10 Paragraph 134 states:

*"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 securing its optimum viable use."*

5.2.11 Annex 1 of the NPPF provides guidance on the implementation of the policies in the framework which are applicable from the day of publication. It identifies that for the purpose of decision taking the policies in the local plan should not be considered out of date simply because they were adopted prior to the publication of this framework. However, it goes on to state that the policies contained in this framework are material considerations which local planning authorities should take into account from the day of its publication and that plans need to be revised to take into account the policies in the framework.

5.2.12 Ribble Valley Borough Council, of course, has a Core Strategy that has been adopted since NPPF came into force which, therefore, by definition is compliant with the requirements of NPPF.

5.2.13 As previously stated, both planning permission and Listed Building Consent were granted in 2012 for the change of use and alterations to the building exactly the same as proposed in these current applications. We will now examine the Council's consideration of those applications as described in the Delegated Item File Report (D.I.F.R) for each of the applications.



- 5.2.14 Application 3/2012/0838 (LBC) – In the D.I.F.R., the case officer stated that the relevant planning policies were Policy ENV20 - Listed Buildings – of the (former) Districtwide Local Plan, Policy DME4 – Protecting Heritage Assets - of the (emerging) Core Strategy and Section 12 – Conserving and Enhancing the Historic Environment – of NPPF. The case officer described and commented upon the proposed internal alterations (in the same terms as paragraphs 4.2 – 4.5 of this current Statement). The case officer concluded that the proposed alterations would appropriately conserve and enhance the listed building as required by the relevant planning policies and guidance. LBC was accordingly granted.
- 5.2.15 Application 3/2012/0839 (PA) – In the D.I.F.R. the case officer stated that the relevant planning policies were the (former) Districtwide Local Plan, Policies G1 – Development Control, G2 – Settlement Strategy, ENV16 – Development Within Conservation Areas, and EMP 11 – Loss of Employment Land; and the National Planning Policy Framework.

In the D.I.F.R., the case officer described the proposal in basic terms as follows:

*"This change of use application is effectively to return the building to its original residential use. The building comprises the main original 18<sup>th</sup> Century part of the building and a 19<sup>th</sup> Century two storey addition. The sub-division of the building into two dwellings involves the separation of the original 18<sup>th</sup> Century part of the building from the 19<sup>th</sup> Century addition. The original, larger, part of the building would form a five-bedroom dwelling, and the smaller, later addition, would form a three-bedroom dwelling."*

- 5.2.16 The case officer confirmed that there were no objections to the proposal from the County Highway Authority because the proposed parking provision was appropriate and acceptable, and as the proposed use would result in a significant reduction in the number of vehicle movements from the existing authorised commercial use of the building.
- 5.2.17 It was stated in the D.I.F.R. that the proposal involved the conversion of some of the hard surfaced parking areas to garden areas. The opinion was expressed that this change and the less intensive use of the building, would benefit the visual amenities and general character of the locality. It was also considered by the case officer in 2012 that the proposed change of use would bring about an improvement in the amenities of the occupiers of the numerous residential properties in the immediate vicinity of the site.
- 5.2.18 The final consideration of the planning application in 2012 (as opposed to the LBC application) concerned saved Policy EMP 11 of the former Local Plan. In accordance with the requirement of that Policy, the applicant's agent was requested to provide details of the marketing of the property for its existing

offices use. In response to that request the agent made a number of comments that were summarised in the D.I.F.R. as follows:

- *The building has been marketed since January 2010.*
- *There is no shortage of office premises in Clitheroe and the surrounding area.*
- *There are a number of other commercial premises outside the prime shopping area of Clitheroe Town Centre that have the potential for office use.*
- *The loss of Stanley House office accommodation would not therefore have any serious impact upon the availability of offices in Clitheroe town centre.*
- *With regards to Stanley House, there are a number of office suites, most of which are small and below the standard expected of a modern office. Consequently rents have to be kept low in order to attract tenants and even with this situation, there is a regular turnover of tenants and extended empty periods.*
- *The main problem, however, is that the building requires major investment to deal with ongoing maintenance issues. Maintenance costs are high and rental returns are low so the viability of the use of the building for offices is marginal. As presently used, this situation is likely to continue and the use will become even more marginal.*
- *The applicant's conclusion is that a major investment is required in order to preserve the listed building. Due to the internal configuration, it is unsuitable for modern office use unless the internal layout is to be completely altered. To alter the building in this way would adversely affect the character and structure of the listed building. The conversion to two dwellings however requires only minimal change to the building both internally and externally.*

5.2.19 In relation to that particular issue, the Council's Regeneration Officer at the time commented that he was not particularly concerned about the loss of the office accommodation provided by this building. He commented that the building had been on the market for a considerable time, and he considered that it would suit residential use and would support town centre living.

5.2.20 The Council's case officer concurred with the views expressed by the Regeneration Officer, concluding that a refusal of the application relating to the loss of office accommodation and non-compliance with Policy EMP11 would not be justified in that instance.

5.2.21 Overall, in relation to the change of use application in 2012, the case officer concluded that the proposal represented an appropriate use of the building that would preserve and enhance its character without any detriment to visual amenity, the amenities of nearby residents or highway safety. Planning permission was accordingly granted.

- 5.2.22 As previously stated, the Planning Permission and Listed Building Consent granted in 2012 were not implanted and therefore lapsed in November 2015. We will now examine the Council's consideration of the two applications (3/2016/0469 and 3/2016/0470) that sought planning permission and Listed Building Consent for the same development for which permission/consent had previously been granted.
- 5.2.23 Application 3/2016/0469 (PA) – In the D.I.F.R. the relevant policies are stated as:  
 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 DMG2 – Strategic Considerations  
 Policy DME4 – Protecting Heritage Assets
- Planning (Listed Buildings and Conservation Areas) Act 1990  
 National Planning Policy Framework (NPPF)  
 National Planning Policy Guidance (NPPG)  
 Clitheroe Conservation Area Appraisal
- 5.2.24 The majority of the content of the D.I.F.R. relates to Listed Building and Conservation Area issues and will therefore be discussed below in relation to the Council's consideration of the LBC application.
- 5.2.25 We will now, however, discuss the section of the D.I.F.R. headed "Land use issues" from which we will quote sections and then comment upon them.
- 5.2.26 *RVBC (Planning Policy) is concerned at the loss of employment generating use (Policy DMB1: the site is identified in an April 2016 report to Committee regarding prospective employment sites for protection – little weight can be attached at this stage to the letter). Core Strategy*
- DMB1 also requires loss of employment site proposals to comply with Policy DMG1 and other LDF policies. DMG1 requires development to be sympathetic to existing land uses and to "protect and enhance heritage assets and their settings. "No information has been submitted in respect to the division and form of domestic curtilages resulting from change of use and I am mindful of the importance of Stanley House as a rare survival of Clitheroe's medieval burgrave plots (Clitheroe Conservation Area Appraisal). In my opinion, the proposal does not comply with DMB1 because of the harm to the listed building.*
- 5.2.27 Firstly, as a general comment, we would say that, despite numerous references in the D.I.F.R. to certain details having not been submitted, the Council did not

request any further details, presumably because it felt it had sufficient information to properly consider both applications. This presumption appears to be confirmed by the wording of the reasons for refusal (of both the planning and listed building applications) as these are both categorical statements of alleged harm, with no reference to *"insufficient information to enable the proper consideration of the applications."*

5.2.28 The report to Committee in April 2016 does not represent adopted policy. It can therefore not be afforded any weight at all. As will be discussed below, the loss of the site for employment purposes does not, in any event, appear to have been an important consideration in the determination of the planning application.

5.2.29 Policy DMB1 is a policy aimed at supporting business growth and the local economy, and contains numerous requirements that are specific to that aim. It is not claimed in the D.I.F.R. that the proposal is contrary to any of those requirements, but that it does not comply with the provision of Policy DMG1 because it does not *"protect and enhance heritage assets and their settings"* as it causes harm to the listed building. This is really non-compliance with Policy DMG1 rather than the specific business/economy Policy DMB1.

5.2.30 There was some information in the application about the division of the plot to form two curtilages. No further information was requested. The property was originally one dwelling within a large curtilage but its current use as offices has resulted in a larger hard-surfaced parking area that detracts from the original appearance and character of the curtilage of the site thereby adversely affecting the setting of the listed building. The removal of some of the hard-surfaces and the reversion to residential curtilage (albeit to two dwellings rather than one) would, in our opinion, enhance the setting of the Listed Building rather than detracting from it. The use (function) of the Listed Building would be returned to the original function from which it derives its architectural and historic importance.

5.2.31 *The building has been converted to office use and at site inspection parts of the building were in that use (solicitors; music event promoter). The submitted marketing information (27 and 30 June 2016) appears to relate to the proposed sale of the whole building (based on the change of use to residential permission and with consideration to "all types of users") rather than for the letting/sale of existing office units. I am not aware of any pre-application enquiries to the Borough Council in respect to proposed listed building works. It is suggested that the cost of upgrading existing office suites is prohibitive but no details have been submitted in this regard.*

5.2.32 The case officer alleged that the marketing details submitted with the applications was inadequate, but this did not form any part of the single reason for refusal of the application. As policies and guidance have not changed in the relatively short period of time since that refusal (15 July 2016) a refusal of the current

applications for that reason would represent unreasonable behaviour by the Council. We will, nevertheless, discuss the matter of marketing below.

- 5.2.33 Our client advises us that the property has been on the market for three years. Any interested person would be aware of its current authorised use as offices and could have chosen to purchase the property for that use. Our client advises us that they have actually had about twenty five interested parties with their proposed uses varying from the existing use, consulting rooms, nursery, old persons home, Salvation Army headquarters and residential. We are advised that some of the interested parties did not further their interest because of the perceived difficulties in obtaining Listed Building Consent from Ribble Valley Borough Council for the alterations to the building that they would require. Our client actually declined one offer from a prospective purchaser, who had finance in place, when they saw his detailed proposal which would have involved too much destruction of the existing fabric. There is a current offer to purchase the building but this is dependent on the approval of these applications for residential use as two dwellings.
- 5.2.34 Our client did not seek pre-application advice prior to the submission of the applications in May 2016 as he did not consider there to be any need for such advice. This is because the applications were resubmissions of previously approved applications and there had been no relevant changes in the applicable planning policies and guidance since those approvals in 2012. As stated in paragraphs 5.2.14 and 5.2.15 both of the 2012 applications were considered in relation to NPPF. They were also considered in relation to a number of saved policies from the former Local Plan and policies from the, at that time, emerging, Core Strategy. When the more recent applications were considered in 2016, the former Local Plan Policies were no longer relevant and the relevant Policies of the emerging Core Strategy had been carried forward, without alteration, into the adopted Core Strategy. The relevant content of former Policy EMP11 had been incorporated into Policy DMB1. Therefore, with basically the same policies and guidance in place as that which existed in 2012, the decisions on the applications (i.e. approvals) should have been the same.
- 5.2.35 Not only would the cost of upgrading the existing office accommodation be prohibitive, but we also consider that the works required to provide offices to modern standards would have more impact upon the interior of the Listed Building than the modest alterations that are proposed in these applications to split it into two dwellings.
- 5.2.36 *Optimum Viable Use (NPPF paragraph 134 and NPPG paragraph 15) issues are also relevant and I am mindful of the above harm to listed building plan form and historic fabric from the proposed change of use. NPPG paragraph 15 states that "the optimum viable use may not necessarily be the most profitable one".*

5.2.37 In this case, whether it is the most profitable use or not, the only use in which there is any real interest, following many years of marketing, is the use as two dwellings as proposed by these applications. It is also a use that has minimal effects upon the fabric of the Listed Building whilst also returning it to its original residential use. The use proposed in these applications is therefore considered to be the optimum viable use of the building.

5.2.38 The "Conclusions" section of the D.I.F.R. for 3/2016/0469 (PA) is as follows:  
*"Mindful of NPPG ("in general terms, substantial harm is a high test, so it may not arise in many cases") I consider the impact to the special architectural and historic interest of Stanley House to be less than substantial harm.*

*I am not convinced from the limited information submitted that any "public benefits"(NPPF paragraph 134) will ensue from the proposed development.*

*Therefore, 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 132) and in consideration to Key Statements EN5 and EC1 and Policies DME4, DMG1 of the Ribble Valley Core Strategy, I would recommend that the planning permission be refused."*

5.2.39 We agree that the impact of the proposed alterations on the special architectural and historic interest of Stanley House constitutes less than substantial harm. The public benefits that would ensue from the proposed development are as follows:

- The Listed Building would be put to its optimum viable use thereby allowing its future conservation and maintenance. As there is no demand for the building in its current use as offices, refusal of these applications would result in the building being left vacant and without appropriate maintenance. As such, the quality of the heritage asset would be diminished.
- The removal of hard-surfaced parking areas, to become gardens, would improve the appearance and character of the Conservation Area and the setting of the Listed Building.
- The use of the building as two dwellings as opposed to the existing (or any other) commercial use, would improve the amenities of nearby residents, especially those in Candlemakers Court.
- The occupiers of the two dwellings would use the local shops and services. As stated by the Council's Regeneration Officer in 2012 the proposal would "support town centre living."

5.2.40 With regards to the Guidance and Policies referred to in the final paragraph of the "Conclusions" it is noted that Key Statement EC1 and Policy DMB1 (that relate to business, employment and the economy) were not mentioned in the following sole reason for refusal of the planning application:

*"The proposal has a harmful impact upon the special architectural and historic interest of Stanley House (Grade II Listed) because of unsympathetic alterations to plan form and the loss of important historic fabric. 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 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)."*

- 5.2.41 We also note that, at the end of the D.I.F.R., the above reason for refusal is recommended, and it is followed by the following potential reason for refusal:

*"The proposal results in the loss of a site with employment generating potential and does not support business growth and the local economy. This is contrary to Key Statement EC1 and Policy DMB1 of the Ribble Valley Core Strategy."*

- 5.2.42 This second potential reason for refusal, of course, was not included on the Refusal of Planning Permission 3/2016/0469 dated 15 July 2016 that was sent to the applicant. The application has not, therefore, been refused for that reason. We also note that, unlike the previous applications in 2012, the Council's Regeneration Officer was not consulted on the 2016 applications. We therefore conclude that the Council does not have concerns relating to the loss of the existing office use (or, at least, not sufficient concerns for this to have been the subject of a reason for refusal of the application).

- 5.2.43 Application 3/2016/0470 (LBC) – We will now look briefly at the Council's consideration of this application, as many of the issues overlap with the consideration of the planning application which has been discussed in detail above.

- 5.2.44 The application was refused for a single reason as follows:

*"The proposal has a harmful impact upon the special architectural and historic interest of Stanley House (Grade II Listed) because of unsympathetic alterations to plan form and the loss of important historic fabric."*

- 5.2.45 Firstly, it is noted that the reason for refusal does not specify any Policies or Guidance that the proposal is alleged to contravene.

- 5.2.46 It is therefore necessary to study the D.I.F.R. to gain an understanding of the Council's objections to the proposal. The section headed "Site Description and Surrounding Area" contains general descriptive and background information about the locality. The section headed "Land Use Issues" has been discussed in detail above. Much of the content of the section headed "Impact upon Listed Building, Setting and Clitheroe Conservation Area" comprises extracts from Historic England guidance and Appeal Decisions, but no explanation is given with regards to how the quoted information is specifically relevant to the internal

alterations proposed in this application for Listed Building Consent at Stanley House, Clitheroe. The remaining content of this section of the D.I.F.R. will be quoted and commented upon below.

- 5.2.47 *"The level of information submitted in respect to designated heritage asset significance (including Stanley House interior) is limited, not proportional to importance and insufficient to understand the potential impact of proposals on significance (NPPF paragraph 128). Site inspection suggests that the building has an interesting and complicated history e.g. basement stone door surround and floor support structure and e.g. historic division of servant and resident quarters."*

*It is difficult to "read" building development because modern interventions are not sufficiently differentiated from historic build and historic fabric has been incorporated from other historic sites (e.g. doors).*

*C18 maps (Sketch of 1740; Lang's of 1766) suggest a wide rectangular building in this location whereas the list description refers to a two-storey C19 extension."*

- 5.2.48 Firstly, as stated previously, the D.I.F.R. criticises the level of information submitted but the Council did not request the submission of further information and nor was the "inadequate information" cited as a reason for refusal. In particular we note that the Council did not request the submission of a Heritage Asset Statement (H.A.S.) to assist in its determination of the application. Notwithstanding this, we have submitted a H.A.S. with these current applications. We would suggest that the contents and conclusions of the H.A.S. be taken into account, in conjunction with the contents of this Planning Statement in the consideration of these current applications.

- 5.2.49 The building does indeed contain two distinct elements in the form of the original C18 building and a later C19 two storey extension. We can see no more logical and least destructive way of converting the building into two dwellings than the proposal to treat each of these elements as one dwelling.

- 5.2.50 *"Immediate concerns relating to plan form are:*

- (i) the division of the property into two residential units appears arbitrary. The double-pile plan of Stanley House is a distinct and important element of special architectural interest and will be significantly compromised by the separation of the front right-hand room over four floors. Furthermore, the historic relationship and juxtaposition of resident and servant quarters is another important element of special interest – the blocking of inter-access routes (e.g. Second Floor stair entrance; First Floor corridor entrance) does not appear to account for this;*
- (ii) the subdivision of rooms and location of w.c./bathroom facilities has not considered C18 plan form and the importance of room proportions (e.g.*



*First Floor House Bath from main landing) and location of important features (e.g. fireplace in front right-hand Ground Floor room).*

*Immediate concerns relating to loss of fabric:*

- (i) *Opening of room niches with traditional joinery at Ground and First Floor and door opening in east gable extension (shown on 1848 OS map) wall.*

5.2.51 We do not see how the splitting of the property as I have stated above can be described as “arbitrary”. On the contrary, it is logical and would allow the original C18 part of the building to function, as it did when it was originally built, as a single dwelling. To split the building in any other way would involve more intervention/alteration of the historic fabric and would be more detrimental to the historic function of the building.

5.2.52 Our client would accept the imposition of any reasonable conditions concerning the precise specifications of the works involved in opening and closing internal openings. These works are, in our opinion, so minor that, provided they are carried out with due respect to the historic building there would be no harm caused to the building sufficient to warrant refusal of the application for Listed Building Consent.

## 6. SUMMARY AND CONCLUSIONS

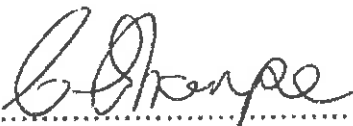
6.1 In this Planning Statement and the associated Heritage Asset Statement we consider that we have demonstrated:

- 1) That the recent applications 3/2016/0469 and 0470 were considered against basically the same policy background as previous applications 3/2012/0838 and 0839. The recent applications should therefore have been approved as the previous applications had been approved.
- 2) The recent applications were NOT refused for any reason relating to the loss of existing office/employment use of the site. As the policy background has not changed since the recent refusals. It would be unreasonable behaviour by the Council if these current applications were refused for such a reason. In any event we consider that we have demonstrated that such a reason for refusal would be unjustified and unsustainable.
- 3) That the proposal represents the optimum viable use for the heritage asset with considerable public benefits and no significant harm to the Listed Building.

6.2 For these reasons the proposal represents sustainable development that would comply with all relevant Policies of the adopted Core Strategy, and the guidance within NPPF.

6.3 The proposal, therefore, in our opinion, fully accords with the development plan. In accordance with the advice at paragraph 14 of NPPF we can therefore see no

reason why the planning and Listed Building applications should not both be approved without delay, subject to appropriate conditions.

Signed..........Date.....04/10/2016.....  
Colin Sharpe DipTP MRTPI  
For and on behalf of Gary Hoerty Associates

320160928P

**APPENDICES**

- APPENDIX 1**      **Planning Permission and Delegated File Report  
3/2012/0839**
- APPENDIX 2**      **Listed Building Consent and Delegated Item File  
Report 3/2012/0838**
- APPENDIX 3**      **Delegated Item File Report 3/2016/0469(PA)  
Refusal of Planning Permission 3/2016/0469 and  
Refusal of Listed Building Consent 3/2016/0470**

## **APPENDIX 1**

### **Planning Permission and Delegated File Report 3/2012/0839**

# RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111

Fax: 01200 414488

Planning Fax: 01200 414487

Town and Country Planning Act 1990

## PLANNING PERMISSION

**APPLICATION NO:** 3/2012/0839

**DECISION DATE:** 19 November 2012

**DATE RECEIVED:** 21/09/2012

### **APPLICANT:**

Mr D Sunderland  
Brook Bottom  
Stonyhurst  
Clitheroe  
Lancs BB7 9QY

### **AGENT:**

Planning & Development Network  
Stanley House  
Lowergate  
Clitheroe  
Lancs BB7 1AD

**DEVELOPMENT PROPOSED:** Proposed change of use from class B1 office to class C3 residential (two houses).

**AT:** Stanley House Lowergate Clitheroe Lancashire BB7 1AD

Ribble Valley Borough Council hereby give notice that permission has been granted for the carrying out of the above development in accordance with the application plans and documents submitted subject to 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 91 of the Town and Country Planning Act 1990

2. The permission shall relate to the development as shown on Drawing Number CS/12/0839/1.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.

3. Prior to the first occupation of either of the dwellings hereby permitted, six parking spaces with associated access and manoeuvring areas shall have been provided in accordance with a layout plan that has first been submitted to and approved in writing by the Local Planning Authority. Thereafter, these facilities shall be retained permanently clear of any obstruction to their designated purpose.

REASON: In the interests of highway safety and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

### Relevant planning policy

Policy G1 - Development Control

Policy G2 - Settlement Strategy

Policy ENV16 - Development Within Conservation Areas

Policy EMP11 - Loss of Employment Land

National Planning Policy Framework.

### Summary of reasons for approval

The proposal represents an appropriate use of this listed building that would preserve and enhance its character without any detriment to visual amenity, the amenities of nearby residents or highway safety.  
P.T.O.

Note(s)

1. For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes.
2. The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.

  
**JOHN HEAP**  
**DIRECTOR OF COMMUNITY SERVICES**

Ribbles Valley Borough Council

**DELEGATED ITEM FILE REPORT - APPROVAL**

Ref: CS/CMS

Application No:	3/2012/0839/P
Development Proposed:	Change of use from Class B1 – office to Class 3 – residential (two houses) at Stanley House, Lowergate, Clitheroe

**CONSULTATIONS: Parish/Town Council**

Town Council - No comments or observations received.

**CONSULTATIONS: Highway/Water Authority/Other Bodies**

Environment Directorate (County Surveyor) - No objections in principle to the application on highway safety grounds subject to the satisfactory provision of 6 parking spaces with appropriate associated manoeuvring areas.

Environment Agency – N/A.

**CONSULTATIONS: Additional Representations.**

No representations have been received.

**RELEVANT POLICIES:**

Policy G1 - Development Control.  
 Policy G2 - Settlement Strategy.  
 Policy ENV16 - Development Within Conservation Areas.  
 Policy EMP11 - Loss of Employment Land.  
 National Planning Policy Framework.

**COMMENTS/ENVIRONMENTAL/AONB/HUMAN RIGHTS ISSUES/RECOMMENDATION:**

Stanley House is situated on the south side of Lowergate in Clitheroe Town Centre. It was originally built as a substantial dwellinghouse but is currently in use as a suite of offices following a change of use that occurred in 1984. Immediately prior to that date, it would appear that the building was used as a youth centre on the ground floor with the upper floors being used as residential flats. The change of use to offices involved only minor alterations to the building both internally and externally such that it retains the character of a substantial dwelling. The minor alterations that were carried out involved the addition of a new window in the south-western external elevation and the formation of three new doorways with surrounds.

This application seeks permission for the change of use of the building from Class B1 office to Class C3 residential, in the form of two houses. Associated application 3/2012/0838/P seeks listed building consent for the relatively minor internal alterations that are required to facilitate the proposed change of use/conversion. That associated application, of course, is the subject of a separate Delegated Item File Report and decision.

This change of use application is effectively to return the building to its original residential use. The building comprises the main original 18<sup>th</sup> century part of the building and a 19<sup>th</sup> century two storey addition. The sub-division of the building into two dwellings involves the separation of the original 18<sup>th</sup> century part of the building from the 19<sup>th</sup> century addition. The original, larger, part of the building would form a five-bedroom dwelling, and the smaller, later addition, would form a three-bedroom dwelling.

PTO

Externally, much of the existing curtilage of the property is presently hard surfaced in order to provide 16 parking spaces for the existing office use of the building. Some of this hard surface would be returned to grass as garden area for the dwellings, but a total of 6 parking spaces would be retained for use by the two dwellings. Two of the existing spaces that are to be retained are accessed directly off Candlemakers Court and the other four retained spaces would be accessed via the existing gateway that is also off Candlemakers Court. The County Surveyor considers the provision of 6 spaces to be acceptable for the proposed two dwellings, and the location of the proposed spaces and their means of access is also appropriate. He therefore has no objections in principle to the application on highway safety grounds, especially as there would also be a significant reduction in the number of vehicle movements from the existing commercial use of the building. However, as shown on the submitted plan, there is not sufficient manoeuvring space for four of the proposed spaces. There is, however, more than adequate room available within the site to provide a satisfactory manoeuvring area. This could therefore be ensured by an appropriate condition in the event of planning permission being granted.

There would still be sufficient land available to provide appropriate garden areas for the two dwellings. It is considered that the conversion of hard standing areas to garden areas, and the less intensive use of the building, would benefit the visual amenities and the general character of the locality.

The site is adjoined by numerous residential properties and it is also considered that the change of use would bring about an improvement in the amenities of nearby residents when compared to the existing more intensive commercial use of the building.

The final consideration in relation to this application concerns saved Policy EMP11 of the Local Plan and the loss of the building as an employment-generating site. In accordance with the requirement of Policy EMP11, the applicant's agent was requested to provide details of the marketing of the property for its existing offices use. In response to this request the agent made a number of comments that are summarised as follows:

- The building has been marketed since January 2010.
- There is no shortage of office premises in Clitheroe and the surrounding area.
- There are a number of other commercial premises outside the prime shopping area of Clitheroe Town Centre that have the potential for office use.
- The loss of Stanley House office accommodation would not therefore have any serious impact upon the availability of offices in Clitheroe town centre.
- With regards to Stanley House, there are a number of office suites, most of which are small and below the standard expected of a modern office. Consequently rents have to be kept low in order to attract tenants and even with this situation, there is a regular turnover of tenants and extended empty periods.
- The main problem, however, is that the building requires major investment to deal with ongoing maintenance issues. Maintenance costs are high and rental returns are low so the viability of the use of the building for offices is marginal. As presently used, this situation is likely to continue and the use will become even more marginal.
- The applicant's conclusion is that a major investment is required in order to preserve the listed building. Due to the internal configuration, it is unsuitable for modern office use unless the internal layout is to be completely altered. To alter the building in this way would adversely affect the character and structure of the listed building. The conversion to two dwellings however requires only minimal change to the building both internally and externally.

In relation to this particular issue, the Council's Regeneration Officer has commented that he is not particularly concerned about the loss of the office accommodation presently provided  
Continued.....

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Continuation.....

by this building. He says that he is aware that the building has been on the market for a considerable time and he considers that it would suit residential use and would support town centre living. I concur with the views expressed by the Regeneration Officer. A refusal of the application relating to the loss of the office accommodation and non-compliance with Policy EMP11, in my opinion, would not therefore be justified in this instance.

Overall, it is considered that the proposal represents an appropriate use of this building that would preserve and enhance its character without any detriment to visual amenity, the amenities of nearby residents or highway safety.

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**SUMMARY OF REASONS FOR APPROVAL:**

The proposal represents an appropriate use of this listed building that would preserve and enhance its character without any detriment to visual amenity, the amenities of nearby residents or highway safety.

**RECOMMENDATION:** That conditional planning permission be granted.

## **APPENDIX 2**

**Listed Building Consent and Delegated Item File Report 3/2012/0838**

# RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111

Fax: 01200 414488

Planning Fax: 01200 414487

Town and Country Planning Act 1990

## **LISTED BUILDING CONSENT**

**APPLICATION NO:** 3/2012/0838

**DECISION DATE:** 19 November 2012

**DATE RECEIVED:** 21/09/2012

### **APPLICANT:**

Mr D Sunderland  
Brook Bottom  
Stonyhurst  
Clitheroe  
Lancs  
BB7 9QY

### **AGENT:**

Planning & Development Network  
Stanley House  
Lowergate  
Clitheroe  
Lancs  
BB7 1AD

**PARTICULARS OF PROPOSED WORKS:** Proposed change of use from class B1 office to class C3 residential (two houses). LBC

**AT:** Stanley House Lowergate Clitheroe Lancashire BB7 1AD

Ribble Valley Borough Council hereby give notice that **Listed Building Consent** has been granted for the execution of the works referred to above in accordance with the application and plans submitted subject to 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 91 of the Town and Country Planning Act 1990

- 2 The permission shall relate to the development as shown on Drawing Number CS/12/0838/1

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the submitted plans.

### **Relevant planning policy**

Policy ENV20 - Listed Buildings - Ribble Valley Districtwide Local Plan.

Policy DME4 - Protecting Heritage Assets - Core Strategy 2008 - 2028 - A Local Plan for Ribble Valley Regulation 22 Submission Draft.

National Planning Policy Framework (NPPF) - Section 12 - Conserving and Enhancing the Historic Environment

### **Summary of reasons for approval**

The proposed internal alterations do not have any detrimental effects upon the structural integrity or the character of the listed building.

P.T.O.

**APPLICATION NO. 3/2012/0838**

**DECISION DATE: 19 November 2012**

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**Note(s)**

- 1 For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes.
- 2 The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.

  
JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

Ribble Valley Borough Council

**DELEGATED ITEM FILE REPORT - APPROVAL**

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**Ref: CS/CMS**

<b>Application No:</b>	3/2012/0838/P (LBC)
<b>Development Proposed:</b>	Application for consent to alter or extend a listed building in association with proposed change of use from Class B1 office to Class C3 residential (two houses) at Stanley House, Lowergate, Clitheroe

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**CONSULTATIONS: Parish/Town Council**

Town Council - No comments or observations received.

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**CONSULTATIONS: Highway/Water Authority/Other Bodies**

Environment Directorate (County Surveyor) – N/A.

Environment Agency – N/A.

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**CONSULTATIONS: Additional Representations.**

No representations have been received.

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**RELEVANT POLICIES:**

Policy ENV20 – Listed Buildings – Ribble Valley Districtwide Local Plan.

Policy DME4 – Protecting Heritage Assets – Core Strategy 2008 – 2028 – A Local Plan for Ribble Valley Regulation 22 Submission Draft.

National Planning Policy Framework (NPPF) – Section 12 – Conserving and Enhancing the Historic Environment.

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**COMMENTS/ENVIRONMENTAL/AONB/HUMAN RIGHTS ISSUES/RECOMMENDATION:**

Stanley House is situated on the south side of Lowergate in Clitheroe Town Centre. It was originally built as a substantial dwellinghouse but is currently in use as a suite of offices following a change of use that occurred in 1984. Immediately prior to that date, it would appear that the building was used as a youth centre on the ground floor with the upper floors being used as residential flats. The change of use to offices involved only minor alterations to the building both internally and externally such that it retains the character of a substantial dwelling. The minor alterations that were carried out involved the addition of a new window in the south-western external elevation and the formation of three new internal doorways with surrounds.

Associated planning application 3/2012/0839/P seeks permission for the change of use from Class B1 office to Class C3 residential in the form of two houses. This application, 3/2012/0838/P seeks listed building consent for the relatively minor internal alterations that are required to facilitate the proposed change of use/conversion.

These alterations comprise the following:

1. Basement – the walling up of one small opening.
  2. Ground Floor – the formation of one small opening; the walling up of one small opening; and the formation of two small partitions.
-

3. First Floor – the formation of one small opening; the walling up of two small openings; and the formation of one new partition.
4. Second Floor – the walling up of two small openings and the formation of two new partitions.

These external alterations are limited to those that are necessary in order to allow the use of the building as two dwellings. In the main this is limited to the blocking off of doors on all four levels which link the two sides of the building. Those doors and their surrounds are not original but were formed to facilitate the change of use of the building into office in 1984. The other changes are limited to the insertion of minor partitions and internal linking doors. None of these changes affect the structural integrity of the listed building.

As required by the application checklist for listed building consent applications, a photographic record was submitted with the application. This record shows the principal elevations of the building, none of which are to be in any way altered. Internally, the photographs show the doors that are proposed to be blocked up. Essentially, the application relates to a scheme to restore the building to its original 18<sup>th</sup> century residential use.

The alterations to the listed building are necessary to separate the building into two dwellings. They are minimal alterations and do not involve any changes to the appearance of the building. It could also be argued that there is a benefit in that the original use of the building is to be restored. The grounds of the building will be returned to private garden and parking areas which will also enhance the character and setting of the listed building.

Overall, it is considered that the proposed alterations appropriately conserve and enhance the listed building as required by the relevant planning policies and guidance. I can therefore see no objections to this application for listed building consent.

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#### **SUMMARY OF REASONS FOR APPROVAL:**

The proposed internal alterations do not have any detrimental effects upon the structural integrity or the character of the listed building.

**RECOMMENDATION:** That listed building consent be granted.

## **APPENDIX 3**

**Delegated Item File Report 3/2016/0469(PA)  
Refusal of Planning Permission 3/2016/0469 and  
Refusal of Listed Building Consent 3/2016/0470**

**Report to be read in conjunction with the Decision Notice.**

<b>Application Ref:</b>	3/2016/0469 (PA)	 <b>Ribble Valley Borough Council</b> <a href="http://www.ribblevalley.gov.uk">www.ribblevalley.gov.uk</a>
<b>Date Inspected:</b>	08/07/16	
<b>Officer:</b>	AD	
<b>DELEGATED ITEM FILE REPORT:</b>		<b>REFUSAL</b>

<b>Development Description:</b>	Change of use from B1 office to class C3 residential. Resubmission of application 3/2012/0838.
<b>Site Address/Location:</b>	Stanley House Lowergate Clitheroe Lancashire BB7 1AD

**CONSULTATIONS:** Parish/Town Council

The Town Council objects to application 3/2016/0469 and 0470 on the grounds that the property has not been marketed fully and any attempt to change the use of this property should be resisted until such time as the planning authority is satisfied that such marketing has been carried out by the agents.

**CONSULTATIONS:** Highways/Water Authority/Other Bodies

**LCC Highways:**

No objections; 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.

**Historic amenity societies:**

Consulted, no representations received.

**CONSULTATIONS:** Additional Representations.

None received.

**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 DMG2 – Strategic Considerations  
Policy DME4 – Protecting Heritage Assets

Planning (Listed Buildings and Conservation Areas) Act 1990  
National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)

Clitheroe Conservation Area Appraisal



policy, so as to justify this fundamental alteration and provide sufficient information on which to base a decision".

APP/T2350/E/07/2041941, 58 Moor Lane, Clitheroe (12 October 2007; Grade II listed building).

*"Internally, the proposed provision of an en-suite bathroom within the front first floor bedroom would be uncomfortably close to the existing fireplace and would distort the original shape of the room. Insufficient measured detail has been submitted to reassure me that this could be satisfactorily achieved without a physical conflict with this attractive original fitting. The provision of drainage for the proposed first floor WCs between the floor joists is indicated, but no installation details have been provided to demonstrate that this is feasible, with sufficient falls, within the existing depth of joists. Furthermore, no reference has been made to the provision of a heating system, which would be necessary for modern living but the installation of which should be carefully planned" (paragraph 9).*

APP/T2350/E/13/2194332 (8 Church Brow, Clitheroe; 13 January 2014; Grade II listed building):

*"The third element of the works relates to the installation of a shower room on the landing at second floor level. This large open landing provides access to 2 attic rooms and is currently used as a storage/study area. The proposed shower room would include a wash basin, a WC and a shower. All of those items require servicing, including ventilation and related water/sewage pipe work. However, unlike the basement these would need to exit the building either internally or externally to ground floor level. The appellant has not supplied any information to show how these services would exit the building. I am unconvinced that a condition could adequately control these works so as to prevent harm to the listed building; especially in relation to the required water and soil pipes. As such I conclude that there would be harm to the special architectural and historic interest of No 8".*

#### **Land use issues:**

RVBC (Planning Policy) is concerned at the loss of employment generating use (Policy DMB1; the site is identified in an April 2016 report to Committee regarding prospective employment sites for protection - little weight can be attached at this stage to the latter).

Optimum Viable Use (NPPF paragraph 134 and NPPG paragraph 15) issues are also relevant and I am mindful of the above harm to listed building plan form and historic fabric from the proposed change of use.

The building has been converted to office use and at site inspection parts of the building were in that use (solicitors; music event promoter). The submitted marketing information (27 and 30 June 2016) appears to relate to the proposed sale of the whole building (based on the change of use to residential permission and with consideration to 'all types of uses') rather than for the letting/sale of existing office units. I am not aware of any pre-application enquiries to the Borough Council in respect to proposed listed building works. It is suggested that the cost of upgrading existing office suites is prohibitive but no details have been submitted in this regard.

NPPG paragraph 15 identifies:

*"The optimum viable use may not necessarily be the most profitable one".*

Core Strategy DMB1 also requires loss of employment site proposals to comply with Policy DMG1 and other LDF policies. DMG1 requires development to be sympathetic to existing land uses and to "protect and enhance heritage assets and their settings". No information has been submitted in

respect to the division and form of domestic curtilages resulting from change of use and I am mindful of the importance of Stanley House as a rare survival of Clitheroe's medieval burgage plots (Clitheroe Conservation Area Appraisal). In my opinion, the proposal does not comply with DMB1 because of the harm to the listed building.

**Conclusion:**

Mindful of NPPG (*"In general terms, substantial harm is a high test, so it may not arise in many cases"*) I consider the impact to the special architectural and historic interest of Stanley House to be less than substantial harm.

I am not convinced from the limited information submitted that any 'public benefits' (NPPF paragraph 134) will ensue from the proposed development.

Therefore, 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 132) and in consideration to Key Statements EN5 and EC1 and Policies DME4, DMB1 and DMG1 of the Ribble Valley Core Strategy, I would recommend that planning permission be refused.

<b>RECOMMENDATION:</b>	That planning consent be refused for the following reasons
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The proposal has a harmful impact upon the special architectural and historic interest of Stanley House (Grade II listed) because of unsympathetic alterations to plan form and the loss of important historic fabric. 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 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).
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The proposal results in the loss of a site with employment generating potential and does not support business growth and the local economy. This is contrary to Key Statement EC1 and Policy DMB1 of the Ribble Valley Core Strategy.
---

**RIBBLE VALLEY BOROUGH COUNCIL**

**Development Department**

**Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA**

**Telephone: 01200 425111 Fax: 01200 414488**

**Planning Fax: 01200 414487**

**Town and Country Planning Act 1990**

**REFUSAL OF PLANNING PERMISSION**

**APPLICATION NO: 3/2016/0469**

**DECISION DATE: 15 July 2016**

**DATE RECEIVED: 17/05/2016**

**APPLICANT:**

**Mr D Sunderland  
Brook Bottom  
Stonyhurst  
Clitheroe  
Lancs  
BB7 9QY**

**AGENT:**

**Mr Andrew Walker  
The Planning & Development Network  
Oswaldtwistle Mill Business Centre  
Clifton Mill  
Pickup Street  
Oswaldtwistle  
BB5 0EY**

**DEVELOPMENT PROPOSED:** Change of use from B1 office to class C3 residential LBC.  
Resubmission of application 3/2012/0838.

**AT:** Stanley House Lowergate Clitheroe Lancashire BB7 1AD

Ribble Valley Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been refused for the carrying out of the above development for the following reason(s):

- 1 The proposal has a harmful impact upon the special architectural and historic interest of Stanley House (Grade II listed) because of unsympathetic alterations to plan form and the loss of important historic fabric. This is contrary to Key Statement ENS 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 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).

**Note(s)**

- 1 For rights of appeal in respect of any reason(s) attached to the decision see the attached notes. P.T.O.

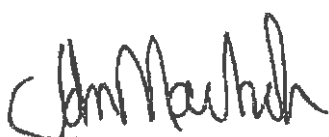
**RIBBLE VALLEY BOROUGH COUNCIL**  
**REFUSAL OF PLANNING PERMISSION CONTINUED**

**APPLICATION NO: 3/2016/0469**

**DECISION DATE: 15 July 2016**

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- 2      The Local Planning Authority operates a pre-planning application advice service which applicants are encouraged to use. The proposal does not comprise sustainable development and there were no amendments to the scheme, or conditions that could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.



 **JOHN HEAP**  
**DIRECTOR OF COMMUNITY SERVICES**

## **RIBBLE VALLEY BOROUGH COUNCIL**

Development Department

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111

Fax: 01200 414488

Planning Fax: 01200 414487

Town and Country Planning Act 1990

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### **REFUSAL OF LISTED BUILDING CONSENT**

**APPLICATION NO:** 3/2016/0470

**DECISION DATE:** 15 July 2016

**DATE RECEIVED:** 16/05/2016

**APPLICANT:**

Mr D Sunderland  
Brook Bottom  
Stonyhurst  
Clitheroe  
Lancs  
BB7 9QY

**AGENT:**

Mr Andrew Walker  
Planning and Development Network  
Oswaldtwistle Mill Business Centre  
Clifton Mill  
Pickup Street  
Oswaldtwistle  
BB5 0EY

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**PARTICULARS OF  
PROPOSED WORKS:**

Change of use from B1 office to class C3 residential LBC. Resubmission of application 3/2012/0838.

**AT:** Stanley House Lowergate Clitheroe Lancashire BB7 1AD

Ribble Valley Borough Council hereby give notice that **Listed Building Consent** has been refused for the execution of the works referred to above for the following reasons(s):

- 1 The proposal has a harmful impact upon the special architectural and historic interest of Stanley House (Grade II listed) because of unsympathetic alterations to plan form and the loss of important historic fabric.

**Note(s)**

- 1 For rights of appeal in respect of any reason(s) attached to the decision see the attached notes.
- 2 The Local Planning Authority operates a pre-planning application advice service which applicants are encouraged to use. The proposal does not comprise sustainable development and there were no amendments to the scheme, or conditions that could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application.

**JOHN HEAP**

**DIRECTOR OF COMMUNITY SERVICES**

