

Proposed change of use of existing
public house/restaurant (class A4) to a
day nursery falling within class D1 (class
XV); Judge Walmsley, Whalley Road,
Billington. BB7 9NY

Heritage Statement

December 2019

Heritage Statement

This Heritage statement is made in support of a planning application submitted to Ribble Valley Borough Council for the change of use of vacant Use Class A4 premises (Judge Walmsley pub) to a day nursery falling within Use Class D1 (class XV). In preparing this statement, reference is made to The National Planning Policy Framework particularly chapter 16 paragraphs 184-202 though not all of these paragraphs are expressly relevant to the application proposal. It will also be noted, from the accompanying planning supporting statement, that relevant Core Strategy policies have also been considered and assessed insofar as they are relevant to the change of use.

1. Site Location

- 1.1 The application site comprises a substantial detached property located on the north side of Whalley Road, Billington. It lies to the east of Longworth Road and the terrace of properties known as Cooperative Terrace. It is approximately 250m from the bridge over the river Calder into the main Whalley centre and King Street.
- 1.2 The application site is substantial; with the exception of the property and some outbuildings to the rear, the remainder of the site has been used as a car park to serve the pub. There is an open frontage to Whalley Road. At the present time, the site has been used as a general car park which has included the parking of commercial and public transport vehicles.

2. Whalley Conservation Area

The Development Plan

Whilst the Heritage Statement assesses the effect, if any, of the proposed change of use upon the character of the Conservation Area, it is submitted that it is necessary to consider all the relevant policies that lend support to such a proposal. In regard to the Adopted Core Strategy, it is considered that the most relevant policies against which to assess the suitability of the proposed development are:

Key Statement DS1-Development Strategy

Key Statement DM12-Transport Considerations

DS2-Sustainable Development

EN2-Landscape

EN3-Sustainable development and Climate Change

EC1-Business and Employment Development

DM12-Transport Considerations

Policy DME4 - Protecting Heritage Assets

Heritage Statement

DMG1-General Considerations

DMG3-Transport and Mobility

DMB1-Supporting Business Growth and the Local Economy

National Planning Policy Framework

In regard to the National Planning Policy Framework, it is considered that the most relevant policies against which to assess the suitability of the proposed development are:

Chapter 2-Achieving Sustainable development

Chapter 6-Building a Strong Competitive Economy

Chapter 7-Ensuring the Viability of Town Centres

Chapter 9-Promoting Sustainable Development

Chapter 11-Making Effective use of Land

Chapter 12-Achieving Well Designed Places

Chapter 14-Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 16-Conserving and Enhancing the Historic Environment.

3 Background

- 3.1 The lawful use of the application site is a use falling within class A4 of the Use Classes order as amended. It has been set down in the planning supporting statement, that the use incorporated a Thai Restaurant; there were no restrictions placed upon the use or the hours of opening; again the planning supporting statement makes it clear what those hours were but essentially it was open seven days a week between noon and 2300 hrs except Friday and Saturday when it remained open until 0100
- 3.2 Under reference RV/2019/ENQ/00130 a pre-application response was received from the Planning Authority; amongst other matters, reference was made in the response to a recent appeal decision within the centre of Whalley under application 3/2018/1121, The Old Stables, King Street, Whalley. This decision, and its relevance to the application at Judge Walmsley, is considered elsewhere in this statement. Suffice to say at this juncture, that King Street lies at the very heart of the Conservation Area and the “peace and tranquillity” thereof was very clearly going to be seriously compromised by a use immediately adjacent to the Abbey/Church and operating until 0100hrs, and this in addition to the constant comings and goings at

Heritage Statement

such a time and the impact upon residential amenity. The Inspector's assessment of impact and the decision to dismiss is clearly understood as a consequence thereof.

Conserving and enhancing the historic environment

Whalley Conservation Area

A Whalley Conservation Area Character Appraisal was undertaken in 2005 and it is assumed that the recommendations contained therein have been implemented as part of the general improvements undertaken within the Conservation Area as a whole. The application site lies within an extended Conservation Area boundary to the south. The Judge Walmsley is not a listed property; it is not referenced in the appraisal as being either an unlisted asset of significance nor a building that makes any significant contribution to the overall townscape quality of the Conservation Area. It is considered that the application proposal has no adverse effect upon the overall character of the Conservation Area especially given the proposed use and the current lawful use of The Judge Walmsley as a public house/restaurant.

4. Proposal

- 4.1 As referred to above, The Judge Walmsley Pub has a long and established history. It ceased trading in approximately 2015. Since then it has remained vacant and generally falling into disrepair. The proposed site is more than adequate for the intended use without any change in the footprint of the existing building. It will be necessary to make internal changes and these are clearly set down in the submitted plans prepared by Peter Hitchen Architects Ltd.
- 4.2 It is proposed to accommodate the following children at the nursery: there will be 9 (0-2 years) and they will be supervised by 3 staff; 20 toddlers (2-3 years) supervised by 5 staff; 32 pre-school (3 years+) supervised by 4 staff.
- 4.3 In total, the proposed use will generate positions for 9 full time members of staff and 6 part time staff. It is intended that the nursery will only operate Monday-Friday 0730-1800. It will be closed on Bank Holidays. Such hours, can of course, be controlled by planning condition and which the applicant will accept.
- 4.4 There is existing vehicular access to a substantial car park within the overall site curtilage. This will not alter. The car park is more than adequate to accommodate the necessary parking requirement. The submitted layout plan indicates the parking provision and the means of access thereto from Whalley Road. However, the site is in a highly sustainable location. It is situated on a major bus route (22) between Clitheroe and Blackburn which operates half hourly in both directions during the day. There is also a 280 Preston-Skipton bus which operates hourly in both directions. There is a bus stop with 100m of the site.

Heritage Statement

5. Impact upon Conservation Area

- 5.1 The application site is located within the boundary of the extended Whalley Conservation Area and lies to the south of Whalley and the River Calder.
- 5.2 When assessing the overall design philosophy, it is necessary to understand the context of the immediate surrounding area, the urban form and distinctiveness of its character. The Conservation Area Character Appraisal makes continual reference (pages 18-24) to the importance of King Street as being at the very heart of the Conservation Area and that is clearly understood. The application site is not at the very heart of the Conservation Area; it is to the south of the extended Conservation Area and, as the crow flies, some 147m from the Abbey and its environs.
- 5.3 The Conservation Area Appraisal makes reference to the fact that the area to the south and across the river is characterised by open fields, the river and an undulating landscape which affords open views down onto Whalley. The application proposal does not, in any way, compromise this characteristic; indeed, it enhances it because it brings back into use a vacant and redundant building of sizeable proportions.
- 5.4 It is perfectly possible to achieve the development as proposed within the site. It is not an over-intensive development. There remains adequate space about the proposed building including private open space provision and an appropriate area of curtilage. Further, the whole of the site curtilage, especially that part used as an open unrestricted car park will be cleared, landscaped, laid out with a properly designed access to Whalley Road and include appropriate boundary treatment.
- 5.5 The scheme has been designed so as to create a development where the use will not compromise adjoining boundaries; there will be no loss of privacy to any adjoining occupiers. The development is wholly inclusive and sustainable.
- 5.6 The proposal will have no adverse effect whatsoever upon the integrity of the Whalley Conservation Area; indeed, it will significantly enhance it.

Impact upon the “peace and tranquillity” of the Conservation Area with particular reference to the status of Whalley Abbey and its immediate surroundings

- 5.7 It has been referenced elsewhere in the assessment, that an application (3/2018/1121) was recently refused planning permission and subsequently dismissed on appeal. In that decision, the Inspector considered several issues raised in the appeal. At paragraph 4 of her decision letter, the Inspector makes reference to the importance of the ruins of the Cistercian Abbey, church and churchyard together with the historic development along King Street as set out in the Character Appraisal. At paragraph 8, she makes reference to the harm caused to the peaceful nature of this particular part of the Whalley Conservation Area and of the setting of the

Heritage Statement

church. Interestingly, at paragraph 10 of her decision letter, she makes reference to the fact that, in an assessment of harm, she concludes that it would be less than substantial, a test set down in the relevant circular/guidelines (see paragraph 10 of the decision letter). At paragraphs 18 and 19 she considers the harm caused to the living conditions of adjoining occupiers and concludes, in the circumstances of the application before her, that harm would be caused.

- 5.8 In the circumstances of the above appeal and the relevance of that decision to dismiss, it is considered that the application now before the planning authority for the change of use of The Judge Walmsley to a day nursery, will not cause harm either to the overall character of the conservation area or, more specifically, to the peace and tranquillity thereof particularly in relation to the setting of the Abbey, Church and Churchyard, or the historic character of the development along King Street. If, on the other hand, the planning authority considers that it would cause harm, it is submitted that it would be significantly less than substantial harm, and certainly not sufficient to withhold planning consent on this particular ground.
- 5.9 In support of this, the Conservation Officer will note that the application submissions include and very specific and detailed acoustic report and assessment. It is not the purpose of this assessment to regale in detail the contents of that report/assessment. It is clearly evident from the contents therein, that the report not only assesses the impact of the proposed changes of use upon the immediate environs of The Judge Walmsley, but the wider context particularly upon the “peace and tranquillity” of the Abbey and its immediate environs.
- 5.10 In this latter context, the Conservation officer will note, as does the Conservation Area appraisal, that there has been significant and substantial new development in Whalley and Billington both within and adjacent to the Conservation Area boundary. Clearly this has been determined as to have less than substantial harm upon the Conservation Area in any regard; further, and perhaps more importantly, there has been substantial new development (currently under construction) at Harrisons Engineering, just across the river from Whalley Abbey and its environs; notwithstanding that the site lies outside the Conservation Area, one can rightly draw a conclusion that it was considered that less than substantial harm would be caused by that development to the “peace and tranquillity” of the Conservation Area. It will also be noted that the primary school, immediately to the north of the Abbey church and churchyard is currently being extended; whilst a County Council development, it is assumed that in consultation with the planning authority, no objections were raised with regard to any adverse impact upon the Conservation Area.
- 5.11 Notwithstanding all of the above, it is respectfully submitted that the application proposal, which will only operate between 0730-1800hrs Monday to Friday and not

Heritage Statement

open either at weekends or bank holidays and have the applicants living permanently on-site, must have a material and significantly less harmful impact upon the status Conservation Area and the “peace and tranquillity thereof than did the former use as a public house/restaurant which opened 7 nights a week and on two of them until 0100hrs.

- 5.12 It is respectfully submitted that, in the final analysis, if the planning authority take a view that the proposed change of use will have an impact upon the overall character of the Whalley Conservation and more specifically, the “peace and tranquillity” thereof, it is respectfully submitted that it would amount to less than substantial!

6. Development Plan

- 6.1 The proposal accords with the provisions of the adopted core strategy. The development lies within the Conservation Area. The application site has a long established commercial use. The proposed development certainly does not detract from, nor will it harm, the overall integrity of the Whalley Conservation Area.
- 6.2 The proposed external changes are entirely appropriate and sustainable; the whole development sits comfortably on site and will make a positive contribution to the overall character of this part of the Conservation Area and along one of the main approaches into Whalley from the south.

7. National Planning Policy Framework

- 7.1 The proposal accords with the provisions of the Framework in every respect.

8. Conclusions

- 8.1 The proposal accords with the provisions of the development plan and the National Planning Policy Framework.
- 8.2 The proposed change of use will complement existing development in this part of the Whalley Conservation Area.

Trevor Hobday MRTPI
December 2019