



JUDITH DOUGLAS TOWN PLANNING LIMITED

Duke of York Inn, Brow Top, Grindleton BB7 4QR.



Proposed change of use from public house with living accommodation to residential use. Demolition of side and rear extensions and construction of single storey side extension, construction of garage, alteration to vehicle access and creation of garden.

Planning, Design and Access Statement

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STATEMENT IN SUPPORT OF AN APPLICATION FOR A CHANGE OF USE FROM PUBLIC HOUSE WITH LIVING ACCOMMODATION TO RESIDENTIAL USE. DEMOLITION OF SIDE AND REAR EXTENSIONS AND CONSTRUCTION OF SINGLE STOREY SIDE EXTENSION, CONSTRUCTION OF GARAGE, ALTERATION TO VEHICLE ACCESS AND CREATION OF GARDEN.

1.0 INTRODUCTION

- 1.1 This statement is in support of a planning application and listed building consent application for the change of use of the Duke of York from public house with living accommodation to residential use as one dwelling and associated works. It is proposed to remove single storey additions at the rear of the building and remove a replace the single storey extension at the side of the building. The Public House which has been closed since late 2017, comprises public areas on the ground floor with cellars beneath and a proprietor's flat at the first floor with attic storage on the second floor. Externally there is a large garden area kept as lawn and a tarmac surfaced car park.
- 1.2 This Statement describes the application site, the proposed development and assesses its merits against the relevant up-to-date policies of the development plan, the National Planning Policy Framework and all other relevant material considerations.
- 1.3 It demonstrates that the proposed development is in accordance with the relevant policies of the adopted Ribble Valley Core Strategy (2014) and also accords with Government policy and guidance as detailed within the National Planning Policy Framework (2023).
- 1.4 This application should be read in conjunction with the following plans and documents:
- 5977-E0 Location Plan
 - 5977-E01A-Existing Site Plan
 - 5977-E02-Existing Floor Plans
 - 5977-E03-Existing Elevations
 - 5977-P30-Proposed Site Plan
 - 5977-P31-Proposed Floor Plans
 - 5977-P33 Proposed Garage Floor Plans and Elevations
 - 5977-P32-Proposed Elevations
 - 5977-P34 Proposed Site Sections
 - 5977 - PH01 Existing site layout (phasing drawing)
 - 5977 - PH02A Existing floor plans (phasing drawing)
 - 5977 - PH03 Existing elevations (phasing drawing)
 - Heritage Assessment 2024

Biodiversity net gain assessment 29 April 2024 and small sites metric
Ecology-preliminary bat roost assessment 22 April 2024 and survey from 2021
Westlake Marketing Report 30/05/2018
Whiteacres Marketing report 18th February 2020
J Whiteacres Marketing report 8th September 2021
M S W Hewetsons Valuation Report 13th Feb 2020
JPA Surveyors Valuation Report 13th Feb 2020
Atkinson Associates Viability Report 25th August 2021
Whiteacres Marketing Report 2nd May 2024
Anderton Bosonnet Marketing report 2024

2.0 THE APPLICATION SITE & SURROUNDING AREA

- 2.1 The application site is set within the village boundary of Grindleton. The proposals maps to the adopted Housing and Economic Development, Development Plan Document indicates that the site is within the settlement boundary of Grindleton and within the conservation area. The southern part of the village to the south of Sawley Road is in the area designated as open countryside. The village to the north of Sawley Road is within the Area of Outstanding Natural Beauty.
- 2.2 Immediately to the west of the site is part of the Greendale Woodland and Buck Street leading to Greendale Mill. Adjoining the site to the north is 1-4 Main Street and the garden area of Townley House. The Duke of York and Townley House are listed buildings grade 2. The list description, first listed in 1984 describes the Duke of York as:

“Public house, early C19th century. Squared sandstone with diagonal tooling. Stone Slate roof. Double pile plan with end stacks and chamfered quoins. 2 storeys with attic, 2 bays. Windows sashed with no glazing bars and with plain stone surrounds. To the left of the door is a double window with centre squared mullion. The door, between the bays, has a plain stone surround and moulded open pediment on console brackets. The gables have copings and footstones. To the left is a further bay having a double window on the ground floor and a single window above, and with quoins having diagonal tooling. Right-hand return wall (facing east) has three windows on the ground floor and 4 on the first floor, similar to those on the main façade. Above is an attic window with plain stone surround and semi-circular head.”

Townley House, first listed 1984 is described as

“House, c1800. Pebbledashed rubble with slate roof. 2 storeys, 2 bays. Windows have plain stone surrounds. Those on the ground floor are tripartite with semi-circular heads and square mullions. On the 1st floor are 2-light windows with square mullions. The door, between the bays, has a plain stone surround with semi-circular head. Above is a re-set datestone ‘1727’GAA. To the left of the left-bay is a second stone inscribed ‘RA 1624’”

- 2.3 There are no public footpaths across the site. There is a walk through the woodlands and a public footpath along Buck Street. Sawley Road and Brow Top pass along the southern edge of the village. This road carries a bus service C3 which connects the village to Clitheroe and school bus services. Main Street Grindleton also carries service 66/67 which connects to Clitheroe and Nelson. Grindleton has a primary school and Bowland High School is situated on Sawley Road 1.2km to the north east. Within the village is the newly refurbished the Rum Fox public house formerly the Buck Inn, St Ambrose C of E Church and Grindleton Pavilion community centre.
- 2.4 The site comprises a public house with living accommodation now closed and has been vacant since late 2017. The ground floor comprises the public bar areas, dining room, toilets as well as a catering kitchen. There are internal stairs to a cellar. The cellar has an external beer drop from the pavement in main street. Internal stairs lead to a first-floor flat comprising lounge, kitchen, bathroom and three bedrooms on the second floor is a large attic.
- 2.5 On the 3rd September 2019 the land and buildings at The Duke of York, Grindleton was included on the list of assets of community value. The nomination to the list was made by the Grindleton Community Pub Limited. On the 8th January 2019 the land and buildings at The Buck Inn, Grindleton was included on the list of assets of community value. The nomination to the list was made by the Grindleton Parish Council.

3.0 SITE HISTORY

- 3.1 The planning application site history of the site is as follows; it may not be complete:

Application No.	Development Description	Decision
3/2022/0884	Listed Building Consent for the change of use from public house with bar serving food and living accommodation to public house with bar serving food, cafe and B&B accommodation, associated extension and alterations to the building. Construction of three one-bed holiday apartments, managers accommodation, alterations to vehicle access and landscaping	Approved 12/05/2023
3/2022/0883	Application for planning permission for change of use from public house with bar serving food and living accommodation to public house with bar serving food, cafe and B&B accommodation, associated extension and alterations to the building. Construction of three one-bed holiday apartments, managers accommodation, alterations to vehicle access and landscaping.	Approved 12/05/2023
3/2021/1249	Listed Building consent for the change of use from public house with living accommodation to residential use. Demolition and replacement of single storey extensions, alterations to vehicle access and landscaping. Following refused application 3/2019/0050.	Refused 20/05/2022

3/2021/1248	Change of use from public house with living accommodation to residential use. Demolition and replacement of single storey extensions, alterations to vehicle access and landscaping. Following refused applications 3/2019/0049 and 3/2020/0219.	Refused 20/05/2022
3/2020/0219	Change of use from public house with living accommodation (A4 drinking establishment) to residential use (C3 dwelling). Resubmission of application 3/2019/0049.	Refused 26/06/2020
3/2019/0050	Change of use from public house with living accommodation to one dwelling with business use. Demolition of existing single-storey extensions and construction of new single-storey extension LB	Refused 12/04/2019
3/2019/0049	Change of use from public house with living accommodation to one dwelling with business use. Demolition of existing single-storey extensions and construction of new single-storey extension. Construction of new, two-storey, three-car garage with business storage above. Construction of three new two-storey holiday lets. planning application	Refused 11/04/2019
3/2009/0288	Proposed level standing/seating area (Resubmission).	Approved with conditions 03/06/2009
3/2009/0289	LB “	
3/2008/0447	Retrospective application for decking to front of building.	Refused 23/07/2008
3/2008/0448	LB “	
3/1997/0841	Extension to rear of premises to form link to toilets and store	Approved with conditions 08/01/1998
3/1997/0842	LB	
3/81/0267	Alterations to make toilet and games room extension	Approved 16.4.81
3/76/0849	Proposed fire escape door	Approved 2.9.76
3/74/0902	Signage (has photo of front)	Refused 14.11.74
BO 1165	extend dining room and kitchen and formation of garage *	Approved 27.7.67
BO 937	Details of car park to BO919 (14 spaces	Approved 15.5.64
BO 919	Car park rear of Duke of York	Approved 24.3.64

*Refers to extending car park approved under approval BO 1222

4.0 THE PROPOSED DEVELOPMENT

4.1 The Duke of York as a public house is not a viable business. The proposal to change the use of the building to one dwelling will provide the optimal viable use for the property with minimal physical changes to the listed building. Whilst the change of use will result in the use as a public house ceasing, the use as a public house has been inactive since late 2017. The property has been offered for sale for various periods since 2017 and is still on the market. To increase the attractiveness of the property as a business, planning permission and listed building consent was obtained to widen the potential incomes streams through the provision of a café alongside the public house, bed and breakfast accommodation and holiday lets and managers accommodation. A suitable buyer has not been found.

4.2 In addition to the proposed change of use to a dwelling, the application proposes physical alterations to the building which are described in the Heritage Statement. This includes:

External alterations to the building

- The demolition of the 1990's kitchen, storage and toilet extensions at the rear of the building. These areas shown as yellow on the existing phasing drawing 5977-PH02A. This will reinstate the position of the ground floor original north west elevation. New doors and windows are to be fitted within existing openings.
- The removal of the existing mono-pitched 1960's dining room and 1990's prep store and replacement with single storey side extension with a smaller footprint, double pitched roof and traditional and contemporary detailing. These are marked blue and yellow on the existing phasing drawing 5977-PH02A.
- Insertion of three rooflights in the rear roof slope.

Internal alterations to the building

- The removal of the staircase inserted between 1905 and 1926 and creation of a new staircase in the historic location at the rear of the building.
- Installation of new partitions on the ground floor and blocking up of existing openings to create rooms reflecting the historic floor plan of the building. The existing 1960's WC's are removed to create an office.
- Installation of new partitions at first floor to provide three en-suite bedrooms, a bedroom and a house bathroom. Partial re-instatement of the original plan form.
- Installation of new partitions in the attic to create one en-suite bedroom.

External Alterations with the site.

- A double garage and store are proposed with a first-floor playroom or ancillary accommodation accessed by an external staircase. The building has an external measurement of 10m by 6.8m and is 5.95m to the ridge and 3.05m to the eaves. The building is to be constructed in natural stone with a slate roof.
- The vehicle access is to be repositioned to the southern corner of the site. A new dwarf wall provided along the site frontage to formalise the footway across the frontage of the site. Cast iron bollards are also proposed to deter vehicles from parking on the pavement.
- The removal of the car park tarmac surface and provision of a garden to the western side of the building. Reduction in the ground level at the rear of the building.

5.0 DEVELOPMENT PLAN POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to the development plan as a whole and requires planning applications to be determined in accordance with the plan, unless material considerations indicate otherwise. In this case the relevant parts of the development plan comprise the Ribble Valley Core Strategy (2014) and the National Planning Policy Framework (2023).

5.2 The following policies of the Ribble Valley Core Strategy ('the Core Strategy') are relevant to the determination of this application:

- Key Statement DS1 (Development Strategy) – outlines the Council's development strategy with regard to housing, employment, retail and leisure. Grindleton is considered to be a tier 2 settlement which are sustainable settlements but less sustainable than tier 1 settlements. In tier 2 villages development will be required to meet a proven local need or deliver regeneration benefits.
- Key Statement DS2 (Presumption in favour of sustainable development) – confirms that when considering development proposals, the Council will take a positive approach which reflects the presumption in favour of sustainable development. Wherever possible, it will aim to secure development that improves the economic, social and environmental conditions in the area.
- Key Statement EN2 (Landscape) – The Council will expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials.
- Key Statement EN4 (Biodiversity and geodiversity) – The Council will seek wherever possible to conserve and enhance the area's biodiversity and geodiversity
- Key Statement EN5 (Heritage Assets) – seeks to conserve and enhance the significance of heritage assets and their settings within the Borough.
- Key Statement EC1 (Business and employment development)- development that result in the loss off existing employment sites to other forms of development will need to demonstrate that there will be no adverse impact on the local economy.
- Key Statement EC2 (Development of retail, shop and community facilities and services) -proposal that adversely impact on existing community facilities will be permitted where the proposal will bring demonstrable benefits.
- Policy DMG1 (General Considerations) - sets out various criteria to be considered in assessing planning applications, including the proposed development being sympathetic to existing land uses, highway safety and not adversely affecting the amenities of the area.

- Policy DMG2 (Strategic Considerations)– expects development to be in accordance with the Development Strategy and that development proposals in defined settlements should consolidate, expand or round-off development so that it is closely related to the main built up areas, ensuring this is appropriate to the scale of, and in keeping with, the existing settlement. The policy goes on to indicate that within the open countryside, development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the area by virtue of its size, design, use of materials, landscaping and siting. It also indicates that where possible, new development should be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build.
- Policy DMG3 (Transport and mobility) – considers the availability and adequacy of public transport the relationship to the primary road network and access to the development on foot or by cycle.
- Policy DME1- (Protecting Trees and Woodlands)- aims to protect trees from development and requires applications which affect trees to be accompanied by a detailed arboricultural survey.
- Policy DME2 (Landscape & townscape protection) - requires development to protect the landscape and townscape including elements such as scale, form and materials that contribute to the characteristic townscapes of the area and the protection of trees.
- Policy DME3- (Site and species protection and conservation). Seeks to protect and enhance biodiversity.
- Policy DME4 (Protecting Heritage Assets) – expands on the requirements of Policy EN5 with regard to heritage assets. The Council will make a presumption in favour of the conservation and enhancement of heritage assets and their settings.
- Policy DMH3 (Dwellings in the open countryside and the AONB) the conversion of buildings to dwellings is supported where they are suitably located, and their form and general design are in keeping with their surroundings. Buildings must be structurally sound and capable of conversion without the need for complete or substantial reconstruction.
- Policy DMB1 (Supporting Business and the Local Economy)- seeks to protect existing employment generating sites and requires planning applications to be accompanied by information of the attempts made to secure alternative employment generating use for the site including marketing information.
- Policy DMR3 (Retail outside main settlements)- Allows the change of use of ground floor commercial premises to residential accommodation within village boundaries where this will not lead to adverse effects on the local economy

- 5.3 The National Planning Policy Framework (2023) ('the Framework') sets out the Government's planning policies for England and how they should be applied. It requires local planning authorities to apply a presumption in favour of sustainable development which means, as paragraph 11c explains, that development which accords with an up-to-date development plan should be approved without delay.
- 5.4 In determining planning applications, paragraph 38 of the Framework expects local planning authorities to approach decisions in a positive and creative way. They should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 5.5 In relation to heritage assets paragraph 203 and 206 of the Framework states
- "203 In determining applications, local planning authorities should take account of:*
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) the desirability of new development making a positive contribution to local character and distinctiveness."*
- "206. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional"*
- 5.6 The Framework paragraph 194 requires applicants to *"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."*

6 PUBLIC CONSULTATION

- 6.1 The applicant has sought the views of the Parish Council on these proposals in April 2024. A set of plans for this proposal was passed to the Parish Council and no comments were offered at that time. See appendix 1.

7.0 PLANNING EVALUATION

- 7.1 The main issues to be considered in this application is whether the development in principle is acceptable, whether the loss of the public house would have a detrimental impact on the local economy and community facilities of the village, whether the use of the building as a public house is viable, and whether the proposed alternative use is compliant with the relevant current planning policies.
- 7.2 If the proposal is considered acceptable under these in principle considerations, then other matters need to be taken into account. These include the impact on the character appearance and significance of the building, which is a designated heritage asset and whether the proposed development represents the optimal viable use for this designated heritage asset and the effect of the development on the character of the conservation area.

Development in principle

- 7.3 The development is in principle acceptable under the policies of the Core Strategy. The property is currently a mixed use of public house and living accommodation. It is rated as public house and premises, and the Council Tax band B has been payable for the living accommodation since 1993. The public house accommodation is on the ground floor whilst the residential accommodation is on the first floor. There is a substantial attic space over the main part of the original building. This has only been lightly used for storage.
- 7.4 The proposal is to put all of the building into residential use. The number of residential units on the site will remain at one dwelling. Key Statement DS1 says that development that has recognised regeneration benefits will be considered in all of the borough's settlements. The Officers' report to planning application 3/2020/0219 which was for a change of use to one dwelling confirmed compliance with policy DMH3 stating:
- "In considering the proposal to change the use of the Duke of York to a single dwellinghouse, Core Strategy Policy DMH3 restricts residential development in the open countryside or AONB to, amongst other scenarios, the appropriate conversion of buildings to dwellings provided they are suitably located and their form and general design are in keeping with their surroundings. Regarding the term "suitably located", the site falls within the settlement boundary for Grindleton, would not be isolated from the village and thus is considered to be "suitably located" for the purposes of this policy."*
- 7.5 The development is also compliant with policy DMG2 Strategic Considerations in that it is a small scale use appropriate to the area where a local need or benefit can be demonstrated.

There is a regeneration benefit in allowing the vacant public house which has no realistic prospects of re-opening to change use a single dwelling.

Economic Impact

- 7.6 Existing employment sites are protected under Policy EC1 Business and employment development and DMB1 Supporting Business Growth and the local economy, unless it can be demonstrated that the development will have no adverse effect on the local economy. Community facilities such as public houses are protected under Policy EC2 Development of retail, shops and community facilities and services unless the development does not have harmful impact on existing community facilities or if it does, the development should bring defined and demonstrable benefits. Policy DMR3: Retail Outside the Main Settlement protects ground floor commercial premises unless the change of use would not harm the local economy. Community facilities are protected under NPPF paragraph 88 and 97 which aim to retain facilities which are for the benefit of the community.
- 7.7 The premises has been marketed for significant periods of time since the applicant purchased the property in 2018. The current period of marketing (Whiteacres) which started in May 2023 followed the granting of planning permission for “*change of use from public house with bar serving food and living accommodation to public house with bar serving food, cafe and B&B accommodation, associated extension and alterations to the building. Construction of three one-bed holiday apartments, managers accommodation, alterations to vehicle access and landscaping*”. This permission increased the value of the property and its attractiveness as a business having a wider customer appeal and potentially providing more income streams. However, this has not resulted in a reasonable offer to purchase the property.
- 7.8 The public house has been closed since 2017 and there is no realistic prospect of its re-opening. It has been unsuccessfully marketed continuously since 2019 the most recent period for 12 months following the approval of permission for the development of the site. It is no longer viable as an employment generating site. The loss of the site as an employment generating site is justified on this basis and on the basis of the regeneration benefits of bringing the building back into use and is compliant with Key Statement EC1 and policy DMB1.

Community facilities

- 7.9 Since the previous planning and listed building applications were considered the other public house in the village has been sold, refurbished and renamed the Rum Fox and appears to be trading successfully. Other community facilities include the Grindleton Pavilion which is very active with social functions, clubs and groups. The loss of the Duke of York as a public house

will not seriously harm the social facilities of the village. It is unlikely the community can sustain two public houses to the change of use to a dwelling of the Duke of York may help to sustain the Rum Fox by avoiding direct competition for business. Grindleton Parish Council commenting on a previous planning application when both the Duke of Your and the Buck Inn were closed, stated that the Parish Council placed the Buck Inn on the community asset register to try and salvage something for the village. Their hopes have come to fruition and the village once again has an active public house.

7.10 The Office for National Statistic estimates the population of the parish of Grindleton to be 794 in 2017¹. The Council's published census data indicates the population of the village in 2001 was 723. In the current climate it is optimistic to consider that a village of this size is able to be sustain two public houses. Many rural public houses have struggled over the last years to stay viable, and this has resulted in a number of closures. Ribble Valley has not been immune to this trend. In the current climate it seems near impossible that the village can sustain two pubs and The Pavilion either through the endeavours of commercial operators or through charities. If the Duke of York permanently ceases to be a public house the prospect of the Rum Fox being successful increases.

7.11 The village now has a functioning public house as well as other local facilities as listed above. In these circumstances the loss of the Duke of York as public house would not have detrimental impact on local access to community facilities. The Officer's report to application 3/2019/0049 stated *"it is not considered that the loss of the Duke of York would result in significant detriment to community facilities in the village and the loss of the Duke of York as a public house may indeed help to sustain the Buck Inn."*

7.12 The Core Strategy seeks to protect community facilities Key Statement EC2 and DMR3 and this is echoed in paragraphs 88 and 97 of the Framework. These policies require robust evidence that facilities are no longer viable before considering other forms of use. The current owner has made strenuous efforts to market the property since he purchased it in 2018. During this period the building has been listed as an asset of community value. A notice of the intention to enter into a relevant disposal was served on the Council on the 10 August 2023. See appendix 2. The marketing of the property has been extensive and over a lengthy period. No reasonable offer to purchase the property has been put forward. It has been established that the property is no longer viable as a public house. It robustly demonstrates that the previous business as a public house is not viable.

7.13 There are demonstrable regeneration benefits to bringing the building back into use. The permanent closure of the Duke of York may help to sustain the Rum Fox by removing potential

¹ Ons.gov.uk

competition. Details of marketing over the last 12 months and prior to this has been provided to show all reasonable attempts have been made to sell the property as a commercial use premises. See appendices 3-10. The proposal complies with Key Statement EN2 and Policy DMR3.

Regeneration benefits

7.14 The Duke of York has been closed and vacant since at least July 2017. The conversion of the property to a single dwelling will bring the building back into beneficial use. Policy DS1 says that development that has recognised regeneration benefits will be considered in all of the borough's settlements. The application proposal would result in the regeneration of the building. A similar proposal for the conversion of the Eagle and Child at Hurst Green (a tier 2 settlement) to dwellings was approved in 2016. This was a pub with living accommodation. The Council accepted that the building had been unsuccessfully marketed and the continued operation as a public house was not financially viable. As such it was considered that there was a legitimate concern that the building would remain vacant and fall into a state of disrepair. The same circumstances apply in this case. The Council approved the conversion of the Talbot Hotel Chipping which had been vacant since 2004 to a dwelling and a holiday let in 2022. This too is situated in a tier 2 settlement and is a listed building. The proposal is also acceptable under policy DMB1 as there are environmental benefits to the community in preventing the site from deteriorating and returning it to a viable use.

Viability of the public house.

7.15 The recent commercial history of the Duke of York reflects national trends. The property was offered for sale by Westlake and Co an agent specialising in the licensed trade. A Marketing Report was prepared by them in 2018.² They note in the report that in the period 2010 to 2016 there had been a 75% drop in wet sales increasing to a 90% drop in the last four years. In July 2017 the premises were under a 'Tenancy at Will'. Later it transpired that the premises had for the last two years seen six trading agreements in place, four of these being a Tenancy at Will only. It is our understanding from discussions with the agent that Tenancy at Will was regarded by the owners as a holding position where no real income is coming in from the property. In effect the tenant is providing a caretaking role. The licensee in July 2017 admitted to the agent that they were making a nil return despite all efforts.

7.16 Westlake marketed the property from 18th October 2017. In January 2018 the price was reduced and the building was bought by the current owner in June 2018. Punch Taverns, the previous owner is understood to have been marketing the property in its own right from early

² Appendix 3 Westlake Marketing Report 30th May 2018

2017. Westlake have provided details of the extensive marketing exercise that was carried out. Only six expressions of interest were received and only two accompanied viewings undertaken. Enquiries relating to the continuation of the business decreased over the period of marketing many operators expressing concern about the potential viability of the premises. Latterly enquiries were only from alternative use occupiers.

7.17 The building has been marketed continuously with Whiteacres from April 2019. Whiteacres are a specialist Commercial Agent with vast experiences in the commercial agency market. They have provided three marketing reports of the marketing period from April 2019 to May 2024 and the building continues to be marketed.³

7.18 Two independent valuation reports were provided for the property in February 2020 (exempt information)⁴. These demonstrated that the asking price of the property at that time was reasonable. Whilst there was one expression of interest the price offered was well below the valuation price and did not progress towards a sale (exempt information).

7.19 After the last refusal of planning permission and listed building consent for the conversion of the public house to a dwelling the applicant endeavoured to increase the appeal of the site as a commercial enterprise obtaining planning permission and listed building for change of use from public house with bar serving food and living accommodation to public house with bar serving food, cafe and B&B accommodation, associated extension and alterations to the building. Construction of three one-bed holiday apartments, managers accommodation, alterations to vehicle access and landscaping. The premises were offer for sale at an asking price of £500,000. Although two offers were received these were substantially below the asking price and below the property valuations carried out in 2020. The marketing report dated 2nd May 2024 indicates that interest in the property has been low⁵.

7.20 The applicant informed the Council of his intention to sell the property which is an asset of community of community vale. The Council issued the relevant notice in August 2023. No community groups came forward. See appendix 2. Asset of Community Value notice of a relevant disposal.

7.21 The marketing information provided in appendices 3 to 8 was considered under planning application 3/2021/1248. The Officer at that time concluded that the evidence presented *“Little doubt that a Public House on this site is not viable, and therefore an alternative **optimum viable use will need to be found in the future which preserves its significance and built***

³ Appendix 4, 7 and 9 Whiteacres Marketing report 18th February 2020, 8th Sept 2021 and 2nd May2024

⁴ Appendix 5 and 6 Valuation reports from JPA Surveyors and M S W Hewetsons Chartered Surveyor February 2020

⁵ Appendix 9 Whiteacres Marketing report 2nd May2024 and Appendix 10 Anderton Bosonnet Marketing report 2024

form. The policy tests of the local plan are satisfied in relation to the local economy and the change of use to a single dwelling.” The decision on that application was issued on 20th of May 2022. Two years on, with efforts made to improve the commercial attractiveness of the site and failing to receive a reasonable offer to purchase the property the same conclusion should be drawn.

Alternative Use.

7.22 The proposed wholly residential use of the property will bring the building back into a viable and active use. The properties close by are in residential use and the change of use from public house with living accommodation to residential use will have no adverse impact on the residential amenities of nearby properties. This use provides the optimal viable alternative use which is sensitive to buildings’ historic structure and layout. It will result in an improvement to the residential amenities of the neighbouring residential due to cessation of the former public house use and associated noise and activity. The proposal is compliant with policy DMG1. DMG2.

Assessment of the effect of the development on the listed building and the conservation area.

7.23 Section 3.2 of the Heritage Assessment provides a statement of significance of the listed building and the conservation area. Appendix C provides a heritage impact assessment. The assessment indicates that the development will have some beneficial impacts on the listed building and the character of the conservation area through the removal of twentieth century additions. The internal alterations will have a positive impact on the significance of the listed building through the restoration of historic plan form. Changes within the curtilage of the listed building including the provision of garaging, garden area, bollards are regarded as having a neutral impact on the setting of the listed building and the character of the conservation area.

7.24 The Heritage assessment section 5.4 concludes that the development will result in less than substantial harm to the designated heritage assets and this is outweighed by the public benefits of the scheme. The proposed development will provide the optimal viable use for the former public house which is a public benefit NPPF paragraph 208. The optimal viable use of the site safeguarding the listed building will benefit the long-term future conservation benefits to the Grindleton Conservation Area. There are other social and economic public benefits including the provision of housing and employment during the construction period. The proposal is compliant with Key Statement EN5 and policy DME4.

Technical considerations

Residential amenity

7.25 The proposed development would result in no loss of amenity for neighbouring residents. The proposed dwelling is created from the existing public house and will not create any additional overlooking or loss of privacy. The amenities of nearby residents are likely to improve through the complete cessation of the commercial use and associated activity including late into the evening if it had continued. It complies with the requirements of policy DMG1.

Access & highway safety

7.26 There are currently 15 car parking spaces in the car park. In active use the building would have attracted deliveries from food suppliers and drink suppliers. The proposed development includes garaging for two vehicles and an area for parking and turning. A footway is retained and extended across the site frontage and provides pedestrian access into the proposed dwelling and a public benefit to the community. It is proposed to protect the footway with cast iron bollards to deter parking on the pavement. The site is close to a bus service. The proposal is compliant with policy DMG3.

7.28 The vehicle access is repositioned to the west of the site to improve visibility for drivers. A gate is proposed set back 5m from the carriageway edge with gates opening inwards to ensure vehicles can pull clear of the highway before opening the gates.

Waste storage

7.29 Bin storage is provided within the site which can be wheeled to the pavement edge on collection days.

Trees

7.30 The application is accompanied by a tree survey and arboricultural impact assessment. The proposed extension, garaging and landscaping raise no adverse issues regarding trees. The proposal is compliant with policies DME2.

Protected Species

7.31 A preliminary Bat Roost Assessment Report was issued on the 22 April 2024. As with previous surveys the report advises:

"It can be confirmed that the condition of the building has not changed and the findings remain as was previously reported, in that, no potential roost features were recorded and the bat roost suitability category is negligible. No further surveys or mitigation measures are recommended."

The September 2021 survey also concluded that the building to be of negligible potential for

roosting bats and no bats were observed or recorded using the building for roosting. Both reports have been submitted for completeness. The proposal is compliant with policies DME3.

Biodiversity Net Gain

7.32 A Biodiversity Net Gain assessment has been carried out using the small sites metric. The assessment concludes: *“The sites development proposals will result in a net gain of biodiversity value comprising **0.0545 habitat units (99.46%) and 0.0167 hedgerow units (38.39%)**. The development will therefore meet the biodiversity net gain condition as the 10% net gain for habitats and hedgerows will be exceeded provided that the landscaping works are carried out in accordance with the specifications.”* In order to meet the biodiversity condition for hedgerows an 5m length of native hedgerow is proposed on the west boundary.

Drainage

7.33 The site benefits from existing drainage connections and is located in Flood Zone 1, as such there are no inherent risks associated with the proposals.

8.0 SUMMARY AND CONCLUSION

8.1 The proposed re-use of the pub and manager's accommodation as a single dwelling, is the optimal viable use for this designated heritage asset. The public benefit of securing the optimal viable use for the site outweighs any less than substantial harm to the significance of the listed building and the Grindleton Conservation Area. The proposal has regeneration benefits by bringing the building back into use and will prevent further decline. The permanent closure of the Duke of York will avoid competition which could undermine its viability of the Rum Fox and the village does not lack social facilities having The Pavilion in addition to the Rum Fox so that the community is not disadvantaged.

8.2 The proposal fully complies with the policies of the Core Strategy and the NPPF.

Appendices

Appendix 1 Grindleton Parish Council response to pre-application consultation.

Appendix 2 Notice of intention of relevant disposal of assets of community value.

Appendix 3 Westlake Marketing Report 30th May 2018*

Appendix 4 Whiteacres Marketing report 18th February 2020*

Appendix 5 Valuation reports from JPA Surveyors February 2020*

Appendix 6 Valuation report and M S W Hewetsons Chartered Surveyor 2020*

Appendix 7 J Whiteacres Marketing report 8th September 2021*

Appendix 8 Atkinson Associates Viability Report 25th August 2021*

Appendix 9 Whiteacres Marketing Report 2nd May 2024*

Appendix 10 Anderton Bosonnet Marketing report 2024*

* Exempt information not to be made public.

Appendix 1

Grindleton Parish Council consultation April 2024

From: **Lorraine Halley** [REDACTED]
Date: Mon, 8 Apr 2024 at 12:41
Subject: Re: Duke of York
To: Simon Stansfield [REDACTED]
Cc: Andrew Glover [REDACTED]

Good afternoon Simon

Thank you for sharing your latest plans with the Parish Council. We have looked at your proposal.

As you know we cannot offer comment prior to the application being made, therefore we will, in line with planning regulations, await notification from RVBC and consider our response at that stage.

Kind regards
Lorraine

> On 4 Apr 2024, at 19:41, Simon Stansfield [REDACTED] > wrote:

>

> Dear Lorraine, As you may be aware I have been marketing the Duke for some time with the approved consent for a B&B, Cafe and holiday lets but have receive very little interest. Agents are reporting that investors are very reluctant at the moment due to stiff competition, rising running costs, tight margins and expensive borrowing costs. I have decided to try again to obtain consent to turn the Duke into one house. I attach the plans I intend to submit. These are the most sympathetic plans today. The removal of all 1960's flat roof extensions and to expose the original fabric of the building. The replacement of the 1960's dining room with the previously approved extension. The entrance driveway moved to the corner of the bend for better sight lines coming up the hill. The addition of cast iron bollards to the kerb edge to stop cars parking on the proposed footpath and to protect pedestrians. I kindly ask you to consult with parish council members as to their views. I acknowledge that you may not be able to confirm your support at this stage but thought it maybe helpful to engage prior to submission. I will hopefully be in a position to submit the application before the end of April. Should you require any further information please do not hesitate to contact me.

>

> Best Regards

>

> Simon Stansfield



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

RE: THE DUKE OF YORK, GRINDLETON, LA795846

TAKE NOTICE that the property referred to above has been included in the list of assets of community value compiled by Ribble Valley Borough Council the Local Authority for the Grindleton area.

On the 10 August 2023 the owner of the property served notice on the Local Authority stating his intention to enter into a relevant disposal.

Any community interest group wishing to submit a written request to be treated as a potential bidder for the community asset must do so on or before 21 September 2023.

Requests must be made in writing and should be addressed to Ribble Valley Borough Council, c/o Mair Hill, Head of Legal and Democratic Services, Legal Services Section, Council Offices, Church Walk, Clitheroe BB7 2RA.

Should any request be received, the property will then be subject to the full moratorium period which will cease on the 10 February 2024 and be protected from further moratorium periods for a period of 18 months ending on 10 February 2025.

Signed [REDACTED].....
Mair Hill – Head of Legal and Democratic Services

Date 10/8/23.....