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| **Report to be read in conjunction with the Decision Notice.** | | | | | | | | | | | | | | |
| **Signed:** | **Officer:** | **KH** | | | | **Date:** | | **12/04/2024** | | **Manager:** | | **LH** | **Date:** | **16/4/24** |
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| **Application Ref:** | | | | 3/2023/0929 | | | | | | |  | | | |
| **Date Inspected:** | | | | 23/01/24 | | | **Site Notice:** | | 13/02/24 | |
| **Officer:** | | | | KH | | | | | | |
| **DELEGATED ITEM FILE REPORT:** | | | | | | | | | | | **REFUSAL** | | | |
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| **Development Description:** | | | | | Proposed installation of platform lift behind the external coal store to the front, new boundary fence to side of rear garden with angled solar panels. | | | | | | | | | |
| **Site Address/Location:** | | | | | **1 Talbot Street Chipping PR3 2QE** | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Parish/Town Council** | | | | | | | | | |
| Chipping Parish Council: The Parish Council is sympathetic to the request to add a platform lift to aid access for occupants with mobility difficulties. This application is linked to the retention of pedestrian access via the stone shed which would need to be granted to allow access through the shed to the proposed lift.  It appears from the documents accompanying the application that the platform lift will barely be seen from the street and if painted black would not have an adverse impact on the street scene.  The Parish Council broadly supports applications for renewable energy including solar panels as detailed in this application. The Council is however concerned about the visual impact of this proposal on neighbours at the Talbot Hotel and the three properties under development at the Talbot Barn. | | | | | | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Highways/Water Authority/Other Bodies** | | | | | | | | | |
| N/A. | | | | | | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Additional Representations.** | | | | | | | | | |
| Representations have been received from an interested party which states that not all of the land is owned by the applicant. Title deeds have been provided which indicate that the shed is located on land belonging to No. 3 and the substation belongs to No. 3 not No. 1. Gas pipes were laid under the hardcore during patio works and gas bottles placed on land outside of their ownership. A stone building has been erected during 2023 for which there does not appear to be planning permission. | | | | | | | | | | | | | | |
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| **RELEVANT POLICIES:** | | | | | | | | | | | | | | |
| Key Statement DS1 – Development Strategy  Key Statement DS2 – Sustainable Development  Key Statement EN5 – Heritage Assets  Policy DMG1 – General Considerations  Policy DMG2 – Strategic Considerations  Policy DME4 – Protecting Heritage Assets  Planning (Listed Buildings and Conservation Areas) Act  National Planning Policy Framework (NPPF)  Chipping Conservation Area Appraisal | | | | | | | | | | | | | | |
| **Relevant Planning History:**  3/2023/0219– Lawful Development Certificate for retention of pedestrian access to Talbot Street via stone shed at the front of the property – Refused.  3/1990/0879 – Proposed outbuildings – Approved. | | | | | | | | | | | | | | |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** | | | | | | | | | | | | | | |
| **Site Description and Surrounding Area:**  The application relates to No.1 Talbot Street which is located on the north side of Talbot Street to the rear of No. 3 and adjacent to the Grade II\* Listed St Bartholomews Church which lies to the west and the Grade II Listed Talbot Barn/Hotel both sited to the East of the site.  The application site is located within the settlement of Chipping, within Chipping Conservation Area and the Forest of Bowland Area of National Landscape (formerly AONB).  The churchyard wall and steps at St Bartholomew are also Grade II Listed. This wall is attached to the stone built shed and therefore the shed can be considered to be listed by virtue of being attached to the Grade II Listed stone wall of the Church. | | | | | | | | | | | | | | |
| **Proposed Development for which consent is sought:**  The application seeks to install a platform lift to the rear of the existing stone shed which front Talbot Street, erect a new boundary fence to the side of the rear garden and installation of solar panels to the proposed replacement garden fence to the rear of the property.  The agent has provided information relating to the personal circumstances of the applicant and this will be taken into account when considering the proposal. If the scheme is finely balanced in terms of acceptability and compliance with policy then personal circumstances can tip the balance for approval. | | | | | | | | | | | | | | |
| **Principle of Development:**  This application seeks to install a platform lift to the rear of the stone shed fronting Talbot Street, erect a new boundary fence to the side of the rear garden and installation of solar panels to the rear garden of the property.  The platform lift would be grey aluminium and glass and allow for wheelchair access with push buttons and remote control mechanism.  The boundary fence would be a replacement timber fence at 1.1m high on existing raised land levels of 2.07m with the solar panels attached to this fence at an angle.  The 10 solar panels would be fitted to the replacement fence to the rear of the property along the eastern boundary. This boundary abuts the land associated with the Grade II Listed Talbot Barn which was granted consent in 2022 for conversion to three residential units. No detailed specification of the solar panels has been provided. | | | | | | | | | | | | | | |
| **Residential Amenity:**  The application site abuts St Bartholomew’s Church, Grade II\* Listed, to the west and part of No. 3 and the rear of Talbot Barn, Grade II Listed, to the east.  Due to the small scale nature of the proposals they would not result in any undue impact on residential amenity. | | | | | | | | | | | | | | |
| **Visual Amenity:**  The proposed lift would be sited behind the existing stone shed which abuts the highway frontage and therefore, to some degree, this would be screened. With the church wall providing screening along its western side and the existing steps to the property on the eastern side.  The replacement fencing to the side (eastern) boundary would be acceptable in terms of visual impacts. No specific specification for the solar panels in terms of dimensions and design have been submitted, however, taking into account the open nature of the timber fencing and its siting 2m above the lower ground level of the adjacent Grade II Listed Barn the solar panels would be located in a prominent position. However public views of these would be limited and therefore impact on the visual amenity from the proposals would be limited. | | | | | | | | | | | | | | |
| **Impact on Heritage Assets:**  A planning/heritage statement has been submitted by the Planning Agent in support of the application.  The Church dates back to the 16th Century, with some earlier remains, and was restored in 1872 and was listed as Grade II\* in 1967. The churchyard wall and steps were listed Grade II in 1983. The age of the wall is unknown and runs for approximately 500m from the northwest tower, Church Raike and Talbot Street to enclose the church.  Planning (Listed Building and Conservation Areas) Act 1990:  Given the proposal relates to a Grade II Designated Heritage Asset, special regard must be given to the statutory duties imposed on the authority, pursuant to national legislation, particularly in respect of the preservation and enhancement of such assets.  The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 (as amended by s.58B (1) of Levelling-up and Regeneration Act 2023) is to preserve or enhance the special character of heritage assets, including their setting. As such, in determining applications that affect designated heritage assets, the authority must consider the duties contained within the principle Act which states the following;  Listed Buildings – Section 66(1) (as amended by s.58B of Levelling-up and Regeneration Act 2023):  In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving or enhancing the building or its setting. Under s.58B (2) this includes preserving or enhancing any feature, quality or characteristic of the asset or setting that contributes to the significance of the asset.  National Planning Policy Framework (December 2023):  The Framework sets out further duties in respect of determining proposals that affect heritage assets stating that ‘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. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation’.  The Framework sets out further duties in respect of considering potential impacts upon designated heritage assets with Paragraphs 205 – 214 reading as follows:  *205: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*  *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.*  *207: Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*  *a) the nature of the heritage asset prevents all reasonable uses of the site; and*  *b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*  *c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*  *d) the harm or loss is outweighed by the benefit of bringing the site back into use.*  *208: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*  *209: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard*  *210: Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.*  *211: Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.*  *212: Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*  *213: Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 207 or less than substantial harm under paragraph 208, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.*  Assessment  The proposed lift would be sited behind the existing stone shed which abuts the highway frontage and therefore, to some degree, this would be screened. It would also be attached to the church wall along its western side and this wall is Grade II listed. This wall is an important and distinctive feature in the village, due to its prominence and by virtue of being attached this extends to the stone shed. The attachment of the modern, steel lift is not appropriate in this location in terms of its impact on the Grade II Listed wall and would result in some harm to the Listed wall. Whilst this harm would be less than substantial harm no public benefits have been put forward which would outweigh this harm.  The replacement fencing to the side (eastern) boundary would be acceptable in terms of visual impacts. No specific specification for the solar panels in terms of dimensions and design have been submitted, however, taking into account the open nature of the timber fencing and its siting 2m above the lower ground level of the adjacent Grade II Listed Barn this would result in the ten solar panels being located in a prominent position, adjacent to the Listed Barn and would therefore result in some harm to the setting of that Listed Building. Again this has not been satisfactorily addressed in the Heritage Statement with this document not referencing the adjacent Listed Barn and any potential impact upon its setting.  Whilst the harm would be less than substantial harm no public benefits have been put forward which would outweigh this harm.  The site also lies within Chipping Conservation Area, an appraisal was undertaken in December, 2006 and adopted 3rd April 2007. The appraisal identifies the historic layout and street pattern of Talbot Street and Windy Street as well as St, Bartholmew’s Church and churchyard including sundial, stone boundary wall and steps. No. 1 Talbot Street is not referenced directly in the Appraisal.  Taking into account the location of the development and its screening from public views, the harm resulting from the proposed development would not be so great as to unduly impact on the conservation area to an unacceptable degree and in this regard, the proposal is considered to be acceptable.  Taking account all of the information submitted, the works proposed to be undertaken would result in some harm to the attached Grade II Listed wall and the setting of the adjacent Listed Talbot Hotel/Barn, and this has not been fully considered by the submitted Heritage Statement in terms of impact. Whilst this would be less than substantial harm, no justification has been submitted to conclude that there are any public benefits that would outweigh this harm and, in any event, the proposed platform lift would also require listed building consent. There are alternatives for the siting of the platform lift which have been raised with the applicant/agent but as it stands the application has not been amended and therefore it has been considered on this basis. | | | | | | | | | | | | | | |
| **Highways:**  There are no adverse impacts on highway safety arising from the proposals. | | | | | | | | | | | | | | |
| **Ecology:**  There are no adverse impacts on ecology arising from the proposals. | | | | | | | | | | | | | | |
| **Other Matters:**  The applicant has raised the issue of disability discrimination due to the personal circumstances of an individual who resides at the property. The Council has had regard to the Equality Act 2010, but also to the appropriate legislation in determining planning applications as set out in the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act. In this case consideration of the Equalities Act 2010 would not result in a different outcome for the determination of this planning application. The personal circumstances do not outweigh the harm identified to the adjacent Listed Buildings and in particular to the platform lift attached to the Grade II Listed Church Wall. It is considered that there are alternative options which would result in a lesser impact. | | | | | | | | | | | | | | |
| **Observations/Consideration of Matters Raised/Conclusion:**  Taking all of the above into account, including consideration of the applicant’s specific circumstances which do not outweigh the impacts raised above, the proposal fails to accord with Key Statement EN5 and policy DME4 of the Ribble Valley Borough Council Core Strategy 2008 – 2028 as well as the Planning (Listed Buildings and Conservation Areas) Act and Chapter 16 of the National Planning Policy Framework (NPPF Dec 2023). | | | | | | | | | | | | | | |
| **RECOMMENDATION**: | | | That Planning Permission be refused for the following reasons: | | | | | | | | | | | |
| **01**  **02** | | | The proposed platform lift would result in direct harm to the attached Grade II Listed St. Bartholomew’s Church wall and, although that harm would be less than substantial, there are no known public benefits that would outweigh this harm. This would be contrary to Key Statement EN5 and Policy DME4 of the Ribble Valley Borough Council Core Strategy 2008 – 2028, the Planning (Listed Buildings and Conservation Areas) Act and Chapter 16 of the National Planning Policy Framework (in particular paragraphs 205 and 208).  The proposed solar panels sited along the proposed replacement timber fence to the rear of the property would result in harm to the setting of the adjacent Grade II Listed Barn sited immediately to the Eastern boundary, due to their prominence, location and height. Although that harm would be less than substantial, there are no known public benefits that would outweigh this harm. This would be contrary to Key Statement EN5 and Policy DME4 of the Ribble Valley Borough Council Core Strategy 2008 – 2028, the Planning (Listed Buildings and Conservation Areas) Act and Chapter 16 of the National Planning Policy Framework (in particular paragraphs 205 and 208). | | | | | | | | | | | |