

This report needs to be read in conjunction with the Decision Notice.

DATE INSPECTED:

Ribble Valley Borough Council

## **DELEGATED ITEM FILE REPORT - APPROVAL**

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**Ref: AD/CMS**

<b>Application No:</b>	3/2014/0736/P (LBC)
<b>Development Proposed:</b>	Restoring the opening between Arundell Library and the former Rhetoric Common Room at Stonyhurst College, Stonyhurst

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### **CONSULTATIONS: Parish/Town Council**

Parish Council - No comments or observations received.

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

English Heritage – Do not wish to offer any comments. Recommend that application be determined in accordance with national and local policy guidance, and on the basis of RVBC expert conservation advice.

Historic amenity societies – Consulted – no representations received.

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### **CONSULTATIONS: Additional Representations.**

No representations have been received.

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### **RELEVANT POLICIES:**

Planning (Listed Buildings and Conservation Areas) Act 1990.  
NPPF.  
NPPG.  
HEPPG.

#### *Ribble Valley Districtwide Local Plan:*

Policy ENV20 - Proposals Involving Partial Demolition/Alteration of Listed Buildings.  
Policy G1 - Development Control.

#### *The Core Strategy Submission version as proposed to be modified:*

Policy DME4 – Protecting Heritage Assets.  
Policy DMG1 – General Considerations.

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

Stonyhurst College is a Grade I (which places it in the top 2% of buildings in the country listed for their outstanding architectural and historic interest) listed public school (founded in 1593 at St Omer in France and moved to Stonyhurst Hall in 1794). It is on the site of a building of late 14<sup>th</sup> or 15<sup>th</sup> century date. The Gatehouse on the west front of the house leads to a courtyard with buildings on each side. This phase of building was started by Sir Richard Shireburn in 1592 and was continued by his grandson, Nicholas Shireburn, in the late 17<sup>th</sup> century and early 18<sup>th</sup> century. Additions were made in 1799 when the Society of Jesus took over the house, and 3 campaigns of building during the 19<sup>th</sup> century greatly enlarged the house on the north and east sides. Other additions in connection with the

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building's use as a school were made in the 20<sup>th</sup> century. Attached to the south-west tip of the house is St Peter's Church which was designed in 1832 by JJ Scoles.

The complex of buildings is remarkable for its late 16<sup>th</sup> century/early 17<sup>th</sup> century Gatehouse and Old Quad, as well as for the early 18<sup>th</sup> century embellishments to the hall and grounds. But it is no less important for the richness of its 19<sup>th</sup> century and early 20<sup>th</sup> century additions which include major collections of religious art.

Stonyhurst College also appears on the English Heritage Register of Historic Parks and Gardens at Grade II\* and is described as *"gardens and parkland with late 17<sup>th</sup> century origins, including a well-preserved formal garden dating from circa 1700 and an avenue and water features of similar date"*.

### **Relevant Recent Planning History**

3/2013/0952 & 0953 - Refurbishment of former kitchen and dishwasher area to create a Higher Line coffee lounge with ancillary facilities.

3/2013/0006 - Replacement of existing oil fired steam boiler plant within main central boiler plant, to include biomass boiler, CHP unit, standby oil boiler and small steam generator unit. The only work to be carried out that affects the external appearance to this part of the site is related to the existing freestanding chimneys. LBC granted 9 December 2013.

3/2011/0934 - Essential repairs and refurbishment of the historic libraries known as Bay Library, Square Library and Arundel Library. LBC granted 14 March 2012.

3/2011/1047 - Essential fire prevention works throughout the college. LBC granted 24 February 2012.

3/2011/0915 - Proposed refurbishment and upgrade of the ground floor central corridor and the conversion of existing changing rooms into scientific facilities (St Mary's Hall). LBC refused 21 February 2012.

3/2011/0118 - New build dining refectory building (1425sq.m.). PP granted 15 September 2011.

3/2010/0902/P (LBC) & 3/2010/0903/P (PA) - New wing. Externally: the construction of new staircase and a glass lift within the courtyard; provision of new roof top plant room; introduction of windows and doors to the north west face at basement level to include a patio area; provision of new door and alterations to glazing to the former Gerald Room. Internally: internal refurbishment and remodelling of the New Wing to provide en suite accommodation; provision of 2no 3 bed houses; provision of 2no supervision flats, 2no overnight flats and ancillary accommodation; conversion of the basement car park to include the ground floor flat area, a café facility, shower accommodation and a sixth form recreation centre (with emergency access to the Black and Whites Area). Shireburn – externally: alterations to gable end to Shireburn and provision of gallery to north west elevation. Provision of door and new window within Shireburn Quad. Provision of new windows and blind arcading to existing windows to north east elevation of Shireburn. Internally: relocation of health centre on 3 floors with Matrons flat adjacent and classrooms on ground floor. En suite bedrooms at first floor and second floor level including supervision flat and 2 overnight flats. Alterations to staircases and lift. Caecus – introduction of 2 new floors to accommodate residential accommodation associated with Poetry. Supervision flat and overnight flat, wc and shower accommodation, ancillary facilities and making good to Rhetoric Common Room. LBC & PP

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granted 17 June 2011.

3/2011/0033 - Stonyhurst Old Mill - Retention of remaining structure following partial collapse (LBC). Granted 2 March 2011.

### **Relevant Legislation, policy and guidance**

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering applications for listed building consent, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - the Governance and Legal Director of English Heritage ('Legal Developments' Conservation Bulletin Issue 71: Winter 2013) states that the courts have said that these statutory requirements operate as '*a paramount consideration*' and '*the first consideration for a decision maker*'.

The recent *Barnwell Manor* Court of Appeal ruling has provided further clarity on consideration and weighting of these statutory requirements within the 'planning balance'. In the original judgment, Mrs Justice Lang confirmed that 'desirability' means '*sought-after objective*' and that '*in order to give effect to the statutory duty under section 66(1), a decision-maker should accord considerable importance and weight to 'the desirability of preserving ... the setting' of listed buildings when weighing this factor in the balance with other 'material considerations' which have not been given this special statutory status*'. In respect to the Court of Appeal decision, Gordon Nardell QC and Justine Thornton ('Turbines, heritage assets and merits', Local Government Lawyer, 24 April 2014) state "*the key point is that once a decision-maker finds harm to setting, there must be some express acknowledgement of the 'considerable' weight to be given, in the balance, to the desirability of avoiding that harm. It is not enough to ask in a general sense whether benefits outweigh harm, but whether they do so sufficiently to rebut the strong presumption against permission*". Furthermore and in respect to considerations of 'less than substantial harm', the Secretary of State's decision on Lane Head Farm, Cumbria (recovered appeal; decision 16 April 2014; paragraph 11) is noted "*having regard to the judgment in the Barnwell Manor case, the Secretary of State takes the view that it does not follow that if the harm to heritage assets is found to be less than substantial, then the subsequent balancing exercise undertaken by the decision taker should ignore the overarching statutory duty imposed by section 66(1). He therefore sees a need to give considerable weight to the desirability of preserving the setting of all listed buildings*".

Robin Purchas' QC recent judgement in **North Norfolk** is also noted "*inspector's approach seems to me at this level to have balanced the relative harm and benefit as a matter of straightforward planning judgement without that special regard required under the statute*" (paragraph 73).

The Ribble Valley Districtwide Local Plan (June 1998) is particularly relevant at Policy ENV20.

The NPPF is particularly relevant at paragraph 6, 7, 8, 14, 17, 56-57, 60-61, 126, 128 – 129, 131-132, 134, 186- 191, 196-197, 215- 216 and Annex 2.

NPPF paragraph 132 states "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

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*conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.*

The NPPG is particularly relevant in stating:

*Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits.*

*Distinctiveness is what often makes a place special and valued. It relies on physical aspects such as:*

*building forms;  
details and materials;  
style and vernacular.*

*Pre application discussions are an opportunity to discuss the design policies, requirements and parameters that will be applied to a site.*

The HEPPG is particularly relevant at paragraph 142 -144, 158 – 161, 178-180 and 187.

*HEPPG paragraph 179 states “The fabric will always be an important part of the asset’s significance. Retention of as much historic fabric as possible is therefore a fundamental part of any good alteration or conversion, together with the use of appropriate materials and methods of repair. It is not appropriate to sacrifice old work simply to accommodate the new”.*

*HEPPG paragraph 180 states “The junction between new work and the existing fabric needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting. Where possible it is preferable for new work to be reversible, so that changes can be undone without harm to historic fabric. However, reversibility alone does not justify alteration. If alteration is justified on other grounds then reversible alteration is preferable to non-reversible. New openings need to be considered in the context of the architectural and historic significance of that part of the asset. Where new work or additions make elements with significance redundant, such as doors or decorative features, there is likely to be less impact on the asset’s aesthetic, historic or evidential value if they are left in place”.*

Core Strategy Submission version as proposed to be modified is particularly relevant at Policy DME4 and DMG1.

‘Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment’ (English Heritage, 2008) identifies four groups of heritage values: Evidential, Historical, Aesthetic and Communal.

Paragraph 91 states:

*“Evidential value, historical values and some aesthetic values, especially artistic ones, are dependent upon a place retaining (to varying degrees) the actual fabric that has been handed down from the past; but authenticity lies in whatever most truthfully reflects and embodies the values attached to the place (Principle 4.3). It can therefore relate to, for example, design or function, as well as fabric. Design values, particularly those associated with landscapes or buildings, may be harmed by losses resulting from disaster or physical*

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decay, or through ill-considered alteration or accretion”.

Paragraph 130 states:

*“The heritage values of the elements that would be restored decisively outweigh the values of those that would be lost - Any restoration inevitably removes or obscures part of the record of past change to a significant place, and so reduces its evidential value, as well as potentially affecting its historical and aesthetic values. Restoration may, however, bring gains by revealing other heritage values, such as the integrity and quality of an earlier and more important phase in the evolution of a place, which makes a particular contribution to its significance. Careful assessment of the values of the elements affected is essential. Where the significance of a place is the result of centuries of change, restoration to some earlier stage in its evolution is most unlikely to meet this criterion”.*

Paragraph 128 states:

*“The concept of authenticity demands that proposals for restoration always require particularly careful justification. Reinstating damaged elements of work directly created by the hand of an artist normally runs counter to the idea of authenticity and integrity. However, the reinstatement of damaged architectural or landscape features in accordance with an historic design evidenced by the fabric of a place may not do so, if the design itself was the artistic creation, intended to be constructed by others, and the necessary materials and skills are available”.*

*‘Constructive Conservation in Practice’ (English Heritage, 2008) states “Constructive Conservation is the broad term adopted by English Heritage for a positive and collaborative approach to conservation that focuses on actively managing change.*

*The aim is to recognise and reinforce the historic significance of places, while accommodating the changes necessary to ensure their continued use and enjoyment ...*

*... The Principles also underline the importance of a systematic and consistent approach to conservation. In order to provide this consistency, we are guided by a values-based approach to assessing heritage significance”.*

The *‘Building in Context Toolkit: New Development in Historic Areas’* (CABE, EH, the architecture centre) identifies 8 building in context principles.

The Draft Stonyhurst College Conservation Plan (1999; Martin Stancliffe) and the Stonyhurst Conservation Management Plan Draft (2008; Nightingale Associates) are relevant. The Draft Conservation Management Plan (2014; Architectural History Practice) identifies:

*“Inside, the first floor libraries have highest significance as intact examples of mid Victorian libraries with complete fittings, and for the historic significance of the associated collection (temporarily in store during works). On the other hand, the former chapel (later library/museum, now Rhetoric common room) on the north side of the Arundell Library has been so altered that the aesthetic and evidential significance of this area is now low, although its historic value is still high” (Part 1, page 78).*

*“Exceptional significance for historic, aesthetic and communal values. The space was designed to relate to late C16 interiors in other parts of the building ... Key features: spatial form, bay and mullioned-and-transomed windows; original shelving, ceiling plaster, floor boards, C19 floor covering, display cases etc ... Later adaption: the door has been modified*

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as a fire door" (Gazeteer, Arundell Library and bookbinding room).

"High significance for historic and communal values, as a former school chapel, later museum and library. Evidential value is likely to be of at least medium significance, but a full investigation of hidden features has not been possible" (Gazeteer, Rhetoric Playroom).

Mike Harlow, Governance and Legal Director, English Heritage (in 'Legal Developments' Conservation Bulletin Issue 71: Winter 2013) states: "*Planning decisions are all about balanced judgment, but in that exercise there must be a sense of the weight society, through parliament, wishes to place on an objective like heritage conservation. The protection of listed buildings and conservation areas is clearly regarded as highly important, and that obviously should not be forgotten, out of respect for the democratic will as well as the law*".

### **Submitted information**

The Supporting Information Statement and Design and Access Statement includes historic photographs from c.1909 showing an arched opening with steps between the Arundell Library and Rhetoric Playroom. There is also reference to evidence for the previous link being found in extant fabric (cutaway in floor covering). The Statement identifies the former uses of Rhetoric Playroom (chapel and then museum) and the extensive conversion works in 1974.

It is also outlined that "The Bar will be converted to an Office; the treads to the adjacent staircase will also be improved ... The existing Fire Door to the Staircase will be replaced with an aluminium framed glazed door opening up visibility in to the Library space and encouraging access".

### **Conclusions**

In my opinion and mindful of the above restoration considerations, there is sufficient evidence (including site inspection of the wall – a former archway appears to be reflected in the plasterwork) and justification to allow progression with the reopening of the archway. The agent has advised that until works commence (and because of the new floor levels introduced in 1974) the exact detailing of the steps etc. cannot be finalised and a condition is therefore suggested in this regard.

Insufficient information has been submitted to fully consider the impact of the Bar conversion and stairs modification (not part of the application form development description) on the significance and special architectural and historic interest of the listed building. The loss of significance to this area identified in the 2014 Draft Conservation Management Plan suggests that this matter can reasonably be expected to be resolved by condition.

In my opinion, the replacement of the 'Fire Door' (not part of the application form development description) is unacceptable. The door has been modified but appears to be original and a fundamental part of the Arundell Library design. The Arundell Library is a historic collection and maintained as a museum (is visibility required?) – I am therefore not convinced that the loss of this important element of plan form and interior design is justified in accordance with NPPF paragraph 132. The agent's comments have been sought (email 29 September 2014) but no response received by the 8 week decision date.

In attaching considerable importance and weight to the statutory duties at section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 I would therefore recommend that listed building consent be granted subject to conditions.

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