

GROUNDS OF APPEAL

The Stables rear of King Street, Whalley, BB7 9SP

The grounds of appeal document aims to review the refusal of planning permission for “proposed restaurant”. The assessment will be reviewed under the headings below in an aim to provide an objective evidence based analysis for review by the planning inspectorate on appeal of the local authorities’ decision.

- 1.0 – INTRODUCTION
- 2.0 – PARTICULARS OF DECISION
- 3.0 – DESIGN REVIEW
- 4.0 – PRECEDENT WITHIN LOCAL CONTEXT
- 5.0 – PREVIOUSLY APPROVED APPLICATIONS
- 6.0 – CONCLUSION
- 7.0 – APPENDIX A – EMAIL CORRESPONDENCE

The purpose of the document is to present the applicants case as a ground of appeal to the planning inspectorate to review as part of the appeals process.

1.0 – INTRODUCTION

- 1.1 - The applicant wishes to refurbish the existing building and add a new single storey extension and structures to courtyard area and rear elevation. Also new wall, gate and timber screens to front and side boundaries.
- 1.2 - The applicant has been open to the Council's previous recommendations and alterations to the application have been made accordingly.
- 1.3 - The refusal is based on the effect to the character and appearance of the neighbouring church, the design and materials to be used on the courtyard boundary. It also states that the impact on highway safety is a factor and the lack of information pertaining to the impact of the development on residential amenity.

2.0 – PARTICULARS OF DECISION

- 2.1 - The particulars of decision highlight a number of reasons for the refusal of the planning permission. Firstly, they state 'The proposal is harmful to the character and appearance of Whalley Conservation Area and the setting of the Church of St Mary and All Saints and Whalley Abbey listed buildings because of the incongruity and conspicuousness of proposed alterations and additions to the courtyard boundary wall (design and materials), the incongruity, conspicuousness and overtly domestic form of proposed fenestration and disruption to the peaceful character of the area.'
- 2.2 - 'The proposed development has an unacceptable impact upon highway safety because of inadequate vehicle and pedestrian accessibility, parking provision within the site and street lighting to the car parking area.'
- 2.3 - 'The application contains inadequate detail to ascertain the impact of development on residential amenity. In the absence of this information the



Image 1 – the site

Council is unable to establish whether the proposed development would comply with the Core Strategy in regard to noise and colour impact.'

3.0 – DESIGN REVIEW

- 3.1 - Application 3/2018/1121 is a resubmission of application 3/2018/0530. After considering the previous refusal reasons and having several points raised, we discussed and addressed a number of these with Adrian Dowd, the Principal Planning Officer for Ribble Valley Borough Council by email (appendix 1) and the pre application meeting. As you can also see on the emails, Adrian Dowd confirmed on 13 July 2018 that Colin Hirst, the Borough Council's Head of Regeneration and Housing had no objections to the broad principles of the scheme.

4.0 – PRECEDENT WITHIN LOCAL CONTEXT

- 4.1 - Many of the local historic buildings are now public houses, namely the three former coaching houses, which are now The Whalley Arms, The Swan Hotel and The Dog Inn. The development wants to add to the significant views and appearance of Whalley, the applicant wants a visually appealing restaurant that will be in keeping with the locality. This will also take the current disused building and create an ambient and welcoming restaurant, offering more amenities for lunch and dinner to the local residents. See image 2.



Image 2 – an artists impression of the interior/exterior of the restaurant



Image 3 – the rear of the site, showing the lack of windows on the first floor and anomalies with the brickwork

5.0 – PREVIOUSLY APPROVED APPLICATIONS

- 5.1 - The site was previously given permission for a café and community facilities (3/2007/0762) , however, the works that were planned were not completed and have resulted in the site being left empty and unfinished for some time, with some areas left open to the elements, allowing the buildings condition to worsen with time. The concern is that should the building be left for too long in the condition it is currently in, there may be significant structural damage, making it a hazard to nearby businesses and residents. See images 3-6.
- 5.2 - This previous application also had the UPVC windows and doors approved, which have been installed to some parts of the site (see image 6 & 7), however, on this application, there have been issues raised with this style of fenestration and material choice and alternatives have been agreed at the pre application meeting (see 6.2).

The applicant is evidently amenable to making alterations to the plans to come to an agreeable development for the Council.



Image 4 – the rear of the site, showing irregularities in the stone and mortar

6.0 – CONCLUSION

- 6.1 - Referring to the first point of refusal regarding the harmful effect on the Whalley Conservation Area, the current structure is in a state of disrepair. There are areas which are dangerous as they are unfinished from the previous refurbishment (see image 5 & 6), which was never completed and has therefore been left in an uninhabitable state for a long period. Most of the first floor has not had windows installed (see image 3, 4 & 6), so it is open to the elements. This has resulted in alleged reports of squatters residing in the property and there has also been evidence of drug use on site, due to paraphernalia being found on site visits. The proposed use of the building would eradicate the potential for this to continue, as the building would be refurbished to a high standard and continually maintained, allowing it to be closed to the elements. This would eradicate the potential for squatters and drug users to utilise the property. In short, the development would have a positive impact on the locality and potentially reduce crime.

A more recent development at the site has been a fire on 7th July 2019 - <https://www.lancsfirerescue.org.uk/building-fire-in-whalley/>. This is likely to have caused more damage to the property. It is also additional costs to the emergency services, as this would be unlikely to happen if the building was being utilised. We do not have the full information on the incident, but it is another example that the building continuing to be neglected is becoming increasingly hazardous to the neighbouring properties and area.

- 6.2 - The fenestration concerns have been addressed in the pre-application meeting with Adrian Dowd. The application was initially done to be in-keeping with what was existing on the property (UPVC oak finished windows, image 6 & 7), which was allegedly approved on the previous application. However, due to the current concerns with what was proposed, it has been agreed that the applicant will remove the current windows and re-fit the windows and doors with glazed aluminium units in a more heritage style, at a further cost to himself.



Image 5 – showing debris on site and the rear of the courtyard wall

6.3 - In relation to the courtyard boundary wall, it is surprising that this is an issue with regards to the design and materials. On further inspection, it is evident the wall has had major remodelling, making it dubious as to whether much or any of it is original (see images 5, 8, 9 & 10). Large areas of the building appears to have been re-skinned (see image 3, 4, 11 & 12) and had new foundations and stonework from the previous unfinished works done. The mortar that has been used also doesn't seem in keeping with the previous appearance of the stonework. Originally it appears to have had a lime mix mortar, however the new mortar appears to be gypsum based, and has no relationship to the original lime mix mortar. The wall to the front has been designed to sensitively combine the new and old elements in a sympathetic way. We have ensured the two elements are separated by a steel channel, so the 'old' brickwork and the timber framework have a distinct boundary and do not encounter each other, allowing the existing wall to remain in place and untouched by all new material elements.

6.4 - The parking/access to this building will always be an apprehension, regardless of what the building is used for, as it is limited. However, the proposed development is planning to restrict the rear car park for the use of staff, along with disabled parking bays only, which will limit the amount of access to an unadopted road. This means the size of the rear car park will be adequate for what it will be utilised for. It's our belief that many customers will live in the vicinity of the restaurant, and will therefore be able to travel by foot, promoting the Green Travel Plan. However, we envisage that patrons travelling by car will utilise the pay and display car park and the public free two hour stay car park opposite, located a short distance away when visiting the restaurant, along with people arriving by taxi carriages.

Currently, the car park and courtyard are being utilised without permission due to the building being empty (see image 8), allowing public access to an unfinished and dangerous construction site. This is therefore losing potential revenue for the local pay and display car park.

6.5 - It has been mentioned that the development may disrupt the peaceful character of the area, along with a number of local residents expressing concerns about the potential noise levels from the courtyard area. As this



Image 6 – courtyard area, showing raised manhole left from previous works, along with boarded up area on the ground floor



Image 7 – current UPVC windows and doors, approved on previous application

will be a restaurant, rather than a public house, we do not anticipate antisocial behaviour to become an issue. However, the applicant is more than happy to work with the council and residents to provide solutions to any concerns, as we assume has been done regarding the beer garden to the rear of the Dog Inn, which backs onto the church grounds. There is a canopy in a neutral colour planned above the courtyard to reduce any sound disbursement, along with a heightened screen wall to provide a further buffer. The applicant would also be happy to look into time restrictions on the use of the courtyard to further prevent any disruption or look to the current precedent of the Dog Inn beer garden and the measures they have in place to reduce disruption to their neighbouring residents.

The applicant is looking to achieve a restaurant with an enjoyable family dining atmosphere and ambience, rather than a more rambunctious environment often associated with public houses.

- 6.6 - The lighting to the car park and cobbled path allowing access within the site have been described as inadequate. Since our previous discussions with Adrian Dowd, the applicant has sought advice from a lighting specialist to remedy this concern. It would be amenable that a condition is added to this development agreed by the applicant and Ribble Valley Borough Council regarding the specification and lux level, sufficient for safe access without disturbing the local area.
- 6.7 - As a final point, we would like to stress how eager the applicant is to become a valued part of the Whalley community and wants this development to be a great addition for all. Not only will the development offer local employment opportunities, but it will also promote more local revenue with a fine dining experience. All the elements of design and specification changes highlight the applicants will to provide a venue that will be pleasing to all and show his commitment to working alongside Ribble Valley Borough Council.



Image 8 – the courtyard wall, also showing car parked without authorisation



Image 9 – further evidence of the courtyard walls alterations



Image 10 – close inspection of courtyard wall showed new mortar applied on top of old and much of it had evidently been re-built



Image 12 – As image 11



Image 11 – Evidence of the building being reskinned, as there is a new layer of concrete blocks behind the existing stone. The bottom layer of stone has new mortar, which is differing in colour to the old.