

APPLICATION REPORT – 21/01350/LBC

Validation Date: 22 December 2021

Ward: Chorley North West

Type of Application: Listed Building

Proposal: Application for listed building consent for conversion of vacant public house including removal of some ground floor extensions and the erection of a part three storey / part four storey extension to form 18 assisted living apartments (Use Class C3)

Location: The Swan With Two Necks 1 - 3 Hollinshead Street Chorley PR7 1EP

Case Officer: Mike Halsall

Applicant: Primrose Holdings

Agent: BPD Architecture

Consultation expiry: 9 September 2022

Decision due by: 14 October 2022 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that listed building consent is granted, subject to conditions.

SITE DESCRIPTION

2. The application site relates to the grade II listed building of the Swan with Two Necks and surrounding land, located at the bottom of Hollinshead Street in Chorley town centre and St Laurence's Conservation Area. The main building is of three storeys and constructed of brick with stone dressings and a slate roof. It is believed to have been constructed as a dwelling in the early 19th Century and later converted to a public house with extensions added, thought to have occurred in 1980. The applicant states that the building has laid vacant for 11 years and has been subject to vandalism and trespass.
3. To the west is a steep embankment which rises up to Park Road, with pedestrian access gained via the cobbled path of Church Brow to the south of the application site. Railings along Church Brow and Park Road are also grade II listed, as is the War Memorial Gateway to Astley Park located on the other side of Park Road. The grade II* listed Parish Church of St. Laurence is located to the south at a substantially higher land level than the application site and the grade II listed former gateway to St. Laurence's Churchyard is also located to the south at the bottom of Church Brow. The grade II listed Chorcliffe House is located to the south east, there are car parks located to the east and north and a more modern office block, further north. There is a small single-storey office building (Oaklands / 5 Hollinshead Street) located in the south eastern corner of the car park which does not form part of the application site. The building was formerly a double garage and was converted under planning permission 10/00036/COU approximately 10 years ago.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks listed building consent for the conversion of the vacant public house including the removal of the more modern extensions and the erection of a part four-storey, part three storey extension to form assisted living apartments. The proposal would provide 18 assisted living apartments, 17 of which would be one-bed and 1 would be a two-bed apartment.
5. The proposal has been revised since its original submission following comments received from statutory and non-statutory built heritage consultees, such as Historic England and The Georgian Group.
6. The initial planning submission showed a very contemporary looking flat roofed, red brick, box shaped extension to the listed building with cladding and modern windows. The entire extension was taller and much larger overall than the listed building, resulting in an unacceptable design that was not sympathetic or subservient to the listed building.
7. The revised proposal offers a much improved design by virtue of a reduction in height, the introduction of a modern glazed link connection between the old and new elements of the building, a reduction in the overall footprint of development, introduction of a Mansard roof with tile hanging outer finish and pitched roof dormer windows, stone coping, heads and cills, Georgian style windows and red brick to match the listed building. The number of proposed apartments has been reduced from 20 to 18 as a result in the reduction in height of the building.
8. The application is supported by an email from the proposed provider of the assisted living facility, My Space. The email states that the proposal is in a location where My Space would be interested in taking on the facility. They state they have an existing relationship with Chorley Council and have 37 people waiting for accommodation in the area. They expect this number would rise should planning permission be granted and the units are ready to let. They state: *"The service would be for adults who need support with their mental health/learning disabilities to help sustain a tenancy long term in the community. The site would be managed by one Housing Officer who would typically provide 3 hours support each week to every tenant. Further support offered is 24/7 security, if required, and also communication devices that all telephone support for mental well-being and reporting of maintenance issues."*
9. An application for full planning permission, ref. 21/01349/FULMAJ, for the same development has been submitted to the Local Planning Authority in parallel with this application.

REPRESENTATIONS

10. One neighbour objection has been received raising objection to the proposal in relation to issues of design, scale, appearance, harm to the Conservation Area and car parking.

CONSULTATIONS

11. Historic Buildings and Places (HB&P): initially responded to state that whilst they had no objection in principle to the proposal, had concerns about the lack of supporting information and justification, as well as the design of the proposed extension. They also stated that they considered the extension would be harmful to the listed building, its setting, and to the streetscape within the conservation area. This was due to the 'awkward connection' between the two buildings, the height, bulk, fenestration and flat roof of the proposed building.

Following the applicant's submission of revised plans and an updated heritage assessment, HB&P removed its objection, stating the following:

"We have reviewed the amended plans and note the scale, design and materiality of the proposed extension is now more in keeping with the architectural and historic qualities of the former public house and conservation area. We therefore withdraw our objection. If minded to approve the application, we defer to the advice of your conservation officer to recommend appropriate conditions to secure the necessary detailed plans and methodology for the repairs and works to the former public house."

12. The Council for British Archaeology: have not responded on this occasion.
13. Society for the Protection of Ancient Buildings: have not responded on this occasion.
14. The Georgian Group: initially responded to state:

"The aggressive design and scale of the proposed extension however pays little regard to the form and design of this restrained classical early nineteenth century building and would cause considerable harm to its significance. The proposed addition would also be harmful to the surrounding conservation area and to the wider setting of the grade II listed Church of St Laurence... The applicant has also made little attempt to explain the age and significance of the various parts of the fabric of this listed building and of the proposed works of demolition upon that significance... The impact of the proposed works of demolition upon this listed building have not been adequately explained, whilst the proposed new extension would cause a considerable degree of harm to both the listed building itself and to the surrounding conservation area. We therefore strongly recommend that listed building consent should be refused."*

Following the applicant's submission of revised plans and an updated heritage assessment, the Georgian Group removed its objection, stating the following:

"The Group thanks the applicant for revising the proposal to reduce the scale and massing of the proposed new-build extension as advised by The Group and Historic England. The Group has reviewed the revised proposal and we withdraw our objection."

15. The Victorian Society: have not responded on this occasion.
16. Twentieth Century Society: have not responded on this occasion.
17. Lancashire County Council Archaeology Service: has responded to state that the medieval settlement of Chorley is likely to have centred around the Church and market. Consequently, the proposed development site lies in an area likely to contain archaeological remains dating to the medieval and post-medieval periods. As a result, they recommend a condition is attached to any grant of planning permission requiring a written scheme of investigation to be submitted to the Local Planning Authority for approval and subsequent implementation.
18. The Gardens Trust: have not responded on this occasion.
19. Lancashire Gardens Trust: have not responded on this occasion.
20. Historic England: Initially responded to state that whilst they welcome the principle of bringing this important building back to use, considered that the initially proposed extension did not respect the form of the historic building and was overly dominant both in terms of scale and design. As a result, they considered it would harm the significance of the Swan with Two Necks, as an elegant 18th century [sic] building. It's cuboidal plan and mass would also negatively impact on the significance of the Conservation Area, and the contribution setting makes to the significance of the Grade II* Church of St Laurence It's form and sizing would mean it would sit prominently in key views and affect how the Grade II* listed Church will be appreciated. It would also feature prominently in views out of Astley Park Registered Park and Garden of the wider Conservation Area.

Following the applicant discussing the proposal with Historic England and making revisions to the proposal, described earlier in this report, Historic England responded with no comments on the proposal. It is worth noting that Historic England do not provide 'no objection' responses, but it is reasonable to conclude that they are no longer opposing the proposal.

PLANNING CONSIDERATIONS

Impact on the listed building

21. Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the PLBCA) are relevant to the 'Special considerations affecting planning functions'.

Section 66 states:

Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provision of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.

22. Section 16 of the National Planning Policy Framework (the Framework) refers to conserving and enhancing the historic environment. The following paragraphs contained therein are considered to be pertinent in this case:

194. 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.

195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

197. 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.*

199. 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.

200. 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.

201. 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.

202. 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.

206. 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.

23. The Central Lancashire Core Strategy (2012) (the Core Strategy), policy 16 refers to Heritage Assets. This policy mirrors that given in the Framework and states that it seeks to:

‘Protect and seek opportunities to enhance the historic environment, heritage assets and their setting by:

- a. *Safeguarding heritage assets from inappropriate development that would cause harm to their significances.’*

24. The Chorley Local Plan 2012 – 2026, policy BNE8 refers to the Protection and Enhancement of Heritage Assets. Essentially this policy mirrors the Framework. Paragraph b, states that, *‘Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following: iii, The Conservation and, where appropriate, the enhancement of the setting of heritage assets.’*

Heritage Assessment

25. The Council’s heritage advisors, Growth Lancashire, have provided the following comments in relation to the revised proposals:

“Whilst I acknowledge the changes made the scheme is still a substantial new addition to the listed building involves the creation of 5 apartments/flats within the existing retained main range of the former PH and the addition in a new block of 13 units to the car park (east) side of the building.

I note the changes in the design approach of the extension block since the original submission and the slight reduction in scale. The upper floor now being accommodated in a mansard type roof. The design approach is a move away from the original modern styled flat roofed block of the earlier versions.

Visually, whilst I am not opposed to the design approach as it responds to the key characteristics of the Conservation Area I would have preferred a design which provides a stronger and clearer distinction between it and the Listed PH and the other 'Georgian' buildings near by. The pastiche style is of limited value and rather emphasises the large scaled new addition. Regardless of the merits of the architecture I think the principle concern remains the scale/bulk of the new addition. The revised design has not resolved this matter and the issues relating to the effect on, and appreciation of the listed building, largely remain. Although I do acknowledge that the reduction in scale over part of the building, glazed connection between the buildings and the dropped eave and mansard roof design do help lower the level of visual harm.

Set against this visual harm I am mindful of the benefits gained from re-using the principle listed building and gaining a new and sustainable use. Also as with the previous iterations the proposals would involve the demolition of existing extensions of no importance which had an impact on the views of the eastern gable of the listed building.

I also note that the Georgian Society and Historic Buildings and Places, as two national amenity bodies, have both withdrawn their objections to the scheme. This will need to be material to the LPA weighing exercise and final decision. [It is worth noting that the Historic Buildings and Places response was submitted in response to the listed building consent application, rather than this full planning application].

Paragraph 6.1.3 of the Heritage Statement produced by Eden Heritage states that the proposals would cause less than substantial harm "provided the new build element is smaller in scale, and respects the historic fabric and built form of the surviving early 19th century properties on the street". I do not disagree and feel this scale matter remains the core issue as I do not feel the benefits accrued by the removal of the existing unsightly modern additions will necessarily be realised if the new extension simply blocks out any appreciation of the listed building and potentially makes the current situation worse.

In conclusion my comments made re the impact of the scheme in my original comments remain valid and I feel the revised scheme does not fully mitigate the concerns over the dominance of the new block. I still consider the scheme will cause harm to the architectural and historic value of the listed building and as a result also harm the character and appearance of the St Laurence's CA. The harm in both regards will be low/moderate less than substantial and will need to be assessed under P.202 of the NPPF.

Under P.202 it is down to the LPA to consider the wider public benefits of the proposal against the level of harm to the significance of the heritage assets affected in its planning balance, remembering that great weight should always be given to any identified harm to a designated heritage asset. Clearly in this instance there is considerable benefit in gaining the re-use of the vacant listed building and it seems likely that any re-use will involve some adaptation and alteration. However in the absence of any sort of viability information it is difficult to assess whether this scheme would be the 'optimum viable use' for the listed building and site."

26. Taking the above comments into account, it is clear that whilst the revised proposal is an improvement of the original planning submission, due to its scale, it would still be harmful to the architectural and historic value of the listed building and as a result also harm the character and appearance of the St Laurence's Conservation Area. This harm is of a low/moderate less than substantial scale and must be given great weight in the planning balance. The proposal therefore conflicts with the aforementioned policies that seek to sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment.

27. The Local Planning Authority must therefore consider the wider public benefits of the proposal against the level of harm to the significance of the heritage assets affected in its planning balance. As noted by the Council's heritage advisor, there is considerable benefit in gaining the re-use of the vacant listed building and it seems likely that any re-use will involve some adaptation and alteration. It is acknowledged that no viability / enabling development case has been submitted in support of the application. That said, the building has laid vacant for over 10 years, reportedly having suffered from vandalism and trespass and is clearly in need of substantial repairs. Given the length of time the building has laid vacant, it is considered significant weight should be attributed to its reuse as part of this proposal. The comments from the intended service provider indicates there is a strong need for this form of accommodation in the borough and they consider this site a suitable location for its provision. This should also be given significant weight in the planning balance. The proposed build would also deliver social and economic benefits from construction work and delivering human surveillance in an area of the town which suffers from anti-social behaviour.
28. On balance it is considered that the benefits of the proposal outweigh the harm caused to the listed building.

CONCLUSION

29. The recommendation is finely balanced as the proposal would be harmful to the architectural and historic value of the listed building.
30. On balance it is considered that the wider public benefits of the proposal in the form of bringing a long-term vacant listed building back into use, delivering a much needed form of accommodation in a sustainable location and its associated social and economic impacts, outweigh the harm caused by the proposal and is accordingly recommended for approval.

RELEVANT HISTORY OF THE SITE

Ref: 07/00274/FUL **Decision:** WDN **Decision Date:** 25 May 2007
Description: Proposed siting of 5 no. gazebos to the area to the front of the public house.

Ref: 07/00631/FUL **Decision:** REFFPP **Decision Date:** 24 July 2007
Description: Proposed siting of 5no. gazebos to the area to the front of the public house.

Ref: 07/01156/FUL **Decision:** PERFPP **Decision Date:** 3 December 2007
Description: Changing existing first floor window to doors, the addition of a balustrade to a first floor balustrade wall and the erection of wooden trellis barriers on the front curtilage.

Ref: 07/01157/LBC **Decision:** PERLBC **Decision Date:** 3 December 2007
Description: Listed building consent for changing existing first floor window to doors, the addition of a balustrade to a first floor balustrade wall and the erection of wooden trellis barriers on the front curtilage.

Ref: 5/1/01394 **Decision:** PERFPP **Decision Date:** 3 May 1960
Description: Erection of lock-up garage.

Ref: 5/1/01395 **Decision:** PERFPP **Decision Date:** 3 May 1960
Description: Erection of lock-up garage.

Ref: 5/1/01396 **Decision:** PERFPP **Decision Date:** 3 May 1960
Description: Erection of lock-up garage.

Ref: 5/1/01647 **Decision:** PERFPP **Decision Date:** 6 June 1961
Description: Erection of lock-up garage.

Ref: 21/01349/FULMAJ **Decision:** PCO **Decision Date:**
Description: Conversion of vacant public house including removal of some ground floor extensions and the erection of a four storey extension to form 20 assisted living apartments (Use Class C3)

Ref: 21/01350/LBC **Decision:** PCO **Decision Date:**
Description: Application for listed building consent for conversion of vacant public house including removal of some ground floor extensions and the erection of a four storey extension to form 20 assisted living apartments (Use Class C3)

Ref: 94/00646/LBC **Decision:** PDLBC **Decision Date:** 5 October 1994
Description: Listed building consent for internal alterations

Ref: 91/00173/LBC **Decision:** PERFPP **Decision Date:** 2 April 1991
Description: Listed building application for the dismantling of boundary wall to accommodate major drainage works

Ref: 91/00172/FUL **Decision:** PERFPP **Decision Date:** 2 April 1991
Description: Re-erection of boundary wall (with original materials) following its removal to accommodate drainage works

Ref: 91/00171/LBC **Decision:** PERFPP **Decision Date:** 2 April 1991
Description: Listed building application for the dismantling of boundary wall to accommodate major drainage works

Ref: 91/00170/FUL **Decision:** PERFPP **Decision Date:** 2 April 1991
Description: Re-erection of boundary wall (with original materials) following its removal to accommodate drainage works

Ref: 91/00169/TPO **Decision:** PERTRE **Decision Date:** 2 April 1991
Description: Removal of tree 19 covered by TPO No.3 (1980) Chorley to allow drainage works to be carried out

Ref: 87/00180/FUL **Decision:** PERFPP **Decision Date:** 7 April 1987
Description: Setting out area on land opposite swan with two knecks remedial work to wall running parallel to church steps and demolition/rebuilding of stone archway

Ref: 86/00059/ADV **Decision:** PERFPP **Decision Date:** 18 March 1986
Description: Illuminated signs

Ref: 80/00866/ADV **Decision:** PERADV **Decision Date:** 20 October 1980
Description: Two logos and wooden letting

Ref: 79/00378/FUL **Decision:** PERFPP **Decision Date:** 11 June 1979
Description: See enforcement 115

Ref: 79/00377/FUL **Decision:** PERFPP **Decision Date:** 11 June 1979
Description: Extension and alterations to form public house, restaurant and staff accommodation

Ref: 79/00157/FUL **Decision:** PERFPP **Decision Date:** 19 March 1979
Description: Double garage

Ref: 77/00709/DEMCON **Decision:** WDN **Decision Date:** 18 October 1977
Description: Demolition of Listed Building

Ref: 79/00756/ADV **Decision:** PERADV **Decision Date:** 12 November 1979
Description: Projecting Public House Sign (non illuminated)

Ref: 77/00754/FUL **Decision:** WDN **Decision Date:** 26 December 1977
Description: Minor alterations to form restaurant

Ref: 77/00746/FUL **Decision:** WDN **Decision Date:** 26 October 1977
Description: Proposed restaurant and public house

Ref: 74/00877/FUL **Decision:** WDN **Decision Date:** 18 December 1974
Description: 8 storey high building: Offices, Restaurant & Conference Centre

RELEVANT POLICIES: The Planning (Listed Building and Conservation Areas) Act 1990 states that the Local Planning Authority has a primary duty in relation to listed buildings to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy 16 of the Central Lancashire Core Strategy, 'Heritage Assets' and Policy BNE8, 'Protection and Enhancement of Heritage Assets' of the Adopted Chorley Local Plan 2012 - 2026 seek to protect and enhance the Borough's heritage. Also of relevance is the Framework (National Planning Policy Framework), section 16.

Suggested Conditions

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

Reason: For the avoidance of doubt and in the interests of proper planning

Title	Plan Ref	Received On
Site Location Plan	990/STN/LP Rev A	31 May 2022
Proposed Site Layout	990/STN/SLP Rev J	29 September 2022
Listed Building Alterations Floor Plans	990/STN/PL5 Rev B	1 June 2022
Proposed Floor Plans	990/STN/PL1 Rev G	26 August 2022
Indicative Mansard Roof Detail Section	990/STN/PL7	26 August 2022
Proposed Elevations	990/STN/PL2 Rev D_	26 August 2022
Proposed Streetscene	990/STN/PL3 Rev E	26 August 2022
Proposed Roof Level Plan Rev B	990/STN/PL6 Rev B	26 August 2022
Proposed Plan and Elevations	SWTN/22/05/001	29 September 2022

3. Prior to any works taking place about DPC level, details of all external facing, roofing and rainwater goods materials (notwithstanding any details shown on previously submitted plan(s) and specification) and a work methodology for the repair and treatment of the listed building, including internal finishes and the demolition of the modern extensions, shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure that the materials used are visually appropriate to the listed building and the locality.

4. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.