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| **Report to be read in conjunction with the Decision Notice.** |
| **Signed:** | **Officer:** | **WH** | **Date:** | **07/06/23** | **Manager:** | **LH** | **Date:** | **7/6/23** |
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| **Application Ref:** | 2023/0264 |  |
| **Date Inspected:** | 02/05/23 | **Site Notice:** | 02/05/23 |
| **Officer:** | Will Hopcroft |
| **DELEGATED ITEM FILE REPORT:**  | **REFUSAL** |
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| **Development Description:** | Proposed conversion, extension and alterations to the upper floors to create seven residential apartments. Rear extension to ground floor unit. Demolition of loading bay and rebuilding boundary wall at the rear and associated alterations (pursuant to variation of condition 2 (approved plans) on planning permission 3/2021/1004 involving changes to building facade, additional footprint at rear and changes to internal configuration. |
| **Site Address/Location:** | 1 to 7 George Street Whalley, BB7 9TH |
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| **CONSULTATIONS:**  | **Parish/Town Council** |
| No response.  |
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| **CONSULTATIONS:**  | **Highways/Water Authority/Other Bodies** |
| **Archaeology:** | Original condition 7 of application reference 2021/1004 was discharged. As such no further comments are needed.  |
| **Environmental Health:** | Noise condition as originally imposed is to be retained with any permission.  |
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| **CONSULTATIONS:**  | **Additional Representations.** |
| None received.  |
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** |
| **Ribble Valley Core Strategy:**Key Statement DS1: Development StrategyKey Statement DS2: Sustainable DevelopmentKey Statement EN5: Heritage AssetsPolicy DMG1: General ConsiderationsPolicy DMG2: Strategic ConsiderationsPolicy DMG3: Transport & MobilityPolicy DME4: Protecting Heritage AssetsPolicy DMB1: Supporting Business Growth and the Local EconomyPlanning (Listed Buildings and Conservation Areas) ActNational Planning Policy Framework (NPPF) |
| **Relevant Planning History:****2022/0566:**Discharge of Conditions 7 (Scheme of Investigation) and 8 (Noise Assessment Report) of planning application 3/2021/1004 – Approved with Conditions**2021/1004:**Proposed conversion, extension, and alterations to the upper floors to create seven residential apartments. Rear extension to ground floor retail unit. Demolition of loading bay and rebuilding boundary wall at the rear and associated alterations – Approved with Conditions |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** |
| **Site Description and Surrounding Area:** Nos. 1 to 7 George Street Whalley is an imposing brick building prominently sited within Whalley Conservation Area and the setting of listed buildings. It was constructed in the early C20 (with the establishment of George Street) as the premises of the Billington and Whalley Cooperative Society.The building included a first-floor cinema and was latterly occupied by the Maureen Cookson department store. It is now within commercial use with an application to create seven residential apartments approved under 2021/1004 currently being implemented. It is this permission to which this application relates.  |
| **Proposed Development for which consent is sought:**This Section 73 application seeks an amendment to the approved plans to incorporate the following:* Increase in depth and alterations to ground floor commercial units, increase in size to new build garage. Increase in footprint to the rear inclusive of a bin store and cycle store.
* Reconfiguration of apartments to the first, second and third floor. Size and unit number are unchanged.
* Increase in the projection of 1no. rear dormer and minor raising of proposed front dormers.
* Provision of central, zinc-clad panel to upper floor at northern elevation. This is to ensure appropriate fire-separation.
* Provision of an additional 4no. rooflights and 6no. pairs of solar panels (alteration in orientation) to south elevation.
* Provision of an additional 5no. rooflights to King Street side elevation.
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| **Principle of Development:**The application is made under Section 73 of the Town and Country Planning Act 1990 which seeks to vary condition 2 of planning permission granted under application reference 3/2021/1004. As such the principle of development is accepted subject to detailed assessment on the material considerations. |
| **Impact upon Listed Buildings and Conservation Area***Context*The site sits within the setting of a number of Listed Buildings immediately off Church Lane – notably; 16 Church Lane, 14 and 15 Church Lane and 10-13 Church Lane (all GII), as well as GI Listed Church of St Mary and All Saints. These sit immediately to the south of the application site and as such are immediately impacted by the alterations to the southern and King Street side elevation.In addition, the Whalley Conservation Area Appraisal states the following with regard to the significance and contribution of the application site. * *‘A number of the larger, more prestigious buildings in Whalley act as focal points in views: St Mary and All Saints Church is the most important one … The Maureen Cookson Department Store is a very dominant building, especially when viewed along George Street’ (Spaces and views; both buildings identified as Focal Buildings on the Townscape Appraisal map);*
* *An Important View from George Street (at the east gable of the site) towards Church Lane and the Church of St Mary and All Saints (Townscape Appraisal map);*
* *The adjacent nos 63, 69 and 71-77 King Street, 1-10 Church lane and the site to be Buildings of Townscape Merit (‘considered to be good relatively unaltered examples, of their type. The survival of original materials and details, and the basic, historic form of the building, is important’) making a positive contribution to the character and appearance of the conservation area;*
* *‘Whalley is notable for the following townscape features … 14th century parish church of St Mary and All Saints … 17th, 18th and mainly 19th century buildings along King Street and Church Lane’ (General character and plan form);*
* *‘Most of the historic buildings in the conservation area were built as houses, often in a terrace form. The majority of these buildings date to the 19th century and good groups of both listed and unlisted buildings can be seen along Church Lane and facing King Street’ (Architectural qualities);*
* *The site is within the immediate setting of the Church of Mary and All Saints (Grade I listed). There is an important and interesting inter-visual relationship between the site and the church’s C15 tower.*
* *The site is also within the immediate setting of Grade II listed late Georgian, mid C19 and C17 houses at ‘10-13 Church Lane’, ‘14 and 15 Church Lane’, ‘16 Church Lane’, ‘1,2 and 3 Poole End’, ‘Poole House’ and ‘2,3 and 4 The Square’ (all Grade II listed) which adjoin the site to the south and south-west.*

It is therefore evident from the above that the site sits in an extremely sensitive context both with regard to adjacent listed buildings, and the Whalley Conservation Area. As such there a number of relevant policies, outlined below. *Assessment*As per KS EN5, the development plan states that there will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings with recognising that the best way of ensuring the long-term protection of heritage assets is to ensure a viable use that optimises opportunities for sustaining and enhancing its significance.In addition, Policy DME4 states (in regard to Listed Buildings) that *‘alterations or extensions to listed buildings or buildings of local heritage interest, or development proposals on sites within their setting which cause harm to the significance of the heritage asset will not be supported.’*The NPPF (2021) also states at Paragraph 202 that *‘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’.*The addition of 4no. double rooflights and 6no. pairs of solar panels to the south elevation, in addition to laying them horizontally as opposed to vertically, effectively introduces 4 ‘layers’ of fenestration or roof features onto the prominent southern roofscape to the point where it is cluttered, unsightly and dominates that element of the roof particularly when compared to what was approved, in which there are only 2 ‘layers’. It is considered that this significant deviance from the approved plans would cause significant but not substantial harm to the significance of the heritage assets as a result of the introduction of a significant number of rooflights and solar panels to the prominent rear roofscape in an area that is extremely sensitive to any alterations or additional insertions into the roof. As such the proposal is not considered compliant with EN5 or DME4. The same is considered with regard to the King Street side elevation, in which a third ‘layer’ is added below the existing solar panels to provide for additional rooflights. It is noted the rooflights serve bedrooms which already incorporate floor-to-ceiling windows. The provision of these rooflights in addition to the retention of the solar panels again results in a cluttered and unsightly elevation that is almost entirely covered in fenestration or other roof treatments. This elevation is also considered extremely sensitive given its siting within the Conservation Area and relationship to nearby Listed Buildings. As such, the alterations to this elevation are also not considered compliant with EN5 or DME4. In assessing against the test outlined in Paragraph 202 of the NPPF, the public benefits of the scheme are minimal and relate largely to the provision of retail units – which already exist in any case – and the provision of private residences which will benefit a small minority. These benefits do not outweigh the harm to the significance of a designated heritage asset identified above, and as such the proposals are considered to have failed this test.  |
| **Impact Upon Residential Amenity:**Whilst the proposal does introduce additional openings and fenestration, they are not considered to exacerbate the potential for any overlooking or loss of privacy on top of that identified with the original approval. No other aspect of the proposal is considered to unduly impact upon residential amenity.  |
| **Observations/Consideration of Matters Raised/Conclusion:**As such, for the above reasons and having regard to all material considerations and matters raised that the application is recommended for refusal. |
| **RECOMMENDATION**: |  |
| That planning consent be refused for the following reason(s). |
| **01:** | The proposed external alterations, namely to the rear (south) and side (east) roofslopes, are prominent, incongruous, and conspicuous and have a harmful impact upon the character and appearance of Whalley Conservation Area and the setting of nearby listed buildings namely the Church of Mary and All Saints, 10-13 Church Lane, 14 and 15 Church Lane, 16 Church Lane, 1,2 and 3 Poole End, Poole House and 2,3 and 4 The Square. This is contrary to Ribble Valley Core Strategy Key Statement EN5 and Policy DME4 and DMG1 as well as the National Planning Policy Framework. |