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| **Report to be read in conjunction with the Decision Notice.** | | | | | | | | | | | | | | |
| **Signed:** | **Officer:** | **SK** | | | | **Date:** | | **7.6.24** | | **Manager:** | | **LH** | **Date:** | **11.6.24** |
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| **Application Ref:** | | | | 2024/0307 | | | | | | |  | | | |
| **Date Inspected:** | | | | 16.5.24 | | | **Site Notice:** | | 16.5.24 | |
| **Officer:** | | | | Stephen Kilmartin | | | | | | |
| **DELEGATED ITEM FILE REPORT:** | | | | | | | | | | | **APPROVAL** | | | |
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| **Development Description:** | | | | | Listed Building Consent for proposed partial demolition and repair of external wall, change of use to a gin lab (sui generis) , new doors, window and rooflight and change to internal configuration. | | | | | | | | | |
| **Site Address/Location:** | | | | | 35B King Street, Whalley BB7 9SP | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Parish/Town Council** | | | | | | | | | |
| Whalley Parish Council have stated that they have no representations to make in respect of the proposal. | | | | | | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Highways/Water Authority/Other Bodies** | | | | | | | | | |
| **LCC Highways:** | | | | |  | | | | | | | | | |
| No representations received in respect of the proposal. | | | | | | | | | | | | | | |
| **CONSULTATIONS:** | | | | | **Additional Representations.** | | | | | | | | | |
| No representations received. | | | | | | | | | | | | | | |
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** | | | | | | | | | | | | | | |
| **Ribble Valley Core Strategy:**  Key Statement DS1 – Development Strategy  Key Statement DS2 – Sustainable Development  Key Statement EN5 – Heritage Assets  Key Statement EC2 – Development of Retail, Shops and Community Facilities and Services  Policy DMG1 – General Considerations  Policy DME4 – Protecting Heritage Assets  Policy DME6 – Water Management  Policy DMB1 – Supporting Business Growth and the Local Economy  Policy DMR2 – Shopping in Longridge and Whalley  Planning (Listed Buildings and Conservation Areas) Act  National Planning Policy Framework (NPPF) | | | | | | | | | | | | | | |
| **Relevant Planning History:**  **2023/0884:**  Proposed conversion and re-use of the unused space to a building for any use under Class E (commercial, business and service). The unsafe wall to be partially demolished due to poor condition and rebuilt. (Approved)  **2023/0883:**  Proposed conversion and re-use of the unused space to a building for any use under Class E (commercial, business and service). The unsafe wall to be partially demolished due to poor condition and rebuilt. (Approved)  **2023/0195:**  Proposed conversion and re-use of the building for an ice cream parlour. The unstable wall to be partially demolished due to poor condition and rebuilt with the existing entrance position being retained. Resubmission of 3/2022/0864 – Approved.  **2023/0196:**  Listed building consent for proposed conversion and re-use of the building for an ice cream parlour. The unstable wall to be partially demolished due to poor condition and rebuilt with the existing entrance position being retained. Resubmission of application 3/2022/0694 – Approved  **2022/0864:**  Proposed conversion and re-use of the building for an ice cream parlour. The unstable wall to be partially demolished due to poor condition and rebuilt with a new entrance and copings – Refused  **2022/0694:**  Listed building consent for proposed conversion and re-use of the building for an ice cream parlour. The unstable wall to be partially demolished due to poor condition and rebuilt with a new entrance and copings. Resubmission of application 3/2021/0239 – Refused  **2021/0239:**  Proposed conversion and re-use of the building for an ice cream parlour. The unstable wall is to be partially demolished due to poor condition and rebuilt with a new entrance and copings – Refused, Appeal Dismissed  **2017/0014:**  Retention of unauthorised shop front and side panels (resubmission of application 3/2016/0599) – Approved with Conditions  **2017/0013:**  Retention of unauthorised shop front and side panels (resubmission of application 3/2016/0597) – Approved with Conditions  **2016/0599:**  Retention of unauthorised shop front and side panels – Refused  **2015/0108:**  Proposed car park to the rear, removal of part of the boundary wall – Refused, Appeal Dismissed  **2014/1122:**  Formation of car park at the rear of 35 King Street to include new opening onto Back Street – Refused, Appeal Dismissed  **2011/0815:**  Form new door opening – Approved with Conditions  **2011/0086:**  Proposed change of use from a dwelling house (class C3) to a Hair/Beauty Salon (class A1) – Approved with Conditions  **2010/0474:**  Proposed internal partition, new internal opening and false ceiling – Refused, Appeal Dismissed  **2010/0137:**  Proposed new rear door opening, new rear stair, internal partition and false ceiling (Listed Building Consent) – Refused  **2009/0953:**  Change of use of part of the ground floor to a hair salon, with a new false ceiling and a new external rear entrance – Refused  **2009/0952:**  Change of use of part of ground floor a to hair salon, with internal alterations and a new rear entrance – Refused  **2008/0354:**  Replace 7no internal doors with half fire doors – Approved with Conditions  **2005/0973:**  Installation of 49 cm diameter satellite dish at rear of building – Approved with Conditions  **1999/0791:**  Domestic detached garage to rear (listed building consent) – Refused  **1999/0761:**  Domestic detached garage – Refused  **1991/0565:**  Replacement of existing railings (listed building application) – Approved Unconditionally  **1989/0532:**  Replace front door, fit french casement in rear kitchen window, demolish two "lean to" buildings and erect garage **–** Approved Unconditionally | | | | | | | | | | | | | | |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** | | | | | | | | | | | | | | |
| **Site Description and Surrounding Area:**  The application relates to an existing building/structure located to the rear of 35 king Street, Whalley, with access being provided via a side alley directly off King Street. Both 33 and 35 King Street are Grade II Designated Heritage Assets (Entry Number 1317638) with the listing description reading as follows:  *‘Row of houses and shops, mid C18. Brick with sandstone dressings and slate roof. 3 storeys, 10 bays, with chamfered quoins. Windows have plain stone surrounds with keystones. Those on the ground and 1st floor are sashed with no glazing bars. Those on the 2nd floor are sashed with glazing bars. The 3rd bay has a blind attic window and the 8th bay is blind on the 1st and 2nd floors. The 1st and 2nd and the 9th and l0th bays now have shop fronts on the ground floor. In the 3rd and 8th bays there are doors with architraves which have keystones. In the 5th bay there is a door within a former window surround. Chimneys on gables and between 5th and 6th bays. Inside, No.35 has several oak panelled doors of C18 type, and an oak dog-leg stair with open string, turned balusters and wreathed handrail.’*  The building/structure is located within the Principal Settlement of Whalley, also being within the designated Whalley Conservation Area. The area is largely typified by mixed commercial uses typical of that of a principal shopping frontage. | | | | | | | | | | | | | | |
| **Proposed Development for which consent is sought:**  The application seeks Listed Building Consent for the conversion and re-use of an existing building/structure attached to 35 king street Whalley. It is proposed that the conversion will facilitate use of the building/structure to accommodate a ‘gin-Lab’ (Sui generis)  It is proposed that portions of the external stone wall will be demolished and rebuilt due to poor condition and stability. The submitted details further propose the replacement of the existing roof, incorporating a tri-pane clerestory window arrangement, with a door to be installed within an existing ‘opening’. All other works to facilitate the conversion are limited to that of internal works. | | | | | | | | | | | | | | |
| **Principle of Development:**  The proposed development represents the conversion of an existing building/structure attached to a building located within the Principal Shopping Frontage of the defined settlement of Whalley to be utilised for commercial purposes. As such Key Statements EC1 and EC2 and Policies DMB1 and DMR2 are primarily, but not solely, engaged in respect of assessing the acceptability of the principle of the development and its alignment or potential conflict with the aims and objectives inherent to the Ribble Valley Corey Strategy.  In this respect Key Statement EC1 is broadly supportive of the expansion of existing business/commercial enterprises stating that *‘the expansion of existing businesses will, wherever appropriate, be considered favourably’*.  With Key Statement EC2 further endorsing the aims of EC1 stating that *‘Development that supports and enhances the vibrancy, consumer choice and vitality and unique character of the area’s important retail and service centres of Clitheroe, Longridge and Whalley will be supported in principle’.*  Policy DMB1 is engaged, affording general Development Management considerations in respect of such development stating that:  *Proposals that are intended to support business growth and the local economy will be supported in principle. development proposals will be determined in accord with the core strategy and detailed policies of the LDF as appropriate. the borough council may request the submission of supporting information for farm diversification where appropriate. The expansion of existing firms within settlements will be permitted on land within or adjacent to their existing sites, provided no significant environmental problems are caused and the extension conforms to the other plan policies of the LDF.*  *The expansion of established firms on land outside settlements will be allowed provided it is essential to maintain the existing source of employment and can be assimilated within the local landscape. There may be occasions where due to the scale of the proposal relocation to an alternative site is preferable.*  *Proposals for the development, redevelopment or conversion of sites with employment generating potential in the plan area for alternative uses will be assessed with regard to the following criteria:*   1. *The provisions of Policy DMG1, and* 2. *The compatibility of the proposal with other plan policies of the LDF, and* 3. *The environmental benefits to be gained by the community, and* 4. *The economic and social impact caused by loss of employment opportunities to the borough, and* 5. *Any attempts that have been made to secure an alternative employment generating use for the site (must be supported by evidence (such as property agents details including periods of marketing and response) that the property/ business has been marketed for business use for a minimum period of six months or information that demonstrates to the council’s satisfaction that the current use is not viable for employment purposes.)*   *The council in accord with its vision and key statements wishes to create the right environment for business growth whilst ensuring development is sustainable.*  With Policy DMR2, in respect of tourism and visitor facilities/attractions, stating the following:  *Proposals for new small scale shopping developments including existing facilities will be approved on sites which are physically closely related to existing shopping facilities. All proposed shopping developments will be subject to other relevant policies in the plan and the borough council will have particular regard to the effect of the proposals on the character and amenities of the centre and the consequences in respect of vehicular movement and parking. Longridge and Whalley will continue to be the other main shopping areas of the borough. Their size and facilities are more closely related to local shopping needs than those of Clitheroe.*  Taking account of the above, the adopted development plan is broadly supporting of sustainable economic growth and development proposals, in the settlement of Whalley, for new small scale commercial developments which are physically closely related to existing facilities. In this respect, notwithstanding other development management considerations, the principle of the redevelopment of the structure to accommodate a ‘Gin-lab’ (sui generis) raises no significant measurable nor quantifiable direct conflict with Key Statements EC1 and EC2 nor Policies DMB1 or DMR2 of the Ribble Valley Core Strategy. | | | | | | | | | | | | | | |
| **Impact upon Listed Building and Setting:**  The structure/building to which the application relates adjoins a Grade II Designated Heritage Asset (33 and 35 King Street List Entry: 1317638). As such, in assessing the proposal, regard must be given to the statutory duties imposed on the authority in respect of the preservation and enhancement of such assets. In this respect, at a local level, Key Statement EN5 and Policy DME4 are primarily, but not solely, engaged for the purposes of assessing likely impacts upon designated heritage assets resultant from the proposed development.  In this respect Key Statement EN5 states that:  *There will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings. The Historic Environment and its Heritage Assets and their settings will be conserved and enhanced in a manner appropriate to their significance for their heritage value; their important contribution to local character, distinctiveness and sense of place; and to wider social, cultural and environmental benefits.*  *This will be achieved through:*   * *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.* * *Keeping Conservation Area Appraisals under review to ensure that any development proposals respect and safeguard the character, appearance and significance of the area.* * *Considering any development proposals which may impact on a heritage asset or their setting through seeking benefits that conserve and enhance their significance and avoids any substantial harm to the heritage asset.* * *Requiring all development proposals to make a positive contribution to local distinctiveness/sense of place.* * *The consideration of Article 4 Directions to restrict permitted development rights where the exercise of such rights would harm the historic environment.*   **Policy DME4:**  With Policy DME4 stating, in respect of development within conservation areas or those affecting the listed buildings or their setting, that development will be assessed on the following basis:  ***1: CONSERVATION AREAS***  *Proposals within, or affecting views into and out of, or affecting the setting of a conservation area will be required to conserve and where appropriate enhance its character and appearance and those elements which contribute towards its significance. This should include considerations as to whether it conserves and enhances the special architectural and historic character of the area as set out in the relevant conservation area appraisal. development which makes a positive contribution and conserves and enhances the character, appearance and significance of the area in terms of its location, scale, size, design and materials and existing buildings, structures, trees and open spaces will be supported.*  *In the conservation areas there will be a presumption in favour of the conservation and enhancement of elements that make a positive contribution to the character or appearance of the conservation area.*  ***2: LISTED BUILDINGS AND OTHER BUILDINGS OF SIGNIFICANT HERITAGE INTEREST***  *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. Any proposals involving the demolition or loss of important historic fabric from listed buildings will be refused unless it can be demonstrated that exceptional circumstances exist.*  **Policy DMG1:**  Policy DMG1 is also engaged in concert with Key Statement EN5 and Policy DME4 insofar that the policy sets out general Development Management considerations, with the policy having a number of inherent criterion that are relevant to the assessment of the current proposal, which state:  *In determining planning applications, all development must:*  ***DESIGN***   1. *Be of a high standard of building design which considers the 8 building in context principles (from the CABE/English Heritage building on context toolkit.* 2. *Be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials.* 3. *Consider the density, layout and relationship between buildings, which is of major importance. particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character, as well as the effects of development on existing amenities.*   ***AMENITY***   1. *Not adversely affect the amenities of the surrounding area.*   ***ENVIRONMENT***   1. *All development must protect and enhance heritage assets and their settings.*   **Planning (Listed Building and Conservation Areas) Act 1990:**  Given the proposal relates to a Grade II Designated Heritage Asset, special regard must also 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.  **Listed buildings - Section 16 (2) (as amended by s.58B of Levelling-up and Regeneration Act 2023):**  In considering whether to grant listed building consent for any works to a listed building the local planning authority shall have special regard to the desirability of preserving or enhancing the building. 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 National planning Policy Framework (NPPF) sets out further duties in respect of determining proposals that affect heritage assets stating that ‘i*n 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:  **Considering Potential Impacts:**  *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:*   1. *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;* 2. *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:*   1. *the nature of the heritage asset prevents all reasonable uses of the site; and* 2. *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and* 3. *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and* 4. *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 of Impacts:**  The building/structure, sitting to the rear of the primary streetscene and to the rear of 35 King Street, is not mentioned within the Listing description and is not visually prominent from the primary public realm. Given the building/structure currently stands vacant, the conversion to facilitate the introduction of a commercial use will assist in the long-term protection and enhancement of the building.  The proposed external alterations will result in a visual uplift compared to that of the appearance of the existing structure, resulting in it being read as a more visually active ‘frontage’. The demolition and rebuilding of the associated stone-wall, which has been assessed to have a low archaeological significance, has been proven to be necessary as evidenced by the structural report submitted with the application.  The application has been supported by a Stone Repair/rebuilding Method Statement, the proposed methodology for the proposed works to the existing stone-walling is considered appropriate/acceptable and should consent be granted, conditions will be imposed requiring that works be carried out in strict accordance with the Method Statement.  As such, taking account of the above matters, it is not considered that the proposed development raises any significant direct conflict(s) with Key Statement EN5 or Policies DMG1 and DME4 of the Ribble Valley Core Strategy, nor any significant measurable conflicts with the aims, objectives and requirements of Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 nor Paragraphs 205 and 208 of the National Planning Policy Framework. Particularly In respect of measurable adverse impacts upon or development that would result in measurable harm to a Grade II Designated Heritage Asset or the setting of adjacent or nearby Grade II Designated Heritage Assets. | | | | | | | | | | | | | | |
| **Impact upon Character/appearance of Conservation Area**  The application site lies within the Designated Whalley Conservation Area. As such, in assessing the proposal, regard must be given to the statutory duties imposed on the authority in respect of the preservation and enhancement of the character of the Conservation Area. In this respect, at a local level, Key Statement EN5 and Policy DME4 are primarily, but not solely, engaged for the purposes of assessing likely impacts upon designated heritage assets resultant from the proposed development.  In this respect Key Statement EN5 states that:  *There will be a presumption in favour of the conservation and enhancement of the significance of heritage assets and their settings. The Historic Environment and its Heritage Assets and their settings will be conserved and enhanced in a manner appropriate to their significance for their heritage value; their important contribution to local character, distinctiveness and sense of place; and to wider social, cultural and environmental benefits.*  *This will be achieved through:*   * *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.* * *Keeping Conservation Area Appraisals under review to ensure that any development proposals respect and safeguard the character, appearance and significance of the area.* * *Considering any development proposals which may impact on a heritage asset or their setting through seeking benefits that conserve and enhance their significance and avoids any substantial harm to the heritage asset.* * *Requiring all development proposals to make a positive contribution to local distinctiveness/sense of place.* * *The consideration of Article 4 Directions to restrict permitted development rights where the exercise of such rights would harm the historic environment.*   With Policy DME4 stating, in respect of development within conservation areas or those affecting the listed buildings or their setting, that development will be assessed on the following basis:  *1: CONSERVATION AREAS*  *Proposals within, or affecting views into and out of, or affecting the setting of a conservation area will be required to conserve and where appropriate enhance its character and appearance and those elements which contribute towards its significance. This should include considerations as to whether it conserves and enhances the special architectural and historic character of the area as set out in the relevant conservation area appraisal. development which makes a positive contribution and conserves and enhances the character, appearance and significance of the area in terms of its location, scale, size, design and materials and existing buildings, structures, trees and open spaces will be supported.*  *In the conservation areas there will be a presumption in favour of the conservation and enhancement of elements that make a positive contribution to the character or appearance of the conservation area.*  *2: LISTED BUILDINGS AND OTHER BUILDINGS OF SIGNIFICANT HERITAGE INTEREST*  *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. Any proposals involving the demolition or loss of important historic fabric from listed buildings will be refused unless it can be demonstrated that exceptional circumstances exist.*  Policy DMG1 is also engaged in concert with Key Statement EN5 and Policy DME4 insofar that the policy sets out general Development Management considerations, with the policy having a number of inherent criterion that are relevant to the assessment of the current proposal, which state:  *In determining planning applications, all development must:*  *DESIGN*   1. *Be of a high standard of building design which considers the 8 building in context principles (from the CABE/English Heritage building on context toolkit.* 2. *Be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials.* 3. *Consider the density, layout and relationship between buildings, which is of major importance. particular emphasis will be placed on visual appearance and the relationship to surroundings, including impact on landscape character, as well as the effects of development on existing amenities.*   *AMENITY*   1. *Not adversely affect the amenities of the surrounding area.*   *ENVIRONMENT*   1. *All development must protect and enhance heritage assets and their settings.*   **Assessment of Impacts:**  **The Whalley Conservation Area**  The Whalley Conservation Area Appraisal explicitly mentions 35 King Street but only with regard to elements of the primary elevation, with the submitted details not proposing any alterations to the primary elevations) of the building. The extent of the alterations to the existing structure/building are minimal, retaining its overall form and general appearance, save that for improvements to the eaves/roof margin an, the introduction of a door into an existing opening, two small ‘feature’ windows and the introduction of a duo-pane clerestory glazing arrangement.  As such, taking account of the extent of the proposed works and alterations, it is not considered that the proposed development will result in any adverse harm to the immediate/wider character or visual amenities of the designated Whalley Conservation Area.  As such, taking account of the above matters, it is not considered that the proposed development raises any significant direct conflict(s) with Key Statement EN5 or Policies DMG1 and DME4 of the Ribble Valley Core Strategy, nor any significant measurable conflicts with the aims, objectives and requirements of Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 nor Paragraphs 205 and 208 of the National Planning Policy Framework. Particularly In respect of measurable adverse impacts upon the character or visual amenities of the designated Whalley Conservation Area. | | | | | | | | | | | | | | |
| **Impact Upon Residential Amenity:**  The proposal seeks Listed Building Consent for the conversion of an existing structure/building attached to a well-established commercial business within the Principal Shopping Frontage of the settlement of Whalley. As such the introduction of a further commercial use within the area, subject to operational activities, would not be considered as a divergent introduction.  Given the scale of the proposed development and that the operational hours (09.00hrs - 21:00hrs Monday to Sundays) are commensurate with nearby similar uses, it is not considered that the activities/operations associated with the use would result in any additional impacts upon nearby residential amenities over and above that of surrounding existing commercial uses within the vicinity.  Taking account of the above, the proposal raises no significant measurable conflict with Policy DMG1 of the Ribble Valley Core Strategy which seeks to protect existing residential amenity and ensure adequate levels of residential amenity for future occupiers of proposed residential development(s) where appropriate. | | | | | | | | | | | | | | |
| **Flood Risk:**  The site sits in Flood Zone 3 and as such a Flood Risk Assessment has been submitted with the application. As the application represents a minor development and a change of use it is not necessary to apply the sequential test. The use is also seen to be ‘less vulnerable’ and as such there it is not considered that there will be any of risk of damage during a flood event that would require mitigation.  As such and taking account of the above, the proposal results in no significant direct conflict with Policy DME6 (Water Management) of the Ribble Valley Core Strategy nor the National Planning Policy Framework (2023) in respect of flood risk(s). | | | | | | | | | | | | | | |
| **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 for Listed Building Consent is recommended for approval. | | | | | | | | | | | | | | |
| **RECOMMENDATION**: | | |  | | | | | | | | | | | |
| That Listed Building Consent be granted subject to the imposition of conditions. | | | | | | | | | | | | | | |