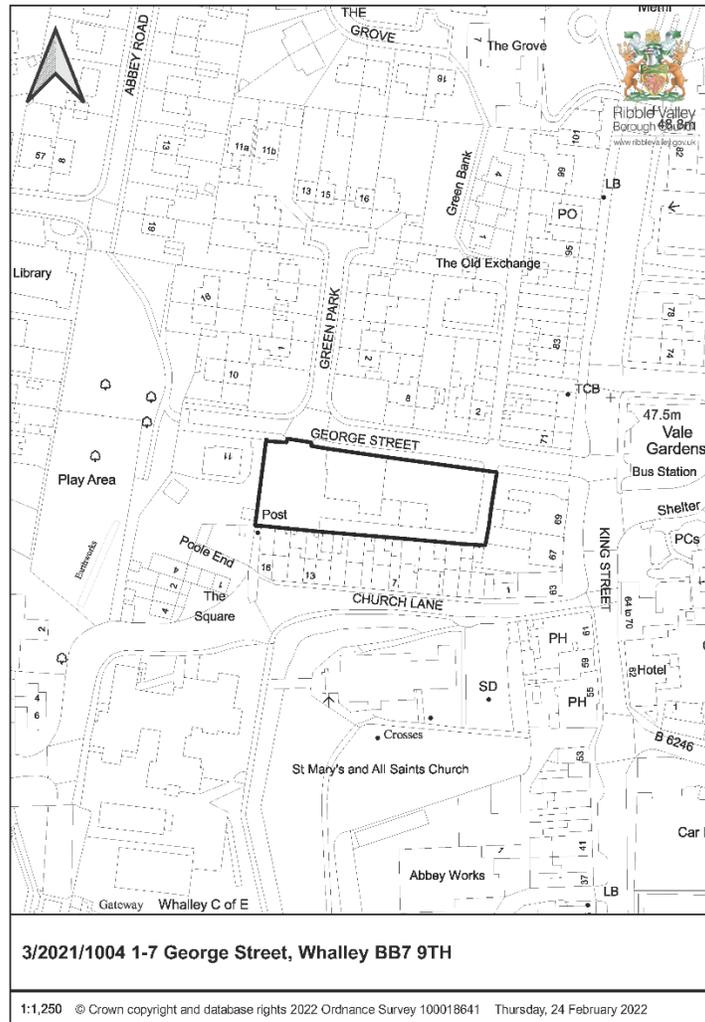


APPLICATION REF: 3/2021/1004

GRID REF: SD 373276 436247

DEVELOPMENT DESCRIPTION:

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 AT 1 TO 7 GEORGE STREET, WHALLEY



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

Concerns about the displacement of shoppers' parking (impact on commercial footfall) and high volume of traffic.

LCC HIGHWAYS:

No objection subject to conditions (provision of secure cycle stores).

HISTORIC ENGLAND:

ADDITIONAL REPRESENTATIONS:

Three letters of objection received which make the following points:

- Concerns as to parking and deliveries (including exacerbation of illegal parking);
- New lighting within c.12m of rear of Church Lane properties;
- Rear windows and balconies overlook the rear of nos. 5-12 Church Lane;
- Access at rear - no obstruction for residents of Church Lane, waste removal and emergency vehicles and pre-requirement to survey the drain capacity.

One letter received which requests that proposed solar panel installation be secured by condition.

Add a comment as to why it was called in

1. Site Description and Surrounding Area

- 1.1 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.

2. Proposed Development for which consent is sought

- 2.1 Planning permission is sought for the conversion, extension and alteration of the upper floors (including Mezzanine floor installation within the former cinema space) to create seven residential apartments. A rear extension to ground floor retail unit, demolition of the historic loading bay and rebuilding of part of the rear wall is also proposed.

3. Relevant Planning History

3/2020/0509- Prior notification of change of use from ground floor shop (use class A1) to cafe/coffee shop (A3) for three years. Permission not required 07/09/2020.

3/2018/1137- Proposed change of use of first floor of former Maureen Cookson building from Retail (A1) to Restaurant (A3). PP granted 15/03/2019.

3/2018/0953 - Proposed change of use of part of former Maureen Cookson building from A1 to A3/A4 for flexible planning use. Withdrawn.

3/2012/0535- Proposed change of use from retail (A1) to mixed use classes A1 and A3 providing; kitchen store, coffee bar/lounge area/cafe/deli sales. PP granted 30/07/2012.

3/2009/0956- Alteration to the existing premises to relocate 'Cookies' licensed cafe from the first to the ground floor - change of use from class A1 to A4. PP granted 15/01/2010.

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy

Key Statement EC1 – Business and Employment Development

Key Statement EC2: Development of Retail, Shops and Community Facilities and Services

Key Statement EN5 – Heritage Assets

Key Statement H1 – Housing Provision

Key Statement H2 – Housing Balance

Key Statement EC3: Visitor Economy

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG2 – Strategic Considerations

Policy DMG3 – Transport & Mobility

Policy DME4 – Protecting Heritage Assets

Policy DMB1 – Supporting Business Growth and the Local Economy

Policy DMR3 – Shopping | Longridge and Whalley

Policy DME3 – Site and Species Protection and Conservation

Planning (Listed Buildings and Conservation Areas) Act 1990 -‘Preservation’ in the duties at section 16, 66 and 72 of the Act means “doing no harm to” (*South Lakeland DC v. Secretary of State for the Environment* [1992]).

Whalley Conservation Area Appraisal

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 **Impact upon the character and appearance of Whalley Conservation Area and the setting of listed buildings:**

5.1.1 The Whalley Conservation Area Appraisal identifies the historic building and its visual relationship with adjoining buildings to be significant for the following reasons:

“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.

- 5.1.2 The proposed external alterations are conspicuous (particularly alterations to roof and upper storey), incongruous and unsympathetic to the above significance.
- 5.1.3 The submitted Heritage Statement identifies the significance of the building’s neo-baroque style (7.1). A pair of towers at the north elevation extend to the roof as turrets and form a particularly important architectural component. Otherwise, the largely hipped roof appears intentionally plain and restrained, focusing attention on the floors below characterized by regular and vertically-emphasised window openings. However, the proposed extensively glazed and prominent north roof slope dormer is horizontally emphasized and discordant in respect to this intentional verticality. The proposed south elevation extensions (facing the listed and historic buildings on Church Row and St Mary and All Saints church) extend to the roof ridge, are extensively glazed (reflective by day and lit-up at night) and are conspicuous, incongruous and discordant. Architectural intentions are further compromised by the proposed installation of conspicuous, incongruous and discordant roof lights and solar panel arrays to the north, south, east and west roof slopes.

- 5.1.4 The submitted Heritage Statement identifies the significance of the building's neo-baroque style (7.1)."
- 5.1.5 The very extensive roof alterations to one of Whalley's tallest buildings is harmful to the setting of the adjoining listed buildings including appreciation of the church tower.
- 5.1.6 'Making changes to heritage assets' (Historic England, 2016) identifies that rooflights and dormers are quite likely to adversely affect a building's significance (paragraph 48) and it is not good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting (paragraph 41).
- 5.1.7 The building is distinguished by its use of brickwork with ashlar stone dressings (a recent rendered extension detracts in this respect). The proposed extensive use of render at the south elevation (facing the listed and historic buildings on Church Row) further complicates the palette of materials and detracts from the integrity of the building and its carefully considered form and detailing.
- 5.1.8 South elevation (facing the listed and historic buildings on Church Row) 'Queen Anne' historic windows are proposed for remodeling into doorways onto a terrace. No materials details of replacement openings submitted. This is harmful to the carefully considered form and detailing of the building. 'Making changes' identifies that doors and windows are frequently key to the significance of a building (paragraph 15).
- 5.1.9 The existing south elevation incorporates the building's historic timber framed loading bay with historic stone-setted surface. It is proposed to construct a flat-roofed extension in this space. The form of this extension is unsympathetic to the building's architectural style and its location with loss of loading bay is harmful to the understanding of building function and historic development.
- 5.1.10 Therefore, the proposals are harmful to the character and appearance of Whalley Conservation Area and the setting of 'Church of St 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' listed buildings.
- 5.1.11 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of the planning acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

- 5.1.12 NPPF paragraph 199 requires that 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

NPPF paragraph 200 requires that 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.

- 5.1.13 The proposals are contrary to Ribble Valley Core Strategy Policy DME4. This states that in considering development proposals the council will make a presumption in favour of the conservation and enhancement of heritage assets and their settings. 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. Proposals within 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 and structures will be supported.

Ribble Valley Core Strategy Policy DMG1 states that 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. Environment ... 3. all development must protect and enhance heritage assets and their settings.

- 5.1.14 The harm to Whalley Conservation Area (including the harm to two 'Focal Buildings' and the setting of listed buildings) is extensive affecting a significant part of the Sands, Whalley Abbey and Church Lane Character Area. NPPF paragraph 201 identifies of 'substantial harm' to designated heritage assets:

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.

The proposal will provide seven new homes. This is a public benefit but not a substantial public benefit in respect to the provision of housing in the Borough's Development Strategy (Key Statement DS1) and mindful of the Borough's current five year supply of housing land.

The building is in use at ground floor and part first floor. Planning permission was granted in 2019 (3/2018/1137) for the conversion of the majority of the upper floor to a restaurant and two A1 retail units (retaining the cinema space). Paragraph 7.11 of the submitted Planning Statement identifies that "the applicant however would now prefer to convert the upper floors of the building to residential accommodation in preference to the permission for the restaurant". This does not suggest (or meet the marketing test above) that alternative and less harmful uses have been explored. No information has been submitted to suggest that the building requires investment in repair works.

5.2 Impact upon Residential Amenity:

- 5.2.1 The proposals include elevated terraces and glazed stair wells which look down at height upon the rear elevations of the properties on Church Lane. This overlooking is significant and of harm to residential amenity. This is contrary to Ribble Valley Core Strategy Policy DMG1 which requires development to be sympathetic to existing and proposed land uses in terms of its nature, to provide adequate privacy distances and to not adversely affect the amenities of the surrounding area.
- 5.2.1 RVBC Environmental Health identify the need for an assessment of all significant noise sources. It is suggested that if predicted noise levels in the assessment are unacceptable, it may be necessary to refuse the application.
- 5.2.3 Local resident concerns as to lighting have been considered. However, concerns are not identified by RVBC Environmental Health.

5.3 Land use:

- 5.3.1 The proposal includes some new commercial floorspace at ground floor but this is outweighed by the loss of commercial floorspace at first floor.
- 5.3.2 Ribble Valley Core Strategy Key Statement EC1 identifies that proposals that result in the loss of existing employment sites to other forms of development will need to demonstrate that there will be no adverse impact upon the local economy. Key Statement EC2 also identifies that development that supports and enhances the vibrancy, consumer choice and vitality and unique character of the area's important retail and service centre of Whalley will be supported in principle. Policy DMB1 identifies:

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.)

No information has been submitted to assuage concerns in respect to the loss of commercial floorspace and the proposals are contrary to Key Statement EC1 and Policy DMB1.

5.4 Highway Safety and Accessibility:

5.4.1 The comments of local residents have been considered. However, the comments of LCC Highways identify an acceptable development subject to condition.

5.5 Ecology:

5.5.1 RVBC Countryside identify an acceptable development in respect to ecology issues.

6. **Observations/Consideration of Matters Raised/Conclusion**

6.1 Therefore, in giving considerable importance and weight to the duties at section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in consideration to NPPF and Key Statement EN5, EC1 and EC2 and Policy DME4, DMG1 and DMB1 of the Ribble Valley Core Strategy it is recommended that planning permission be refused.

RECOMMENDATION 1: That the application be REFUSED for the following reasons:

1. The proposed external alterations are prominent, incongruous and conspicuous and have a harmful impact upon the character and appearance of Whalley Conservation Area and the setting of listed buildings. This is contrary to Ribble Valley Core Strategy Key Statement EN5 and Policy DME4 and DMG1.
2. The proposed development results in harmful overlooking of residential properties on Church Lane. This is contrary to Ribble Valley Core Strategy Policy DMG1.
3. The proposal will result in the loss of employment generating commercial floorspace. This is contrary to Ribble Valley Core Strategy Key Statement EC1 and Policy DMB1.

RECOMMENDATION 2:

UPDATE FOLLOWING 10 MARCH PLANNING AND DEVELOPMENT COMMITTEE MEETING:

On 10 March 2022 Committee were Minded to approve the application and requested that the application be brought back to committee with appropriate conditions.

Lancashire County Council Archaeology have been consulted on the application and advise that the most significant interest of the building is probably its construction with the upper floor as a cinema in the early years of the 20th century. Early cinemas are increasingly rare as the buildings have fallen into disuse and dereliction. The building is therefore of some heritage and social historical significance as cinema attendance was a major feature of the population's leisure pursuits until the advent of television on a large scale. The proposed conversion will, however, have a significant impact on the historic character and appearance of the upper floor and will result in the evidence for its original purpose being removed or obscured by the conversion.

The Head of Planning Services has sought amendments to the scheme to reduce the impact of harmful works to the setting of listed buildings and the character and appearance of Whalley Conservation Area. However, the applicant does not wish to negotiate in this respect.

Should Committee still be minded to approve the application the following conditions and notes are recommended for consideration:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Location Plan

Proposed Site Plan A1.2 20/8/2021

Proposed Elevations A2.2A 26/10/2021

Proposed Ground and First Floor Plans A1.4 20/8/2021

Proposed Mezzanine and Upper Floor Plans A1.5 13/9/2021

Proposed Sections Showing Distances to Church Lane Properties A3.2 13/9/2021

Solar PV Location Section A3.3 12/10/2021

Materiality

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. Notwithstanding that submitted, precise specifications and samples of proposed wall, roof, window, door, rooflight and solar panel materials shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works. The development thereafter shall be implemented in accordance with the approved details.

REASON: In order to ensure acceptable materials.

4. Precise specifications (including cross-section drawings) of proposed new windows, doors, rooflights and solar panels shall have been submitted to and approved in writing by the Local Planning Authority before their use in the proposed works. The development thereafter shall be implemented in accordance with the approved details.

REASON: In order to ensure acceptable windows, doors, rooflights and solar panels.

5. No building or use hereby permitted shall be occupied or the use commenced until secure cycle stores are provided at the site for use by the occupants of the apartments. The details regarding the cycle stores shall be submitted to and approved in writing by the Local Planning Authority . The respective cycle stores shall be retained at all times thereafter.

Reason: In the interest of providing suitable storage for cycles and sustainable modes of travel.

6. Notwithstanding that submitted, precise specifications and samples of proposed south elevation glazing (including details of obscure glazing) shall have been submitted to and approved in writing by the Local Planning Authority before its use in the proposed works. The development thereafter shall be implemented in accordance with the approved details.

REASON: To safeguard the residential amenities of adjoining properties on Church Lane.

7. No development including any demolition works shall take place until the applicant or their agent or successors in title has secured the implementation of a programme of building recording, analysis and reporting 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. The programme of works should comprise the creation of a record of the building to level 3 as set out in "Understanding Historic Buildings" (Historic England 2016). It should include a full description of the buildings, inside and out, drawn plans, elevations and at least one section (which drawings may be derived from checked and corrected architect's drawings), and a full photographic coverage, inside and out. The record should also include a rapid desk-based assessment, putting the building and its features into context. The work must be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists. A copy of this record shall be submitted to the Local Planning Authority and the Lancashire Historic Environment Record.

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

8. No development shall take place until details of an assessment of all significant noise sources likely to affect the proposed development has been submitted in writing to and approved by the Local Planning Authority.

The noise report shall:

- a) Determine the existing noise climate including from existing commercial premises and from plant noise forming part of the development
- b) Predict the noise climate in bedrooms (night-time) and other habitable rooms of the development (day-time)
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the proposed dwellings. If the noise attenuation measures include windows being kept closed, then details of alternative ventilation over background ventilation will be required.

This assessment shall demonstrate that the following standards are met within the proposed development.

L_{Aeq} 50-55dB 16 hours – outside living areas (for example balconies where appropriate)
L_{Aeq} 35dB 16 hours – indoors daytime (08.00-23.00)
L_{Aeq} 30dB 8 hours – indoors night-time (23.00-07.00)
L_{AFmax} 45dB 8 hours – indoors night-time (23.00-07.00)
L_{AFmax} 45dB 4 hours – indoors evening (19.00-23.00)*

* The evening standard L_{AFmax} will only apply where the existing evening L_{AFmax} significantly exceeds the L_{Aeq} and the maximum levels reached regular occur, for example several times per hour.

The assessment shall be carried out for the most sensitive hours.

REASON: To safeguard residential amenities.

9. Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the agreed noise report shall be completed and written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the agreed noise report have been achieved, then a further scheme shall be submitted for the written approval of the Local Planning Authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

REASON: To safeguard residential amenities.

10. Before the development is first brought into use, an assessment of the sources of potential odour that might be detrimental to the amenity of future occupants of the proposed development, in particular from activities in nearby commercial properties from cooking and extract ventilation systems, shall have been submitted in writing to and approved by the Local Planning Authority.

The assessment will detail the odour sources and demonstrate how the amenity of future occupants of the proposed development will be protected from these odour sources. Any

necessary mitigation measures shall thereafter be implemented as part of the development and retained in perpetuity thereafter.

REASON: To safeguard residential amenities.

11. Prior to the first occupation each dwelling shall have an electric vehicle charging point. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently.

REASON: In the interests of supporting sustainable travel.

12. Precise specifications of the proposed re-building of the boundary wall shall have been submitted to and approved in writing by the Local Planning Authority before the implementation of this element of the proposed works. The development thereafter shall be implemented in accordance with the approved details.

REASON: In order to ensure an acceptable development.

INFORMATIVES

It is recommended that the methodology for any noise assessment be submitted in writing to the RVBC Environmental Health Service prior to any assessment taking place.

BACKGROUND PAPERS