

Application Number	20/00958/FUL
Site Address	40 The Shambles, WORCESTER, WR1 2RE
Description of Development	Conversion of first floor and second floor to 3no. Residential Studio Apartments with first floor extension.
Expiry Date	24 May 2021. An extension of time has been requested.
Applicant	Talwinder Singh
Agent	Architecture & Interior Design
Case Officer	Sally Watts
	sally.watts@worcester.gov.uk
Ward Member(s)	Cathedral Ward
Reason for Referral to Committee	Ward Member referral
Key Issues	The principle of development and whether the proposal would be sustainable form of development having regard to the 3 dimensions of sustainable development in terms of its economic role, social role and environmental role.
Web link to application	https://plan.worcester.gov.uk/Planning/Display/20/00958/FUL
Recommendation	The Corporate Director of Planning and Governance recommends that the Planning Committee grants planning permission subject to the conditions set out in section 9 of this report.

1. Background

- 1.1 The application was registered on 29 March 2021 and was due for a decision on 24 May 2021. An extension of time for the determination of the application has been sought but not yet agreed.
- 1.2 The application has been referred to the Planning Committee at the request of Councillor Denham due to concerns regarding access, bike storage and the size of the units are below the national minimum space standard.

2. The site

- 2.1 The site is within the city centre; it fronts The Shambles and the rear adjoins properties which face into Reindeer Court. The site is within an archaeologically sensitive area and at the centre of the Historic City Conservation Area.
- 2.2 The building sits alongside buildings of similar age and context, none of which are listed. The site is designated as primary shopping frontage within SWDP10.



Figure 1. Site location plan

- 2.3 The building at ground floor continues to the rear and the covers the plot. To the rear there is access to the upper floors. This incorporates a narrow hallway which continues to the front and older building at the front of the site. This area has no current use and works poorly as storage to serve the ground floor retail unit given the convoluted route to access it as seen in figure2.



Figure 2. Existing floor plans

2.4 As seen in Figure 3, the ground floor the shopfront has a modern frontage with a fascia which has been overlaid with new signage panels. The building has a traditional upper floor appearance with timber sash windows. The ground floor shop frontage is a later addition of a modern size and appearance with a central opening and double doors.



Figure 3. Photograph of building frontage from The Shambles.

3. The proposals

- 3.1 The proposal is to convert the upper floors into three residential units with a first-floor extension to the rear of the site. The shopfront is proposed to be altered with a single door to serve the independent residential upper floors and a single door to serve the retail unit. The hallway area incorporates the staircase to the upper floors, plus bin store and a cycle store on the ground floor. There is a void area in the centre on the first floor.
- 3.2 The rear first floor unit is within the proposed rear extension comprised of one large room which is bedroom/living room and kitchen with a bathroom at the rear. This would have a large lantern rooflight (measuring 1.85m x 3.5 metres) as the only source of light.
- 3.3 The front first floor unit has a bedroom, kitchen/living room and bathroom plus a storeroom, the floor area is 31.3 sq. m. The unit has windows facing onto The Shambles.
- 3.4 The front second floor unit also has a floor area measuring 31.3sq. m. It has a bedroom, kitchen/living room, and bathroom plus a store. The unit has windows facing onto The Shambles.
- 3.5 A detailed environmental sound assessment for the proposed residential element of the development has been undertaken and acoustic specifications for glazing/ventilation elements have been provided.
- 3.6 The application is accompanied by a full set of plans together with a suite of supporting documents that include:
- 2020 0269 002 Existing floor plans
 - Design and Access Statement, revision: A
 - 001 Location and block plan
 - Noise Assessment Report
 - HERITAGE STATEMENT.pdf
 - Statement re SWDP29 and 30.pdf
 - 2020 0269 003, revision: A Existing elevations
 - 003 existing elevations
 - 2020 0269 004, revision: A Proposed floor plans
 - 2020 0269 005, revision: A Proposed elevations
 - 004, revision: A Proposed floor plans with cycle storage
- 3.7 In accordance with Article 15 (7) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), full details of the application have been published on the Council's website. Members will have had the opportunity to review the submitted plans and documents in order to familiarise themselves with the proposals prior to consideration and determination of the application accordingly.

4. Planning Policy

- 4.1 The Town and Country Planning Act 1990 ('the Act') establishes the legislative framework for consideration of this application. Section 70(2) of the Act requires the decision-maker in determining planning applications/appeals to have regard to the Development Plan, insofar as it is material to the application/appeal, and to any other material consideration.

Where the Development Plan is material to the development proposal it must therefore be considered. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application/appeal to be determined in accordance with the Plan unless material considerations indicate otherwise.

- 4.2 Paragraph 206 of the NPPF states that "Local Authorities are called to look for opportunities for new development within conservation areas and the setting of heritage assets to enhance or better reveal their significance". This is further reflected in South Worcestershire Development Plan policies SWDP 6 and SWDP 24 which seek to protect and enhance designated and non-designated heritage assets and guide against development that would cause substantial harm to the significance of any heritage asset and policy.
- 4.3 The key legal provisions relating to the consideration of heritage assets in the planning system are s72 (1) and s66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which state that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" and "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".
- 4.4 The Development Plan for Worcester now comprises:
- The South Worcestershire Development Plan (SWDP) which was adopted February 2016, and;
 - The Worcestershire Waste Core Strategy, which was adopted on December 2012.

South Worcestershire Development Plan

- 4.5 The following policies of the SWDP are relevant to the proposal:

SWDP 21 Design
SWDP 27 Renewable and Low Carbon Energy
SWDP 4 Moving Around South Worcestershire
SWDP 29 Sustainable Drainage Systems
SWDP 6 Historic Environment
SWDP 24 Management of the Historic Environment

Material Considerations

1. National Planning Policy Framework

2. National Planning Practice Guidance

3. Supplementary Planning Documents

- 4.6 The following Supplementary Planning Documents (SPD) are relevant to the application proposals: -
- South Worcestershire Design SPD
- #### **4. Worcestershire's Local Transport Plan (LTP4) 2018 – 2030**
- #### **5. Worcestershire County Council Streetscape Design Guide (2018)**

5. Planning History

- 5.1 There is no relevant planning history on the site.

6. Consultations

6.1 Formal consultation, including display of site notices, has been undertaken in respect of the application. The following comments from statutory and non-statutory consultees and interested third parties have been received in relation to the original and amended proposals and are summarised as follows:

Neighbours and other third party comments : No objections have been received from neighbours following the relevant consultation.

Worcester City Council Archaeological Officer: no objection- conditions required

Worcester City Council Planning Policy: no objection.

Worcester City Council - Refuse and Recycling: concern regarding refuse storage (before additional detail regarding storage area by ground floor stairs)

Worcestershire County Council (Highway Authority): has concerns the cycle parking is insufficient in terms of space. Would like to see details of wall mounted cycle storage.

Worcestershire Regulatory Services (Nuisance): No objection providing details from the noise assessment are met. Noise data to be provided to demonstrate that the noise limits detailed in report are met.

West Mercia Constabulary Crime Risk Manager: Details of security to be provided to ensure residents are feel safe and secure in their accommodation.

Fire and Rescue Service:

There should be Fire Service vehicle access for a Fire Appliance to within 45 metres of all points inside the Flats. Access road to be in accordance with ADB 2019 Vol. 1 Table 13.1

Conservation Advisory Panel: Had difficulties understanding originally submitted scheme Overall the Panel had no objection to the principal but considered that Unit 2 was very restricted with limited daylight available.

The Panel considered the scheme to be unacceptable in its current format.

6.2 Members have been given the opportunity to read all representations that have been received in full. At the time of writing this report no other consultation responses have been received. Any additional responses received will be reported to members verbally or in the form of a late paper, subject to the date of receipt.

6.3 In assessing the proposal due regard has been given to local residents comments as material planning considerations. Nevertheless, I am also mindful that decisions should not be made solely on the basis of the number of representations, whether they are for or against a proposal. The Localism Act has not changed this, nor has it changed the advice that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it is founded on valid planning reasons.

7. Planning Assessment

7.1 Policy SWDP1 of the South Worcestershire Development Plan sets out overarching sustainable development principles and these are consistent with the Framework. The various impacts of the development have to be assessed and the benefit and adverse impacts considered, to establish whether what is proposed is sustainable development.

Taking the above matters into account the main issues raised by the proposal relate to the principle of development and material considerations of the proposal in order to assess its suitability in this location. These are;

- residential amenity for future occupants;
- noise
- impact on heritage assets;
- design;
- impact on neighbouring residents
- access, car parking and highway safety;

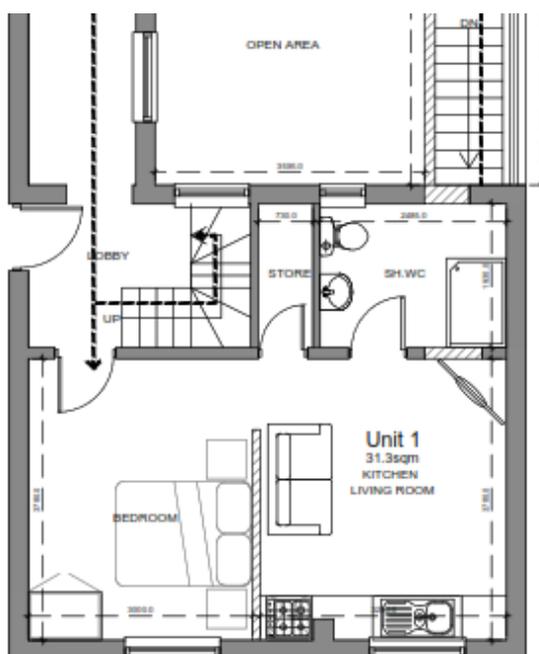
These issues will now each be considered in turn.

The Principle of Development

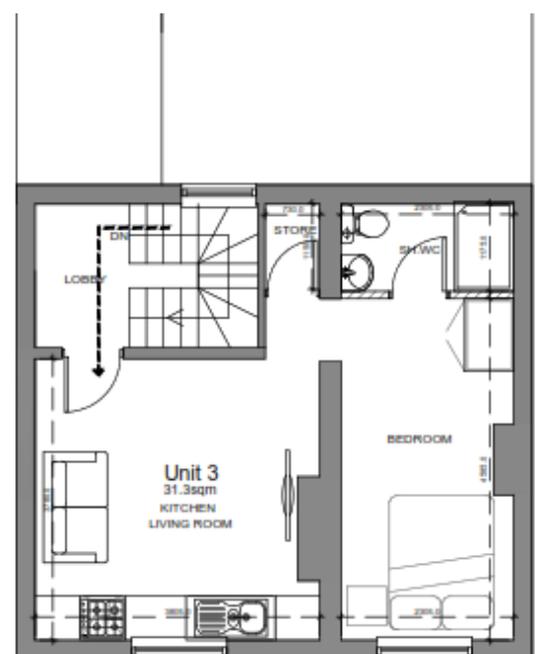
- 7.2 There is no policy objection to the proposal which will encourage residential use on the upper floors of the city centre which a policy the City council support in terms of encouraging an active and vibrant and diverse city centre.
- 7.3 The fallback position in terms of the being able to deliver the front units through the prior approval process is considered in terms of the assessment. The rear unit requires development which requires planning permission; however the upper floors could be delivered with less consideration of residential amenity than that provided.

Residential amenity for future occupiers

- 7.4 There are three proposed units in the proposal, the two units at the front of the site have separate bedroom, kitchen/lounge areas and bathrooms but are below the national space standard at 31.3 sq. metres. The nationally described space standards for a new one bed dwelling which is 37m². At this time the Local Planning Authority has not adopted a policy which includes the National Space Standards and therefore they remain an optional measure and other material considerations need to be considered.
- 7.5 The floor layout of the front ground floor and second floor can be seen in figure 4.



Proposed First Floor



Proposed Second Floor

Figure 4. First and Second front floor plan

- 7.6 The proposed units are small however they are able to provide the necessary facilities plus storage space for residents in a central city location.
- 7.7 Unit 2 is to the rear is located within a proposed extension. This unit has a larger floor area as seen in Figure 5 however, this is constrained by the position to the rear of the site and has built form on all sides and would have no external views. The only source of natural light would be from a large overhead lantern. There would be no external views from elevational windows. The quality and size of the accommodation should be balanced against the accommodation being provided in a city centre location, bringing upper floors into use and supporting the shops and services within the city centre. The inclusion of an extension should also be noted as an effort by the applicant to offer enhanced accommodation.

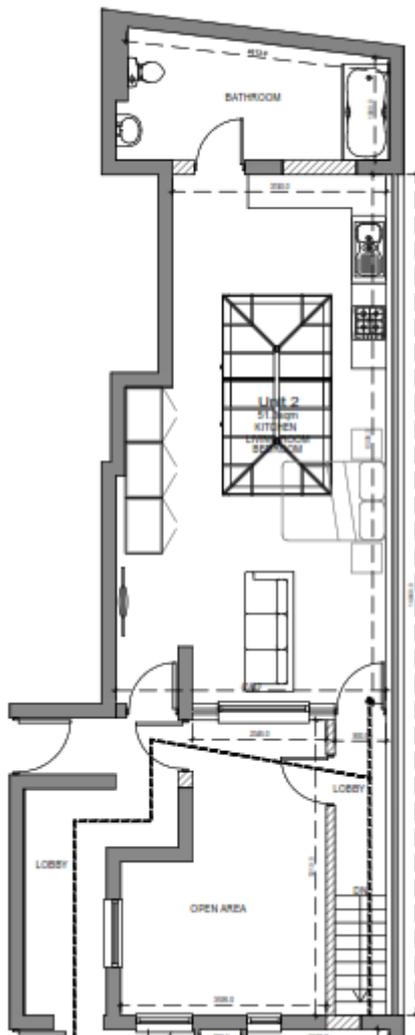


Figure 5. Unit 2 Floor plan

Noise

- 7.8 Worcestershire Regulatory Services have advised that the submitted noise assessment appears acceptable. The recommendations of the assessment relating to glazing and ventilation products / systems should be implemented. In terms of external noise from the proposed mechanical ventilation systems, the applicant shall provide noise data to demonstrate that the noise limits detailed in the noise assessment will be met.

- 7.9 It is noted that the noise survey was undertaken in February 2021 during national lockdown, that matters such as background noise are considered. As such a condition is included to ensure that the noise levels are within an appropriate range to be acceptable for residential accommodation prior to occupation.
- 7.10 The introduction of the proposed development could give rise to potential noise and disturbance for the occupiers of the surrounding properties and businesses as a result of demolition works, the movement of construction and related traffic, construction works, and from the operation of the site on completion from activities on site and movements to and from the site. These need to be carefully managed given the constraints of the site and the relationship to the pedestrianised road especially in terms of deliveries and construction traffic. However, as a proposed conversion to a small level of development, the amount of movement and disturbance is likely to be limited in amount and duration.

Historic Environment

- 7.11 The site is within the Historic City Conservation Area and the site is designated in the South Worcestershire Development Plan 2016 as archaeologically sensitive. In accordance with the requirements of the Town and Country Planning (Listed Buildings and Conservation Areas) Act and the National Planning Policy Framework, development is expected to preserve or enhance the Conservation Area. The Conservation Area is significant in its heritage importance.
- 7.12 There would be no alterations to built form of older elements of the building. There are however rear extensions would be altered with the addition of a first-floor extension on the rear area and the changes to the frontage.
- 7.13 This could provide the opportunity to improve the quality of the shopfront and to alter it to be more akin to the adjacent shopfronts which are more substantive in appearance rather than a thinner frame arrangement with a heavy fascia. The scheme could provide the opportunity for benefit to the visual appearance of the conservation area.
- 7.14 The occupation of the upper floors is a significant benefit in terms of heritage assets with vacancy and under occupation of vacant floor in retail units being a common factor in building failures. There is value in the active occupation of the upper floors in terms of the historic environment.
- 7.15 The Archaeological Officer has advised that as the site is at the centre of the Historic City, archaeological remains of all periods from Roman onwards can be expected. It is possible that the foundations of the existing single storey rear extension are unsuitable to support a second storey, in which case new foundations may be needed. Therefore recommended conditions are attached to safeguard buried archaeological remains.
- 7.16 The proposal will lead to less than substantial harm to the significance of a designated heritage asset, and the contribution it makes to the quality of the building and the character of the streetscene could be of benefit to this significant retail area which would have public benefit. Additionally, it would secure its optimum viable use which is a significant benefit regarding the longer-term maintenance of the building.
- 7.17 Overall, the scheme does not present any harm to the heritage qualities of the site and the change would be less than substantial in terms of the impact of the proposal. This is providing the details relating to the shopfront and windows are appropriately conditioned to ensure replacements are suitable and represent an improvement to the heritage qualities of the area. As such I consider the scheme complies with SWDP6 and SWDP24 of the south Worcestershire Development Plan.

Design

- 7.18 SWDP 21 – ‘Design’ requires all new development to be of a high-quality design which integrates effectively with its surroundings, in terms of form and function, whilst also reinforcing local distinctiveness. Currently the upper floors of the building are vacant and do little to contribute to the streetscene and the wider Conservation Area as seen by the planning history there have been no recent changes in the unit in terms of changes in the site.
- 7.19 The proposal would provide the opportunity to improve the quality of the frontage which is a positive aspect of the proposal.
- 7.20 The Crime Risk Manager has highlighted the need for security details to be provided to ensure residents feel safe and secure in accommodation. If approved this can be provided by condition.

Impact on neighbouring amenity

- 7.21 The upper floors of the adjacent units are vacant. There is an extant permission to the occupation of the adjacent unit at 30 The Shambles for residential use, however it this is yet to be implemented. The proposed conversion of the upper floors of the application property would be considered compatible uses and no concern regarding neighbouring amenity is presented from the proposed development.

Access and Highway Safety

- 7.22 There is no car parking provided on the site. Highways have assessed the proposal; the sustainable credentials of the site are acknowledged and there is no objection to the proposal.
- 7.23 A condition has been requested for cycle storage provision. It has been provided on the amended plan as seen below in Figure 6. However, it could block the access route for the refuse. Whilst this has been requested by Highways it is not considered that the entrance area and the route to the refuse can reasonably accommodate cycle storage and so the requested condition is omitted. Given the site is within the city centre and in close proximity to bus and rail routes it is not considered necessary to rely on this measure within the proposal and it would not be a sufficient reason to refuse the scheme in this instance.

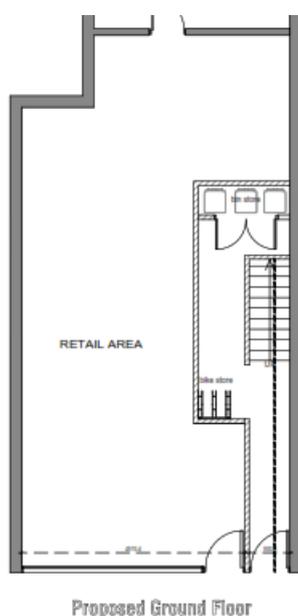


Figure 6. Ground floor plan.

Other matters

7.24 Concerns have been raised regarding refuse by the Refuse consultee. The scheme has subsequently been amended to include the ground floor stairwell and access which includes a cupboard for the refuse as seen in Figure 6. It will be on discussion with the refuse team when organising domestic collection to discuss whether this will be black bin sacks or wheelie bins. This is being left to the discretion of the refuse team.

Comments have been received in regards to fire safety, the provision of which will be ensured through building regulations legislation.

8. Conclusion and planning balance

8.1 The NPPF identifies a series of the components that are considered critical to achieving sustainable development. In my opinion, the above assessment of the planning application proposals against the planning policy framework demonstrates that the application responds to, and is in accordance with, the requirements of the adopted planning policy within the development plan and material considerations relevant to the determination of the application.

8.2 The following material planning issues are relevant to this application:

- Principle of the development
- Residential amenity for future residents
- Noise
- Historic environment
- Design
- Access and highway issues

8.3 Whilst the assessment is not an exhaustive list of all policies that are potentially applicable to this site, it seeks to address how the proposals respond to the key planning criteria in the planning policy framework against which the planning application will be determined.

8.4 The proposed development would result in some economic benefits; employment during construction and thereafter upon the occupation of the dwellings it is likely that the occupants would contribute towards maintaining the vitality of local services and facilities. It is considered that the wider area would benefit from improvements to the frontage of the building, and it provides an opportunity to improve the shop frontage in an area of primary retail activity.

8.5 In respect of potential adverse impacts, it is considered that concerns regarding noise can be overcome with technical detailing, furthermore, the provision of the three units are all compromised in terms of the quality of the accommodation- the front two units being substandard in terms of floor area and the rear unit in terms of outlook and views from the proposed flat. Additionally, the refuse collection details remain unresolved and would require further submission. These concerns which are to be given minor adverse weighting in the consideration of this application. However, I am aware of the benefits of introducing residential units into the city centre and the balance that occurs when this is in a constrained site.

8.6 It is noted that there have been no local objections to the proposal.

- 8.7 On balance, the benefits of the submitted scheme outweigh the negative aspects of the proposal. Therefore, on balance, the scheme is acceptable, providing the outstanding issues are resolved to the satisfaction of the Local Planning Authority via condition.
- 8.8 I acknowledge all comments received as part of the consultation process and consider all material planning issues have been considered in the determination of this application. Having regard to the totality of the policies in the Framework, I consider that the proposed development is sustainable when looking at its social, economic, and environmental credentials. Overall, it is considered that the proposals constitute an acceptable form of development that accords with the Framework and the Development Plan as a whole.

9. Recommended Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out and completed in accordance with the following approved plans and associated documents and the specifications and recommendations contained therein, except where otherwise stipulated by conditions attached to this permission

2020 0269 002 Existing floor plans

Design And Access Statement, revision: A

001 Location and block plan

Noise Assessment Report

HERITAGE STATEMENT.pdf

Statement re SWDP29 and 30.pdf

Existing elevations 2020 0269 003, revision: A

Proposed floor plans 2020 0269 004, revision: A

Proposed elevations 2020 0269 005, revision: A

Proposed floor plans with cycle storage 004, revision: A

Reason: To ensure compliance with the approved scheme

3. Twenty one days before any development is commenced resulting in any excavation within the site, written notice shall be given to the local planning authority, whereupon the local planning authority shall, within 21 days of receipt of such notice, specify in writing to the developer which persons authorised by the local planning authority shall be allowed access to the site whilst any excavations are in progress for the purpose of archaeological investigation. This access shall allow for a period of one day for unencumbered archaeological recording to take place within the trenches if in the opinion of the City Archaeological Officer features of interest are revealed.

Reason:-

To allow the historical and archaeological interest of the building to be recorded in accordance with policies SWDP6 and SWDP 24 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

4. If during the course of the works hereby approved any of the following features of interest are uncovered, the local planning authority shall be notified immediately and no works affecting such features shall take place until they have been inspected by persons authorised by the local planning authority and a scheme for their retention and/or treatment agreed in writing.

Schedule of features of interest:

Buried archaeological remains including structures of 18th century or earlier date

For the following reason:-

To allow the historical and archaeological potential of the building to be recorded in accordance with policies SWDP6 and SWDP 24 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

5. Notwithstanding any details shown on the submitted plans groundworks and foundations shall be constructed in accordance with details to be agreed in writing by the local planning authority before ground disturbance commences.

For the following reason:-

To preserve the archaeological interest of the site in accordance with policies SWDP6 and SWDP 24 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

6. No building operations hereby permitted shall commence until details of the amended shop front including materials to be used in the construction of the external surfaces of the shopfront and residential entrance hereby permitted have been submitted to and approved in writing by the local planning authority.

The details to be submitted shall include:-

type, colour, texture, size, external joinery details along with architectural details of the proposed external finishes, heads, sills, position in wall reveal and any surrounding dressings (elevational drawings at a minimum scale of 1:20 and vertical sectional drawings at minimum scale of 1:2);

The development shall be carried out using the materials as approved.

Reason: To protect, conserve and enhance the significance of heritage assets and to ensure that the new materials are in keeping with the surroundings and/or represent quality design in accordance with policies SWDP 6, SWDP21 and SWDP24 of the South Worcestershire Development Plan.

7. Prior to the commencement of development, details of refuse storage facilities to serve each of the dwellings and the commercial unit hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved

refuse storage facilities shall be implemented prior to the first occupation of the associated development and/or building(s) and retained thereafter.

Reason - To ensure adequate refuse storage facilities are incorporated in the development and/or ensure high quality design in accordance with policies SWDP21 and SWDP33 of the South Worcestershire Development Plan.

8. Details of security on the site must be submitted and approved by the local planning authority and implemented on site prior to occupation of any of the dwellings hereby permitted.

Reason: to ensure there is adequate security on the site in line with SWDP21 of the South Worcestershire Development Plan.

9. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include the following:

- the parking of the vehicles of site operatives and visitors;
- loading, unloading and storage of plant and materials used in the construction of development;
- construction hours (including maintenance of plant and equipment) and delivery times;
- details of any temporary contractors buildings (offices, toilets etc), plant, storage of materials and parking for site operatives;
- measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway, including wheel washing facilities where appropriate and the arrangements for their use;
- measures to control noise, vibration and the emission of dust and dirt;
- the recycling/disposing of waste resulting from excavation and construction works;
- the operation of plant and machinery (including silencing and sound attenuation) associated with engineering operations.
- measures to enable the monitoring, reporting and auditing of compliance and mechanism for corrective action;
- a scheme for recycling/disposing of waste from excavation and construction works;
- the hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;

The approved Construction Environmental Management Plan shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

For the following reason:-

In order to ensure that the development of the site is undertaken following best practice and to ensure the protection of the amenities of nearby land users and activities and in accordance with policy SWDP 21 of the South Worcestershire Development Plan and the aims and interests that the National Planning Policy seeks to protect and promote with regard to amenity..