

<b>Application Number</b>	<b>22/00101/LB</b>
<b>Site Address</b>	<b>17 New Street, Worcester, Worcestershire, WR1 2DP</b>
<b>Description of Development</b>	Demolition of existing two-storey return; erection of new single and two-storey extension to the rear; and internal and external alterations.
<b>Expiry Date</b>	30 August 2022
<b>Applicant</b>	Delta Property Ltd
<b>Agent</b>	Mr Daniel Hemming
<b>Case Officer</b>	Lydia Hall
	lydia.hall@worcester.gov.uk
<b>Ward</b>	Cathedral Ward
<b>Reason for Referral to Committee</b>	Ward Member referral
<b>Key Issues</b>	Impact of the proposals on the character, setting and significance of the listed building.
<b>Web link to application</b>	<a href="https://plan.worcester.gov.uk/Planning/Display/22/00101/LB">https://plan.worcester.gov.uk/Planning/Display/22/00101/LB</a>
<b>Recommendation</b>	<b>The Corporate Director - Planning and Governance recommends that the Planning Committee grants Listed Building Consent subject to:-</b> <b>(i) The recommended conditions set out in section 9 of this report; and;</b> <b>(ii) The grant of a satisfactory planning permission.</b>

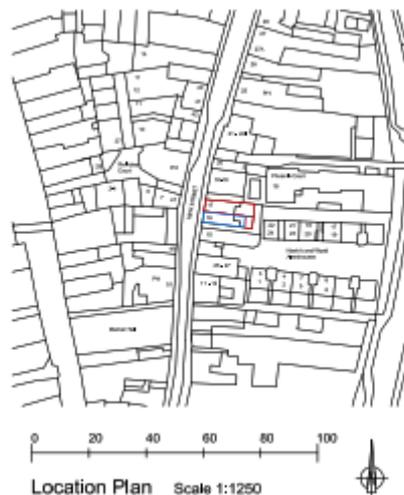
## 1. Background

- 1.1 The application was registered on 31 March 2022 and was due for a decision on 26 May 2022. An extension of time for the determination of the application has been agreed until 30<sup>th</sup> August 2022 to allow determination by the Planning Committee.

- 1.2 A concurrent application for planning permission for change of use from a hot food take-away and 3-bedroom flat to a launderette and 3 no. residential units for short-term holiday lets; demolition of existing two-storey return; erection of new single and two-storey extension to the rear; and all associated external works has also been submitted and is reported to the committee by way of a separate report in this agenda (22/00100/FUL).
- 1.3 The application has been referred to the Planning Committee at the request of Councillor Lewing on the following grounds:
- Units do not meet the national minimum space standards
  - Lack of outlook for future residents (ground floor unit in particular)
  - Impact of the launderette on neighbouring and future residents in terms of noise nuisance and extraction of fumes

## 2. **The site and surrounding area**

- 2.1 The site is situated on the east side of New Street, just to the south of the entrance to Reindeer Court and comprises number 17 New Street, its rear garden and around half of the rear garden of the adjacent number 16 New Street (to the south of the site, also in the ownership of the applicant).



**Figure 1: Location Plan**

- 2.2 Along with number 16, the building comprises a pair of a two-bay, three-storey Grade II listed former townhouses dating to the early C18th. The façade of the building is faced in brick, with timber-framed sliding sash windows to its upper floors (six-over-six with three-over-three above) and a modest timber shopfront window at ground floor level, with a panelled entrance door with fanlight over adjacent to it. The brick on the front elevation at ground floor level has been painted. Some of the upper floor rooms have exposed timber-framing to the internal walls. [For photographs of the interior, and front and rear elevations, see the associated planning application report, also in this agenda.]
- 2.3 The property is currently vacant but was last used as a hot food takeaway at ground floor level (front only) and as a three-bedroom flat over rest of the ground and upper floors. The building is accessed directly off the street and includes a modest garden / yard area to its rear.
- 2.4 The site is situated within the Historic City Conservation Area and within an Archaeologically Sensitive Area. There are also other listed buildings in the vicinity – further to the north and south on the east side of New Street (including the Grade II\*

listed pubs 'The Pheasant' and 'King Charles House' to the north and Nash House to the south), as well as on the west side of the road, including the Grade II listed 'The Old Greyhound Inn' situated opposite the site.

- 2.5 The site is located within the Town Shopping Centre and is designated as a Secondary Shopping Frontage. The neighbouring property to the south (number 16) has recently been converted for use as short-term holiday lets – as en-suite bedrooms with kitchenettes rather than as flats. Other uses in the area include pubs, restaurants, shops and financial and personal services. There are also residential properties in the vicinity, in particular, in the area to the east of New Street.

### **3. The proposals**

- 3.1 The current application is for listed building consent for demolition of the existing two-storey return, erection of a part single-storey part two-storey rear extension and internal and external alterations.
- 3.2 The existing two-storey rear extension is located at the northern end of the rear elevation and measures approximately 6.85m by 4.85m. It is of brick construction and has a lean-to roof finished in slate.
- 3.3 The proposed first floor extension is above the ground floor extension at its northern end (to replace the existing return) and measures circa 1.9 metres in width by 2.5 metres in projection from the rear of the building.
- 3.4 The proposed ground floor extension covers the whole of the rear of the plot and it is to retain and utilise the existing garden walls, with a new inner wall constructed inside.
- 3.5 The ground floor extension also incorporates a light well, adjacent to the northern boundary of the site, to provide light and ventilation to the bedroom. The proposed materials for the extensions are white 'through render' with timber windows. Both rear extensions have flat roofs, the ground floor one behind a parapet.
- 3.6 The proposed internal alterations comprise:
- (i) Creation of new doorway from stairwell into rear room at ground floor level;
  - (ii) Installation of new internal wall and removal of existing internal walls in rear room at ground floor level;
  - (iii) Lowering of the floor level in the rear room at ground floor level;
  - (iv) Removal of modern stud partitions in rear room at first floor level; and
  - (v) Installation of stud partition in rear room at second floor level (to create en-suite).
- 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. As such, 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 Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') establishes the legislative framework for consideration of this application.
- 4.2 Section 66(1) of the Act states that, in considering whether to grant consent for a development that affects a listed building or its setting, local planning authorities shall

have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. Furthermore, Section 72(1) of the Act states that in determining applications affecting conservation areas, local planning authorities shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

4.3 Paragraphs 199 – 208 of the NPPF deal with the impact of development on heritage assets. Of particular note in this instance is paragraph 199, which states 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)” and that “this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”. Paragraph 200 goes on to state 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”; and paragraph 202 states that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

4.4 The Development Plan for Worcester now comprises:

- The South Worcestershire Development Plan (SWDP), adopted Feb 2016;
- The Worcestershire Waste Core Strategy, adopted in December 2012; and
- The Worcestershire Minerals Local Plan 2018-2036, adopted July 2022.

### **South Worcestershire Development Plan**

4.5 Policy SWDP 6 (Historic Environment) states that “development proposals should conserve and enhance heritage assets, including assets of potential archaeological interest, subject to the provisions of SWDP 24” and Policy SWDP 24 (Management of the Historic Environment) states that “development proposals affecting heritage assets will be considered in accordance with the Framework, relevant legislation and published national and local guidance”.

### **Material Considerations**

1. National Planning Policy Framework (NPPF)
2. National Planning Practice Guidance

## **5. Planning History**

5.1 The site has been the subject of the following planning applications:

**82/1210** – Alterations, modernisation, improvement and repair. Approved 21<sup>st</sup> Dec 1982.

**P91C0067** – Change of use of ground floor shop with first and second floor living accommodation to offices within (Use Class A2). Refused 11<sup>th</sup> Apr 1991.

**L91C0063** – Listed building consent for removal of passage wall and conversion of kitchen to increase shop sales area. Refused 10<sup>th</sup> Oct 1991.

**P91C0398** – Increase to sales area of existing shop with living accommodation. Refused 10<sup>th</sup> Oct 1991.

## **Pre-application Engagement**

- 5.2 Pre-application advice for change of use of the ground floor commercial unit to a launderette, rear extensions and sub-division of the building into 3 no. flats (for use as permanent residences) was provided in December 2021 (21/00740/PA).

## **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:** None received.

**Worcester City Council Archaeological Officer:** No objection subject to a condition requiring the submission of an historic building record and to a programme of archaeological works.

**Worcester City Council Conservation Officer:** No objection subject to conditions relating to the submission of (1) a building record; (2) full details of external materials; (3) full details of the alterations necessary to connect the rear of the existing building to the new rear extension; and (4) full details of the alterations necessary to install a vent beneath the shop window.

**Worcester City Council Landscape and Biodiversity Adviser:** No objection subject to a condition ensuring that demolition works are supervised by a qualified bat-licenced ecologist (so that if any evidence of bats are found work can stop for advice to be taken).

**Historic England:** No comment.

**West Mercia Police:** No objection.

**Conservation Advisory Panel:** Objection – No objection to the shop being used as a launderette but doubts as to how much equipment the unit would contain and how the facility would function. The proposed residential use is over-development for the site. Objection raised to the infill proposed for the rear courtyard. No amenity space for occupants. Tenants in rear infill only have roof lights and no windows with a view. No access to the proposed lightwell for cleaning / maintenance.

- 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.

## **7. Assessment**

### **Impact on Heritage Assets**

- 7.1 The proposal involves the loss of some historic fabric – primarily, the existing two-storey return. A letter from OES Consulting, dated June 2021, was submitted with the pre-application enquiry and has now been attached to the application file. The letter, signed by a qualified structural engineer, confirms that the return has suffered excessive settlement and is of inadequate construction. Taking this into account and the very basic nature of the extension, which contributes very little to the significance of the listed building, its replacement with an extension of a similar scale, like that proposed, is

considered acceptable in this instance.

- 7.2 The rear wall at ground floor level includes a number of openings at present, which the proposal is to use and widen to provide access to the proposed rear extension. It is unclear from the plans whether it is proposed to retain any of the existing sections of rear wall, or whether the solid sections of the rear wall are to be of new construction. To ensure that as much of the original fabric is retained, a condition is proposed requiring full details of the rear wall to be provided for approval prior to the construction of development, to include all existing sections to be retained and structural details demonstrating how the proposal will ensure adequate support of the rear wall above.
- 7.3 It is noted that the proposal includes infilling of the whole of the rear of the site. Whilst the building would ideally retain some rear garden behind it, the plot is small and, in city centre locations such as this, it is not unusual for whole of plots to be built upon. Use of part of the plot of the adjacent property (number 16) to provide a small amenity area for the proposed ground floor plot is rather unusual; however, given that both properties are in the same ownership and use and are to be managed 'as one', sub-division of the rear garden behind number 16 to provide a small amenity for each ground floor unit is considered acceptable. With regard to the impact of the sub-division on the character and setting of number 16 (also a listed building) it is noted that this element of the proposals is easily reversible, involving only the installation of a boundary treatment between the two gardens. To ensure that the boundary treatment is of a high quality material that protects the setting of both listed buildings, a condition is proposed requiring full details to be provided prior to installation.
- 7.4 The existing north and east boundaries of the site are contained by high red brick walls (c. 2.9 metres) with a modern coping on top. These walls contain historic fabric and contribute to the character of the listed building. The submitted details indicate that these walls will be retained at their current height with the ground floor extension built within them. The submitted plan indicates this and notes that the floor level of the extension will be slightly lower than the existing ground level. This approach is considered acceptable in principle, subject to details being submitted to demonstrate that the existing walls will be adequately supported and retained in their current condition. To address this a condition is proposed, requiring such details to be submitted and approved prior to any works relating to the rear extensions commencing.
- 7.5 The proposed ground floor extension is of simple design, with a flat roof, parapet wall and one large 'French' window in its south elevation. It also contains a light well, although this will not be evident from outside the building. The proposed materials are smooth render with white-painted timber windows. Its overall design concept and use of materials is contemporary, which is considered appropriate – as a new addition to the building. A condition requiring full details of all external materials and new windows is proposed.
- 7.6 The existing sash windows on the front and rear elevation of the building are to be retained, repaired and, potentially, upgraded to improve their performance. Whilst this is acceptable and, indeed, welcomed, in terms of enhancing this important element of the building's historic fabric, no details of the proposed works have been submitted. A condition requiring this detail to be submitted for approval is therefore proposed.
- 7.7 The new vents proposed in the shopfront to provide ventilation to the launderette are modest in scale and discretely located; however, no details of them have been submitted, or how they will be fitted into the historic fabric. In this respect, a condition is proposed requiring these details to be submitted for approval.
- 7.8 The proposed internal alterations are listed at paragraph 3.6 above. All of the internal changes are considered relatively modest which will not have a significant impact on the

character of the listed building and are therefore considered acceptable. The proposed change of concern is number (iii), which was only introduced in the latest version of proposed plans. This is to lower the level of the rear room at ground floor level by an unspecified amount. Lowering of the floor of the main part of the building could result in damp being pushed-up into the walls of the listed building and / or the adjacent building/s. Further detail would be required through structural reports and a method statement is therefore required by condition.

- 7.9 It is noted that a number of changes to doors are proposed, i.e. re-hung to open the other way. It is unclear whether new doors are proposed at those locations. From an inspection of the inside of the building a number of the doors were found to be of modern construction. To ensure that as much historic fabric as possible is retained however, a condition is proposed, requiring a schedule of all existing internal and external doors to be submitted along with the details of any proposed replacements.

### **Other Issues**

- 7.10 The submitted photographic survey and heritage assessment are considered adequate to enable the application to be determined; however, additional detailed information on a number of issues is required, which it is proposed may be dealt with by way of condition, as set out in this report.

## **8. Conclusion and Recommendation**

- 8.1 The proposed works will result in some harm to the significance of the listed building, in terms of the loss of historic fabric and infilling of its plot; however, the scheme will deliver a number of benefits that will, in accordance with the relevant policies and legislation, help to preserve the listed building. In this respect, the scheme will bring back into use the upper floors of the building, returning them to a form of residential use; maintain an active commercial use at ground floor level; and ensure the retention and longevity of the building's historic windows and rear boundary walls. Taking all of the above into account, it is considered that the proposal will lead to less than substantial harm to the significance of the listed building but that this harm will be outweighed by the public benefits of the proposal, including securing the building's optimum viable use.

## **9. RECOMMENDED CONDITIONS:**

In the event that Members are minded to grant Listed Building Consent the following conditions are recommended:

1. The works to which this Listed Building Consent relates must be commenced before the expiration of three years beginning with the date of this consent.

Reason: To conform with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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:

Existing and Proposed Plans (ref: 3916-001\_H)

Reason: To ensure compliance with the approved scheme.

3. Prior to the commencement of any works relating to the rear wall of the building, full details (including a structural survey) of the proposed rear wall at ground floor level, including all existing sections of wall to be retained and structural details demonstrating how the rear wall above will be adequately supported and how the extensions will be tied-in to the rear wall of the building, shall be submitted to and approved in writing by the local planning authority and the development shall thereafter be implemented strictly in accordance with the approved details.

Reason: To ensure the retention of as much original fabric as possible and the stability of the listed building in accordance with Policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan 2016.

4. Prior to its installation, full details, including elevations and a schedule of materials of the proposed boundary treatment to be erected in between the application site and the rear garden of 16 New Street, shall be submitted to and approved in writing by the local planning authority and the development shall thereafter be implemented strictly in accordance with the approved details.

Reason: To protect the character, integrity, historic fabric and significance of the listed buildings in accordance with Policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan 2016.

5. Prior to the commencement of any works relating to the rear extensions hereby permitted, full details of the structure of the rear extension, including cross-sections and full details of the foundations and floor slab and details confirming how the existing boundary walls will be retained in their current condition, shall be submitted to and approved in writing by the local planning authority and the development shall thereafter be implemented strictly in accordance with the approved details.

Reason: To ensure the retention of as much original fabric as possible and the stability of the listed building in accordance with Policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan 2016.

6. Prior to the commencement of any works relating to the construction of the rear extensions hereby permitted, full details of all external materials (to include facing materials, roof coverings, flashings and rainwater goods) and full joinery details of the new windows within the extensions (cross-sections to a scale of 1:10), shall be submitted to and approved in writing by the local planning authority and the development shall thereafter be implemented strictly in accordance with the approved details.

Reason: To protect the character, integrity, historic fabric and significance of the listed building in accordance with Policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan 2016.

7. All existing windows on the front and rear elevations of the building shall be retained and repaired as part of the approved development. No repair works shall commence until a full condition survey of all windows, including a detailed repair schedule and, if required, a scheme for the upgrading of the windows has been submitted to and approved in writing by the local planning authority and the works to the windows shall thereafter be implemented strictly in accordance with the approved details. For the avoidance of doubt, no existing window in the building shall be removed, or the glazing within it replaced, without the prior granting of a separate application for listed building consent.

Reason: To protect the character, integrity, historic fabric and significance of the listed building in accordance with Policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan 2016.

8. Prior to the commencement of any works relating to the shopfront, full details of the proposed vents shall be submitted to and approved in writing by the local planning authority, including details of how the vents are to be fitted into the historic fabric and the vents shall thereafter be installed and retained strictly in accordance with the approved details.

Reason: To protect the character, integrity, historic fabric and significance of the listed building in accordance with Policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan 2016.

9. No internal works shall commence until a schedule of all existing and proposed internal and external doors has been submitted to and approved in writing by the local planning authority. The schedule shall include a photograph, location plan and description of the material/s of each existing door and, where replacements are proposed, full details of the replacement door/s shall be provided. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To protect the character, integrity, historic fabric and significance of the listed building in accordance with Policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan 2016.

#### NOTES TO APPLICANT

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.