

## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

<b>Date of Meeting</b>	13 July 2016
<b>Application Number</b>	16/02586/FUL and 16/02820/LBC
<b>Site Address</b>	The Kings Arms, High Street, Calne, Wiltshire, SN11 0BS
<b>Proposal</b>	New Door to South Elevation
<b>Applicant</b>	Sharps Commercial
<b>Town/Parish Council</b>	CALNE
<b>Electoral Division</b>	CALNE CHILVESTER AND ABBERD – Councillor Howard Marshall
<b>Grid Ref</b>	399703 171112
<b>Type of application</b>	Full Planning and Listed Building Consent
<b>Case Officer</b>	Catherine Jackson

### **Reason for the application being considered by Committee:**

The applications have been called to Committee by the Local Member in order to consider how the proposal would impact upon the use and viability of the building as a whole.

### **1. Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the applications be refused.

### **2. Report Summary**

The main issues in the consideration of the above applications are as follows:

- The principle of the development.
- The impact of the proposal on the special architectural and historical interest and fabric of the listed building.
- The impact of the proposal on the setting, character and appearance of the listed building, as well as the adjacent listed buildings and Conservation Area.
- Whether or not any impacts to the listed building would result in a benefit to the public benefit, including securing the building's optimum viable use.
- The impact of the proposal on the amenities of surrounding properties.

Calne Town Council has no objections to the proposal; however objections have been raised by Wiltshire Council's Senior Conservation Officer.

### **3. Site Description**

The property is described in the list entry as an 18<sup>th</sup> century Public House which has been extended to the rear and re-modelled in the mid-19<sup>th</sup> century. The property is rendered with brick rear ranges, ashlar and brick ridge stacks and a slate roof.

The site is located in a prominent position within the centre of Calne and is also within the Calne Conservation Area.

#### 4. Planning History

16/00078/ENF	Unauthorised works to a listed building	Case open, awaiting submission of listed building consent application.
16/00098/ENF	Unauthorised advertisements being displayed from the railings in front of property	Breach of planning control resolved and case closed.
16/02810/LBC	Redevelopment of Courtyard Lean-to to Provide Retail (Use Class A3) Accommodation	Approved with Conditions
16/02587/FUL	Redevelopment of Courtyard Lean-to to Provide Retail (Use Class A3) Accommodation	Approved with Conditions
16/04310/LBC	Erection of Sign to Side Elevation	Under consideration
16/05032/ADV	Erection of Sign to Side Elevation	Under consideration

#### 5. The Proposal

Full planning permission and listed building consent is sought for the creation of a new doorway in the southern elevation of The Kings Arms. The new doorway would facilitate an additional entry point into the building, which would be to exclusively access the first floor.

#### 6. Local Planning Policy

Wiltshire Core Strategy (WCS) – Adopted January 2015:

Core Policy 57 – Ensuring High Quality Design and Place Shaping

Core Policy 58 – Ensuring the Conservation of the Historic Environment

National Planning Policy Framework (NPPF) – March 2012:

Paragraphs 14 and 17

Section 7 – Requiring Good Design

Section 12 – Conserving and Enhancing the Historic Environment

The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990:

Sections 16(2), 66(1) and 72(1)

#### 7. Summary of consultation responses

Calne Town Council – No Objections

Wiltshire Council Conservation – Objections; the creation of the new door would result in the unjustified loss of historic fabric and therefore harm the architectural and historical integrity of the heritage asset and its setting. The building already has five ground floor accesses from the outside and it is therefore considered that the works would not contribute to the significance or sustainability of the heritage asset. The works would result in less than substantial harm which is not required to secure the optimum viable use and would have no public benefits.

#### 8. Publicity

The application was advertised by press and site notice and no responses from members of the public have been received.

## 9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

### Principle of development:

The alteration of a building is acceptable in principle under both national and local adopted policies in the NPPF and WCS. Core Policies 57 and 58 set out a range of criteria including site specific considerations such as impacts on heritage assets, which will be considered in more detail below.

It is noted that the heritage asset currently benefits from five existing access points that provide entry into the ground floor of the building. It is not considered that the addition of a sixth door is required in order for the first floor of the building to be used.

### Impact on Heritage Assets:

The submitted information indicates that the new door would serve first floor residential accommodation. The exact details of the type of accommodation have not been agreed and have been the subject of ongoing discussions with Council's Enforcement Officer. For the avoidance of doubt, the works proposed within the applications currently before Council, to create the new door only, have not begun and are not subject to any enforcement action.

The most recent use of the first floor of the building was as a flat ancillary to the ground floor pub (A4). Under permitted development rights, the ground floor of the building is now in an A1 use. Works have taken place to the first floor of the building, including the removal of partitions, installation of new stud partition walls, the removal of plaster from walls and ceilings, the installation of new services for bathrooms and the installation of some bathroom fittings. In addition, skirting boards have been removed, as have doors and architraves. The works that have taken place require listed building consent and the Senior Conservation Officer has indicated that the works carried out so far are harmful to the architectural integrity of the heritage asset and are unlikely to be supported should an application be submitted.

The Senior Conservation Officer has raised an objection to the proposal. The building currently has five ground floor entry points from the outside and it is considered that the creation of a sixth is both unnecessary and unjustified. The Agent has provided details of alternative access points outlining why these would not be suitable. The alternative access points proposed involve altering the carriage entrance gates and replacing an existing window with a door on the southern elevation. No justification has however been put forward as to why the first floor of the building requires its own separate access from other uses, or why remaining existing accesses, including the front door of the building, could not be used.

It is indicated within the submitted Heritage Impact Statement that it is the intention of the applicant to create a House of Multiple Occupancy (HMO) to the first floor, hence the requirement for the new door. This use has however not been implemented to date, and would require further consents which have not yet been sought. The new door must be considered in light of the current situation, and a HMO cannot be considered to be the most viable use of the building, as it has not been established and would require further consents. It is therefore considered, that based on the current use of the first floor of the building, and given that the first floor of the building can already be accessed via

alternative ground floor entry points, the creation of a new door is unjustified and would not result in any public benefit.

The new entrance would mean knocking through a large opening in the wall of the listed building and removing brickwork, mortar and plaster followed by the insertion of new materials. Both Council's Senior Conservation Officer and the submitted Heritage Impact Statement and Addendum by Oxford Archaeology indicate that the wall in question is likely not original but a mid-19<sup>th</sup> Century construction. It is argued that even though the wall is not original, it still represents historic fabric, of which planning policy seeks to protect. In addition, the advice contained within the Heritage Impact Statement, indicates that there is no evidence of a blocked doorway in the location of the proposed door; this point is agreed by the Council's Senior Conservation Officer.

It is not considered that the proposal would contribute to the significance or sustainability of the heritage asset. The works would result in less than substantial harm to the heritage asset, however they are not required to secure the building's optimum viable use, neither are they considered to have any public benefits.

The proposal would be contained within the setting of the building to which it relates and although a visible feature, it is not considered to have significant adverse impacts on the setting of nearby listed buildings or the wider Conservation Area.

Impact on amenity:

It is not considered that the creation of the new door would impact on the amenities of nearby properties.

## **10. Conclusion**

Overall, the proposal would result in less than substantial harm to the listed building and its immediate setting. In the absence of any overriding public benefit or other credible justification, it is recommended that the applications be refused. The applications base the need for the proposed door on the use of the first floor of the building as a HMO, this use has not been established and would require further consents, which, based on the extent of works which would be involved, are unlikely to be supported by Officers due to the impact on the architectural integrity and fabric of the listed building.

## **RECOMMENDATION**

### **That planning permission is REFUSED, for the following reason:**

- 1 The works proposed would not contribute to the significance or sustainability of the heritage asset and would result in the unjustified loss of historic fabric, which fails to preserve or enhance the listed building. The works, resulting in less than substantial harm, are not required to secure the optimum viable use of the heritage asset and would have no public benefits. The proposal is therefore contrary to Core Policy 58 of the Wiltshire Core Strategy, Paragraphs 131, 132 and 134 of the National Planning Policy Framework and Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990.

### **That listed building consent is REFUSED, for the following reason:**

- 1 The works proposed would not contribute to the significance or sustainability of the heritage asset and would result in the unjustified loss of historic fabric, which fails to preserve or enhance the listed building. The works, resulting in less than substantial harm, are not required to secure the optimum viable use of the heritage asset and would have no public

benefits. The proposal is therefore contrary to Paragraphs 131, 132 and 134 of the National Planning Policy Framework and Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.