

## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

<b>Date of Meeting</b>	4 <sup>th</sup> March 2020
<b>Application Number</b>	19/09183/FUL and 19/09407/LBC
<b>Site Address</b>	57 High Street Corsham
<b>Proposal</b>	Demolition of Existing Single Storey Extension and Erection of Replacement Single Storey Extension with Internal Works
<b>Applicant</b>	Mr Harlow (agent)
<b>Town/Parish Council</b>	Corsham Town
<b>Electoral Division</b>	Councillor Ruth Hopkinson
<b>Type of application</b>	Full Planning and Listed Building Consent
<b>Case Officer</b>	Guy Bentham-Hill

### Reason for the application being considered by Committee

The applications have been called-in to the Northern Area Planning Committee by Councillor Hopkinson so that the relationship of the development to adjoining properties may be considered, as well as its environmental impact and parking/highway matters.

### 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 planning permission and listed building consent be GRANTED.

### 2. Report Summary

The key issues in considering the application are as follows:

- Principle of the development
- Impact upon neighbour amenity
- Highways and parking
- Heritage
- Scale of extension

### 3. Site Description

No.57 High Street is a historic end of terrace property, with early C18th origins. At ground floor, the lawful use of the property is A1 retail (the last occupier being a retailer of mother and baby products, but now vacant) with C3 residential flat at first and second floor. Each component retains a separate access – both being from the High Street, with no access from

the rear. The Southern flank wall of the property overlooks a private accessway to No.55b High Street.

The frontage section of the building is of a two-storey construction with roughcast render over rubble stone. To the rear is a three-storey projection of rubble stone/stone tile roof construction. A more modern single storey flat-roof extension links the main portion of the property to a contemporary lean-to outhouse.

The building is Grade II listed and is contextualised by several other listed buildings in this part of the High Street. The listing description as follows:

*House, early C18, pebbledashed rubble stone with stone tiled roof and truncated south end stack, 2 storeys and attic. Two first floor recessed cyma-moulded mullion windows with hoodmoulds, ground floor C20 centre door, C20 shop window to left and 6-panel door in moulded timber architrave with timber hood on brackets to right. Mansard roofed rear wing with end-wall 2-light flush cyma-moulded attic window with dripstone and 3-light recessed chamfered mullion window with dripstone to first floor.*

The entire application site is covered by the Corsham Conservation Area.

The property is regarded as being part of the Corsham High Street secondary retail frontage, as designated by saved policy R2 of the North Wiltshire Local Plan 2011. The retail offer of Corsham town centre is reasonably, with vacancy rates not considered to be exceptional when compared with other comparable locations.

#### **4. Planning History**

Previous applications for a similar development was submitted to the Council but subsequently withdrawn. 19/01693/FUL and 19/01725/LBC refer.

No other relevant planning history exists.

#### **5. The Proposal**

The applications seek planning permission and listed building consent to demolish the existing single storey extension and lean-to at the rear of the property and its replacement with a deeper single storey flat roof extension. Various internal works are also proposed, comprising the widening of an existing doorway, a rear window knocked through to form a new doorway, internal partitioning ramps installed between rooms and the end wall of the store to be knocked through to enable installation of a WC.

All proposed development relates to the ground floor; the first and second floor retail element being unaffected.

The application seeks no permission to change the use of the building.

#### **6. Local Planning Policy**

Planning (Listed Buildings and Conservation Areas) Act 1990 – Sections 16(2), 66(1) and 72 (1)

National Planning Policy Framework 2019: Sections 12 and 16

Wiltshire Core Strategy: Core Policies 57 and 58

Corsham Neighbourhood Plan 2016-2026: Policy HE3 and Corsham Design Guide

## 7. Summary of consultation responses

Corsham Town Council: Objection.

*“Resolved: to recommend that the application be refused on the grounds that there were concerns regarding location and compatibility with adjoining businesses and residential properties; lack of rear access; ventilation and odours; potential noise of refrigeration; that an undertakers with a mortuary would, undoubtedly, cause traffic and parking issues on a busy one-way High Street; hazardous waste, for example, chemicals used for embalming. The proposed extension would represent overdevelopment of the site and would be detrimental to the Listed Building. The proposal was contrary to Objective OB5 of the Corsham Town Council Strategic Plan 2018-2022 – To explore measures to enhance the High Street experience for residents and visitors. There were concerns that the access from the High Street was not wide enough for disabled visitors; there would be a lack of amenity space; no space for the storage of waste and concerns regarding drainage. The heritage impact of the proposal would be contrary to Key Objective HEKO2 of the draft Corsham Neighbourhood Plan - To conserve and enhance Corsham’s historic centre and other heritage-rich areas including underground. Resolved: to ask for the application be called in.”*

Conservation Officer: No objection. The concerns identified in the assessment of the previous applications (19/01693/FUL and 19/01725/LBC refer) have been satisfactorily addressed.

Environmental Health Officer: No objection. Notes that the storage and handling of chemicals is a matter for the applicant under Health and Safety risk assessments and regulated by the HSE. If any such chemicals are stored at the site, it is likely that a ventilation scheme would need to be installed to ensure employees are not affected by odour/fumes, but this would not impact on other premises. Any noise generated at the site or by installed plant would be expected to meet the criterion of -5dB below background level(BS4142:2014) during operating hours. The transportation of deceased would also be a matter for the applicant, with no regulatory role for the Council. Advises that a statement from the applicant to confirm what activities will take place on site, covering the storage and use of chemicals, any proposed ventilation and movements at the site could be requested.

Highway Engineer: No objection.

*“I note that the proposal site has no access to on-site parking. This is not uncommon even for funeral services and I do not see this as a reason for a highways refusal. There is ample parking within 100 m for staff and for parking in long term off street car parking. Where parking is controlled within a town centre location there is scope to reduce the required parking standards that would usually apply. I see this as appropriate in this case. When deliveries are expected and where services requiring a hearse are required there is scope*

for the on-street parking to be suspended or reserved. Therefore at this time I can raise no highway objection to the proposal.”

## **8. Publicity**

Thirteen (13) letters of representation have been received from local residents objecting to the scheme. Main concerns raised:

- Chapel of rest and mortuary is inappropriate in the high street due to the dead being carried through from vehicles parked in front of the shop.
- No need for another funeral director in Corsham / bring no benefit to the town.
- Will adversely impact upon the town centre as a shopping and leisure destination.
- Lack of off-street parking to serve the shop
- Proposal includes no arrangements for waste collection
- Proposal does not “offer the opportunity to enhance the setting of the heritage asset” as is claimed within the submission.
- Any extraction fans or fridge motors will affect the amenity of nearby residential properties.
- The demolition works may cause damage to the boundary wall fronting the alley way and residential properties

## **9. Planning Considerations**

### Principle of development

The applications seek planning permission and listed building consent for a replacement extension to the rear of No.57 High Street and various internal alterations.

Whilst the submitted plans and documents suggest that the applicant intends to occupy the property as a funeral director and that several of the rooms are labelled on the floorplans, the application does not seek permission for any change of use. No consideration is necessary as to the impact or effect of such a change of use or, therefore, of its acceptability.

Notwithstanding the above and for the sake of completeness, the lawful use of the ground floor of the property is retail (class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended)). A funeral director use in a property with a shop front (as is the case of No.57) would also fall into the A1 retail use class. Whilst a mortuary or chapel of rest would fall into a *sui generis* use class (or “use class of its own”) and D1 (non-residential institution) respectively, in this case and based on the limited information supplied within the application, there is no suggestion that those elements of the applicant would somehow result in a change from the A1 use class.

### Amenity of neighbours

The greater extent of the replacement rear extension would bring the built form closer to the boundary with the boundary to No.59, the adjoining property. Due to the terraced nature of the properties, the extension would be visible, but the ability to see new development cannot

automatically render it unacceptable. Indeed, in this particular instance, the proposed extension is single storey only and would not result in overlooking or any other form of unacceptable impacts upon amenity or living conditions.

Concerns have been raised locally in respect of the potential for building works to adversely impact upon the stability of the boundary wall to which it would be attached. Whilst this is an understandable concern, the stability of the wall during construction can only be addressed through the application civil law (most likely the Party Wall Act 1996) with no role for the Local Planning Authority when discharging its responsibilities in determining this planning application.

In their comments, the Town Council comment that the development may give rise to noise and odours from refrigeration, ventilations and chemicals being used at the site. The concerns are entirely understandably, but since the application seeks no permission for such features (indeed, the storage of chemicals or use of refrigeration equipment does not require planning permission) it is not a matter that could translate into a reason to refuse permission. Nevertheless, in view of the extent of additional floorspace being created in close proximity to surrounding residents (particularly Nos.55, 59 and 61 High Street), it is considered reasonable to impose a planning condition which denies the ability to install any mechanical ventilation or fixed plant at the site without first gaining separate planning permission for such.

In view of the replacement extension occupying a large proportion of the rear garden, it is not clear as to how refuse and recycling will be storage and managed for the A1 and C3 uses taking place on the ground and upper floors respectively. However, the detail of such storage and management can be adequately controlled via the imposition of an appropriately worded planning condition.

Subject to the imposition of planning conditions, the proposed development is not considered to result in an unacceptable impact upon the amenity of surrounding residents and is considered to comply with the relevant parts to policy CP57 of the Wiltshire Core Strategy.

### Highways and parking

The property benefits from no off-street parking provision and this will not alter as a result of development taking place.

In their commentary, the Council's Highway Engineer notes that extensive public parking exists in proximity of the application site which could reasonably be expected to cater for staff and customers. In relation to the Council's parking standards (as set out in the Wiltshire Local Transport Plan 2011-2026, Car Parking Strategy), the Engineer considers it to be reasonable to reduce the required parking standards that would usually apply in a town centre location such as this. Equally, they observe that when deliveries are expected there is scope for the on-street parking to be suspended or reserved. For the above reasons, the Council's Highway Engineer raises no objection to the proposal.

Critically, it should be noted that whilst the Highway Engineer concludes that no objection should be raised, they have unnecessarily assessed the application on the basis that permission for a change of use to funeral director has also been sought. The application seeks no change to the current A1 retail use class and an assessment of the individual characteristics of a funeral director business should not be a material consideration in reaching a conclusion.

Since no change of use is proposed and the proposal would not alter existing access and parking arrangements, the application can only be considered to be acceptable when assessed against the requirements of policy CP60 and CP61 of the Wiltshire Core Strategy.

## Heritage

### *Listed building*

The property to which the applications relate is Grade II listed and is adjacent to several other listed buildings. The Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the designation, protection and enhancement of conservation areas and the preservation of listed buildings. The Act requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 16 and 66).

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. (Para 193, NPPF)

Paragraph 190 to the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraphs 195 and 196 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset. Core Policy 57 requires, amongst other things, that new development must be sympathetic to and conserve historic buildings. Core Policy 58 requires that development should protect, conserve and where possible enhance the historic environment. Policy HE3 to the Corsham Neighbourhood Plan requires all new development to demonstrate good design quality.

The listing description states that the dwelling dates from the early 18th century, noting several of the building's architectural features on its front and rear elevation including the mullion windows. To the rear of the property there is a relatively modern flat roof extension extending across half of the rear elevation and to a depth of approximately 5 metres, where it joins an historic outbuilding formed from the boundary wall.

The building, by virtue of its designation, is significant in heritage terms and in this location its significance is likely to arise primarily from its aesthetic (designed) value and contribution towards its setting on the High Street where it is surrounded by attractive designated buildings.

With respect to the replacement extension, the Council's Conservation Officer confirms their satisfaction with the principle of a removal of the existing single storey extensions and the suitable use of natural materials for the new (stone walls, slates and timber windows/doors). However, they do identify the depth and larger roof of the replacement to be of concern. Whilst a flat roof addition can be appropriate, in this instance, the proposal envisaged a blunt roof profile that would rival the width of the historic portion of the property (albeit set off from the face of the historic portion by a glazed porch type structure) and encompass much of the garden, thereby arguably resulting in both the loss of historic fabric and harm to the setting of the heritage asset. Whilst the existing modern extension is of no aesthetic value, the outbuildings are considered to make a strong contribution to the historic, evidential and aesthetic values of the listed building as is the garden which is enclosed by historic walls.

The proposal will affect the architectural, historic and aesthetic values of the listed building. The harm caused by the replacement extension is considered to be less than substantial within the moderate/middle part of the range.

The internal alterations consist of an existing doorway is to be widened, a rear window is to be knocked through to form a new doorway, there will be internal partitioning ramps installed between rooms and the end wall of the store is to be knocked through to enable installation of a WC. The Council's Conservation Officer concludes that the proposed works are minor in nature, with only a small area of the historic material being adversely affected. The harm caused by the internal alterations is considered to be less than substantial within the very minor range.

Cumulatively, the proposal is considered to result in less than substantial harm to the significance of a designated heritage asset. However, in accordance with the requirements of paragraph 196 to the NPPF, such harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Whilst there will be benefits associated with the removal of the existing poor-quality extension, provision of a service to the local community & economic benefits arising from construction this will be outweighed by the harm caused by entirely obscuring the rear elevation of the original building. The extension is designed so as to provide sufficient floor space and internal flow to facilitate continued use of the property for contemporary commercial activities. Whilst the proposed works in and of themselves are not considered to be required to safeguard the building, they do perhaps enable the building to be used by other future occupiers without the need for further unsympathetic or extensive additions. For these reasons, the proposed harm identified is considered to be outweighed by clear public benefits of the development taking place, thereby complying with the requirements of the NPPF, policy HE3 of the Corsham Neighbourhood Plan and policy CP58 of the Wiltshire Core Strategy.

In terms of the works to the building, these are considered to preserve the character and appearance of the listed building therefore the scheme is compliant with the legal requirements of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In reference to the duty of the Local Planning Authority to consider the impact of the works on the setting of the heritage asset others in the locality we observe that as there are only minor external works there will not any impact on the setting of the adjacent listed buildings or the current building.

#### *Conservation area*

The entirety of the application site is located within the Corsham Conservation Area. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas. The Conservation Area, by virtue of its designation, is significant in heritage terms.

The replacement extension is to take place in the rear garden area, with no public visibility from the High Street. For this reason, no harm to the Conservation Area is considered to derive from development taking place and in this respect the proposal is therefore considered to comply with the requirements of policy HE3 to the Corsham Neighbourhood Plan, policy CP58 of the Wiltshire Core Strategy and the NPPF.

#### Scale of extension

In their commentary, the Town Council suggest that the size of the proposed new extension would represent an overdevelopment of the site. Such a concern is understood since the proposed extension would take up a substantial portion of the rear garden area. Nevertheless, whilst undeniably substantial, the extension would be single storey, constructed of reasonably high-quality materials and, critically, largely hidden from public view. In that context, it is ultimately considered that the replacement extension would comply with the provisions of policy CP57 of the Wiltshire Core Strategy and policy HE3 of the Corsham neighbourhood Plan.

The impact and harm associated with the proposed extension to the significance of the listed building is considered elsewhere in this report, through it is appreciated there is an overlap in issues and applicable policies.

### Other matters

Perhaps understandable concerns have been raised by the Town Council and local residents about the appropriateness of a funeral director or undertaker business in the High Street – with particular expressions of concern about the sensitivity of the dead being wheeled through the street, the potential hazard and odour associated with the storing embalming chemicals at the site and the potential noise and disturbance from any installed plant, venting or air-conditioning units.

In very large part, such concerns are connected to the supposed nature of the applicant's business and are not directly connected to the development works for which planning permission and listed building consent is sought. Since no change of use is proposed (from the lawful A1 retail use class), the attendant particulars and concerns about the applicant's business are not material to the determination of the applications (the exception being potential noise and disturbance from mechanical ventilation, dealt with elsewhere in this report).

Within their submission, the applicant suggests that they believe there to be no change of use if their business were to move in and start operating from No.57. Whilst elsewhere in this report some consideration has been given to the generally accepted use class classification of a funeral director, such a consideration is based on generalities and is undertaken without the full details of the applicant's business being known (axiomatically so, since no change of use is sought and no details have been provided). Ultimately, it is firmly the responsibility of the applicant to ensure that they would not breach planning regulations and where necessary to seek the required planning permissions before making use of the property.

To this end, should the Northern Area Planning Committee resolve to grant planning permission, it is recommended that an *informative* be included within the decision notice so as to make clear that the permissions grant no change of use from A1 retail and that the applicant will need to make further applications to the Council, should their business need such a change of use permission. Further informatives should also be used to confirm that the planning permission grants no specific rights to store chemicals at the site, with the acquisition of any necessary licencing or permissions being the responsibility of the applicant via the relevant authority (for example the Health and Safety Executive).

## **10. Conclusion**

The submission seeks planning permission and listed building consent to demolish the existing single storey extension and lean-to at the rear of the property and its replacement with a deeper single storey flat roof extension together with various internal works only. The application seeks no permission to change the use of the building and the separately accessed flat on the upper floors is not affected.

Whilst filling a significant part of the rear garden area, the proposed extension is single storey only and, subject to the imposition of planning conditions, is not considered to unacceptably impact upon the amenities of the surrounding residential occupiers or to represent an overdevelopment of the site. Access and parking arrangements are unaffected by the proposal, a situation which is considered to be acceptable.

The development and works are considered to harm the significance of the listed building. That harm is considered to be less than significant at the moderate scale and is considered to be outweighed by public benefit associated with the development/works taking place, including securing the optimum viable use of the building.

The proposed development and works are considered to meet with the requirements of policies CP57, CP58, CP60 and CP61 of the Wiltshire Core Strategy, policy HE3 of the Corsham Neighbourhood Plan and relevant provisions of the NPPF.

**RECOMMENDATION: That planning permission and listed building consent be GRANTED subject to the following conditions:**

**19/09183/FUL**

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location and block plan – Drawing No. 2019/06 sheet 4 and 4  
Existing elevations – Drawing No. AH2019/06 sheet 1 of 4  
Proposed elevations – Drawing No. AH2019/06 sheet 2 of 4  
Existing and proposed floor plans – Drawing no. AH2019/06 sheet 3 of 4  
Design and Access Statement & Heritage Statement

REASON: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place above ground floor slab level until details of the storage of refuse and recycling, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The new floorspace shall not be first brought into use until the approved refuse/recycling storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety and the amenity of the nearest neighbours.

4. No form of mechanical ventilation, air-conditioning equipment or other forms of fixed plant shall be installed at the site unless otherwise first agreed in writing with the Local Planning Authority in the form of a separate planning permission in that regard.

REASON: So as to protect the amenity of the surrounding residential occupiers.

#### **INFORMATIVES:**

The applicant is reminded that this decision grants no planning permission for a change of use of the building and the applicant should be satisfied that their business can lawfully occupy the building without the grant of a further, separate planning permission to that effect. Further, this decision can in no way be taken to imply any acceptance on behalf of the Council that the applicant's business would be acceptable in this location should a new planning permission for that change of use be required.

The applicant should note that this decision cannot be taken or somehow inferred as permission to store or make use of chemicals at the site. Where necessary, separate licences or consents should be sought from the relevant authorities to store or make use of such chemicals at the site.

Please note that in relation to condition 04, the installation of any new mechanical ventilation, air-conditioning equipment or other forms of fixed plant will require the separate grant of planning permission. Any such application will require full details and specifications so as to ensure that surrounding residential occupiers are not adversely affected by such equipment by noise and odour. It should not be assumed that such a separate planning permission will be granted.

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

#### **19/09407/LBC**

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The works hereby permitted shall be carried out in accordance with the following approved plans:

Location and block plan – Drawing No. 2019/06 sheet 4 and 4  
Existing elevations – Drawing No. AH2019/06 sheet 1 of 4  
Proposed elevations – Drawing No. AH2019/06 sheet 2 of 4  
Existing and proposed floor plans – Drawing no. AH2019/06 sheet 3 of 4  
Design and Access Statement & Heritage Statement

REASON: For the avoidance of doubt and in the interests of proper planning.

3. No works shall take place until details of the external stonework, including type, dressing, coursing and bedding of the natural stone, type of pointing and mortar mix, have been submitted to and approved in writing by the Local Planning Authority. The external stonework shall constructed in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

4. No works shall commence on site until details of the new windows and door to be inserted into the rear of the main part of the property shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

5. No works shall take place on site until details of all new or replacement external chimneys, flues, extract ducts, vents, grilles and meter housings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.