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The application is for The proposed conversion of the upper floors to create self-contained apartments to include minor modifications of shopfront at 16 Drapers Lane.

Policy and Documents

The Planning (Listed Buildings and Conservation Areas) Act 1990

Historic England – Historic Environment Good Practise Advice in Planning – Note 3 The setting of Heritage Assets.

Historic England – Historic Environment Good Practise Advice in Planning – Note 2 Managing Significance in Decision-Taking in the Historic Environment.

National Planning Policy Framework

Herefordshire Local Plan Core Strategy 2011 – 2031 – Policies LD1, LD4

Thank you for your e-mail of 2 October, and I note the error in my previous comments which I have now revised for clarity, and are attached as an appendix to this document. Apologies for any confusion when I referenced 2 dwelling units, I meant to reference 2 separate units - a shop and a flat accessed independently. For clarity I would be grateful if you could substitute these comments for my previous comments.

In my comments relating to application 231036 I referenced several points where information was lacking/areas of concern and they have not been addressed in the resubmission, however I note that the original wall on the first floor is now proposed to remain. I can confirm that at the site visit I viewed the plans submitted with this application Drawing Number 231356 – 2 Rev A, and note that the wall between the proposed kitchen and lounge is now proposed to remain. Apologies that this detail was retained in the comments for this application, however, with that one amendment only from the previous submission, the application remains essentially the same as the previous planning application, and my concerns have not been addressed in the revised application which is now accompanied by a listed building consent application.

In response to your enquiries of 02/10/2023, I can confirm that the previously requested noise, thermal and fire attenuation measures between units cannot be conditioned on a listed building consent application as they are fundamental to the consideration of the listed building consent application. To put it simply the application for planning permission considers the proposed change of use, and the listed building consent application considers the works to the historic fabric to facilitate the change of use, and not the change of use itself. The application did not contain any reference to how such works would or could be achieved and as such these details cannot be conditioned, they are required at listed building consent application stage.

Whilst acknowledging the statement that the historic staircase will have to be removed and replaced with a new staircase, to create a self contained unit, that in itself is not a justification for the loss of historic fabric. Staircases by their location and design are representative of the social and architectural history of a property and their removal would need to be adequately justified. The loss of the staircase would need to be assessed against the benefits and dis-benefits of the application. In this instance, the upper floors are used for retail storage, and the proposal would create a 2 bedroom flat. However the provision of that flat accessed separately from the retail unit would involve modifications to the frontage and the interior. As it is considered that this loss would be less than substantial, the application need to be addressed against paragraph 202 of NPPF, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The creation of the independent flat is noted, however, in this instance it is not considered that the public benefit of this flat creation would outweigh the less than substantial harm to the listed building.

As new wall are being proposed to the interior of a listed building, details of the wall would need to accompany the listed building consent application, or at the very least some indication of proposal.

The loss of the historic shopfront to this listed building cannot be supported. Whilst it is acknowledged that there are flats above shops that historically had a separate entrance, often on buildings with a wider frontage, where a double fronted shop plus separate doorway could be provided. In this instance, it did not, possibly reflecting the size of the building, and the removal of the shopfront – in whole or in part would harm this listed building to a less than substantial degree. Whilst acknowledging that new shopfront can be detailed to match existing shopfronts, that does not address the primary issue of the loss of the historic shopfront and the insertion of a doorway into the double fronted shopfront. I would also have expected the joinery details to have accompanied the application.

Whilst apologising for the typographical errors in my previous comments, I would remain gravely concerned with this proposal and would maintain my previous concerns.

No adequate assessment of the proposed works has accompanied the application. As such it is considered that the proposal would be contrary to section 194 of NPPF and Herefordshire Local Plan Core Strategy 2011 – 2031 Policy SS6.

The specified works including but not exclusively; the loss of the interior staircase, and the modifications to the current internal layout on all floors including the retail unit, and alterations to the shop frontage would be considered to result in harm to this listed building when considered individually and when considered in addition to the other works proposed without specification on the application. The above works are considered inappropriate and if implemented would harm the significance of this listed building. As such the proposal is contrary to; National legislation in terms of; Sections 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, National Planning Framework paragraph 200 and Herefordshire Local Plan Core Strategy 2011 – 2031 Policy LD4

The proposed works to the shop frontage would fail to preserve or enhance the character and appearance of the Hereford Central Conservation Area and as such would be contrary to; Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Sections 201 and 206 , of NPPF Policies within the Leominster Local Plan Core Strategy 2011 – 2031 Policies SS6, LD1 and LD4.

Appendix.

Original comments, with the amendments underlined in paragraph 5

The building is a listed building UID 1255430 included on the statutory list on 09/07/1976 and is prominently sited within the Leominster Conservation Area.

I am aware of the recent planning application only for the same proposal (231036) which withdrawn. I note that this application is essentially a resubmission of the same application however with an accompanying listed building consent application.

Whilst I acknowledge that the application includes a Heritage Statement, I also note that the information requested for consideration of the previous application has not been submitted with this set of applications. As no meaningful additional information has been provided, I can only repeat my previous concerns.

I would advise of section 194 of the NPPF which requires listed building consent applications to detail the works that they are applying for. I would not consider that in this case the works have been adequately specified or detailed.

In terms of the provision of a self contained dwelling unit separated from the retail unit that is 2 separate units, the following information would need to be provided with the listed building consent application to fully indicate and consider the proposed works;

Details of all noise, thermal and fire attenuation measures between units.

Details of, and the justification for the loss of the new door to serve the bedrooms

Details of, and the justification for the demolition proposed i.e. the original staircase on all floors, and associated walling.

Details of any flues vents or extracts to the bathroom and kitchen.

Details of the new wall to divide the shop from the flat access including method of attachment to walls, floor and ceiling.

Confirmation that the retail unit would be viable with the reduced floor space.

In respect of the shopfront, I would not agree that the proposal is a minor modification to the shop front. To the contrary it removes the double fronted arrangement to effectively a single fronted shopfront.

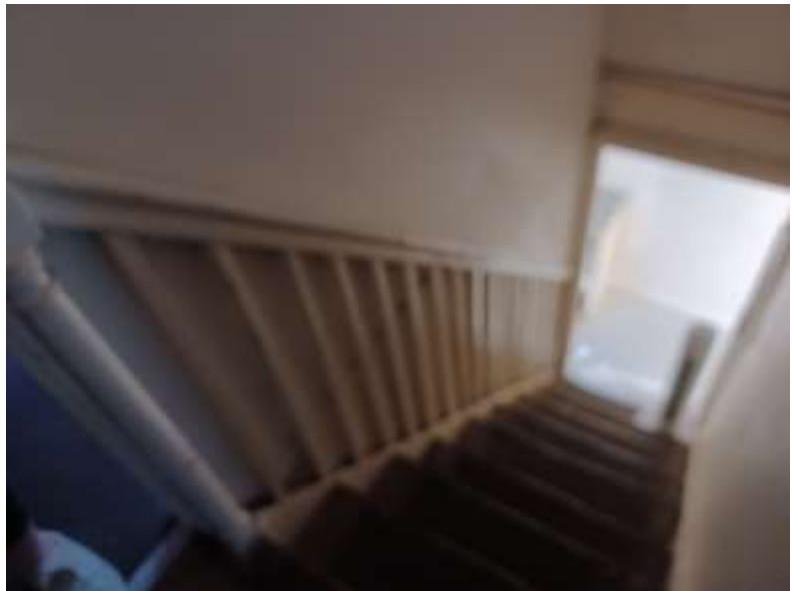
The shopfront is an historic shopfront with architectural merit, and as such the application irrespective of its listed status should have fully detailed, the works, how much of the shop front would be retained, and details of the new works including cross sections at an appropriate scale. The reference in the heritage Impact Assessment is not sufficient. The shopfront has ornate detailing that would be lost by the formation of the door that would severely compromise the significance of this historic shopfront. The modifications to the shopfront would be considered to be contrary to the Herefordshire Council Shop Front Design Guide 2011, which seeks to retain traditional shop fronts and where replacements are proposed for the details to replicate traditional detailing in terms of balance, symmetry and detailing.

<https://www.herefordshire.gov.uk/downloads/file/5481/shop-front-design-guide-2011>



I also note the recent estate agent details included a floor pan with access to the cellar, and that this is not on the existing or proposed plans and clarification is sought in that regard.

In addition to the harm to the exterior, the proposal would also include modifications to the interior, such as the loss of the original staircase and the repositioning of door openings.



Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to pay special regard to preserving listed buildings and their setting. This obligation does not prevent change from occurring but merely requires that change is properly informed and does not affect any special architectural or historic interest.

Primary legislation is repeated in National Planning Policy Framework and Core Strategy policies.

NPPF

194. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. I would not consider that in this case the works have been adequately specified or detailed.

200 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. Herefordshire Core Strategy policies

SD1 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires that development proposals should:

Development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should incorporate the following requirements:

- ensure that proposals make efficient use of land - taking into account the local context and site characteristics;
- new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design;

LD1 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires that development proposals should:

- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;
- conserve and enhance the natural, historic and scenic beauty of important landscapes and features, includingconservation areas; through the protection of the area's character and by enabling appropriate uses, design and management;

Policy LD4 of the Herefordshire Local Plan Core Strategy 2011 – 2031 requires development proposals affecting heritage assets and the wider historic environment should:

1. Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible;
2. where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas;

Whilst supportive of the principle of living above the shop, it is considered that in this instance the works would constitute less than substantial harm to the listed building.

I would refer to paragraph 200 of NPPF which advises 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.

Paragraph 202 of NPPF 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”*

In this instance it is considered that the accommodation proposed, considered against the loss of historic fabric and the reduction in the size of the retail unit would not be sufficient public benefit to outweigh the less than substantial harm identified. This harm whilst identified as less than substantial could be greater as no details of the works have accompanied the application.

In addition the proposal would need to be assessed against Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, which places a duty on Local Planning Authorities in the exercise of their duties to preserve or enhance the character or appearance of a conservation area. This statutory duty is repeated in Herefordshire Local Plan Core Strategy 2011 – 2031 including; policies SD1, LD1 and LD4.

It is not considered that the proposed shop front would preserve or enhance the character or appearance of the Leominster Conservation Area, and as such the proposal is considered to be contrary to section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990.

I would also point out that Leominster has recently been a recipient and participant in The High Streets Heritage Action Zones (HSHAZ) Programme which is a nationwide initiative designed to secure lasting improvements to historic high streets for communities who use them. The scheme is funded by the Ministry of Housing, Communities and Local Government and run by Historic England.

Herefordshire Council worked closely with Leominster Town Council in the development and submission of the Delivery Plan (which forms the basis of the High Streets Heritage Action Zone for Leominster). Following submission and assessment of the Delivery Plan, Leominster was one of 69 towns successful in receiving a share of the £95m national fund. Historic England awarded Leominster a grant of £1.8m (revised in 2022 to £1.3m), this is matched with Herefordshire Council funds.

It would therefore be considered inappropriate for the efforts in public monies having been spent and to be spent on securing lasting improvements to historic high streets for communities who use them, to be harmed by proposals that would affect the significance of listed shopfronts and would fail to preserve or enhance the character or appearance of the conservation area.

Should you wish to determine the application on its current merits I would have to recommend refusal on the following grounds.

No adequate assessment of the proposed works has accompanied the application. As such it is considered that the proposal would be contrary to section 194 of NPPF and Herefordshire Local Plan Core Strategy 2011 – 2031 Policy SS6.

The specified works including but not exclusively; the loss of the interior staircase, and the modifications to the current internal layout on all floors including the retail unit, and alterations to the shop frontage would be considered to result in harm to this listed building when considered individually and when considered in addition to the other works proposed without specification on the application. The above works are considered inappropriate and if implemented would harm the significance of this listed building. As such the proposal is contrary to; National legislation in terms of; Sections 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, National Planning Framework paragraph 200 and Herefordshire Local Plan Core Strategy 2011 – 2031 Policy LD4

The proposed works to the shop frontage would fail to preserve or enhance the character and appearance of the Hereford Central Conservation Area and as such would be contrary to; Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Sections

**201 and 206 , of NPPF Policies within the Leominster Local Plan Core Strategy 2011 – 2031
Policies SS6, LD1 and LD4.**