CASE OFFICER'S REPORT

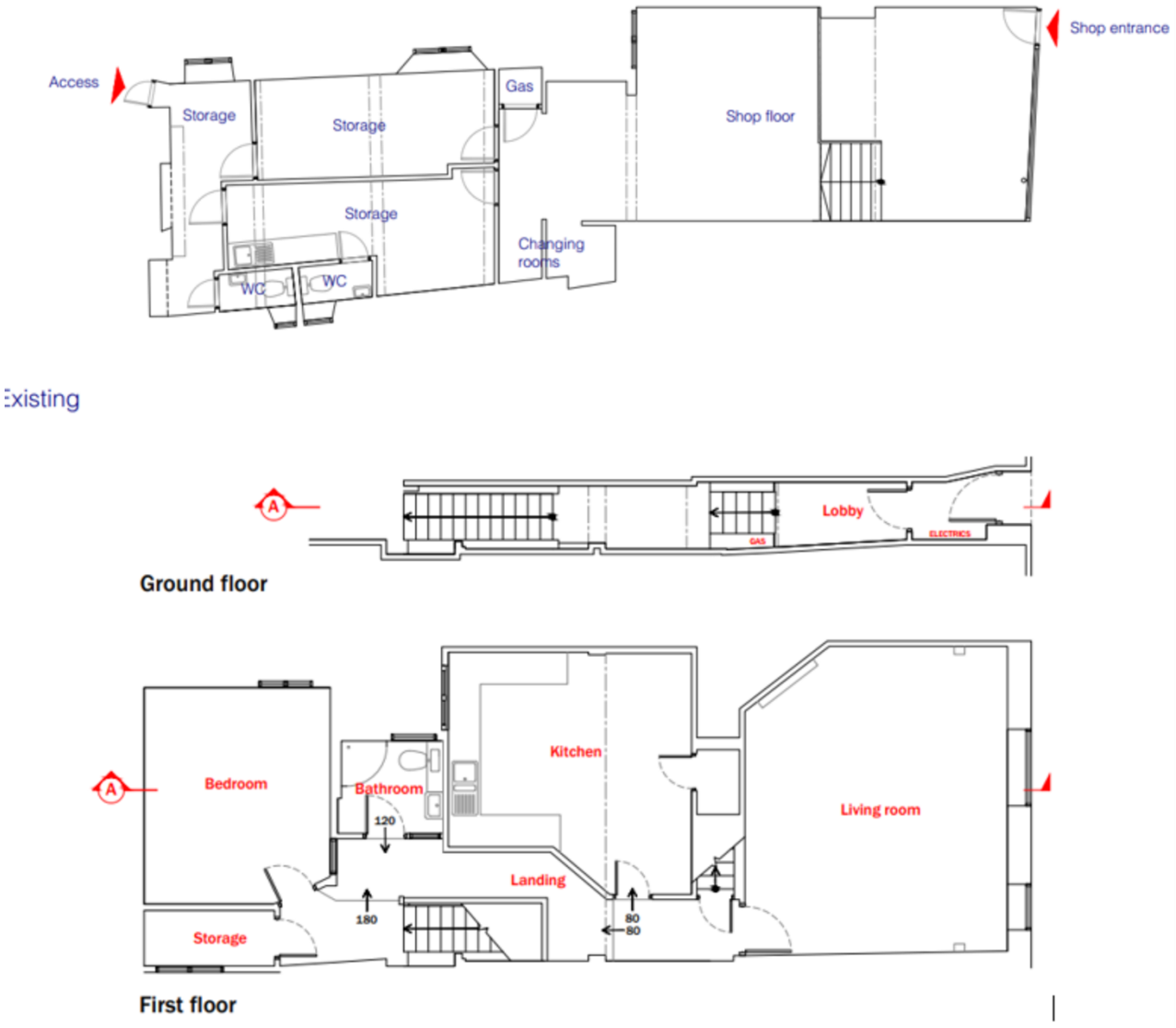
Application Reference:	PL/2023/07274
Application Type:	Listed building consent (Alt/Ext)
Site Inspection:	
Consultation ends:	26 November 2024
Case officer:	David Cox

Site Address:	16 High Street, Warminster, BA12 9AE
Proposal:	Internal alterations to create two flats
Recommendation:	Approve with Conditions

Proposal and Site Description

This is a listed building consent application for Internal alterations to create two flats at 16 High Street, Warminster. This is a grade II listed building and has been submitted alongside full planning application PL/2023/07244. These applications have been held up due to the ongoing phosphorus development ban in the River Avon catchment. Whilst this LBC could have been determined before the FUL, it was considered that the key issue of securing public benefit to outweigh the 'less than substantial harm' to the listed building could not be realised until the full planning application was given permission. The internal conversion works could be carried out without the second flat being created thereby causing harm with no public benefit.

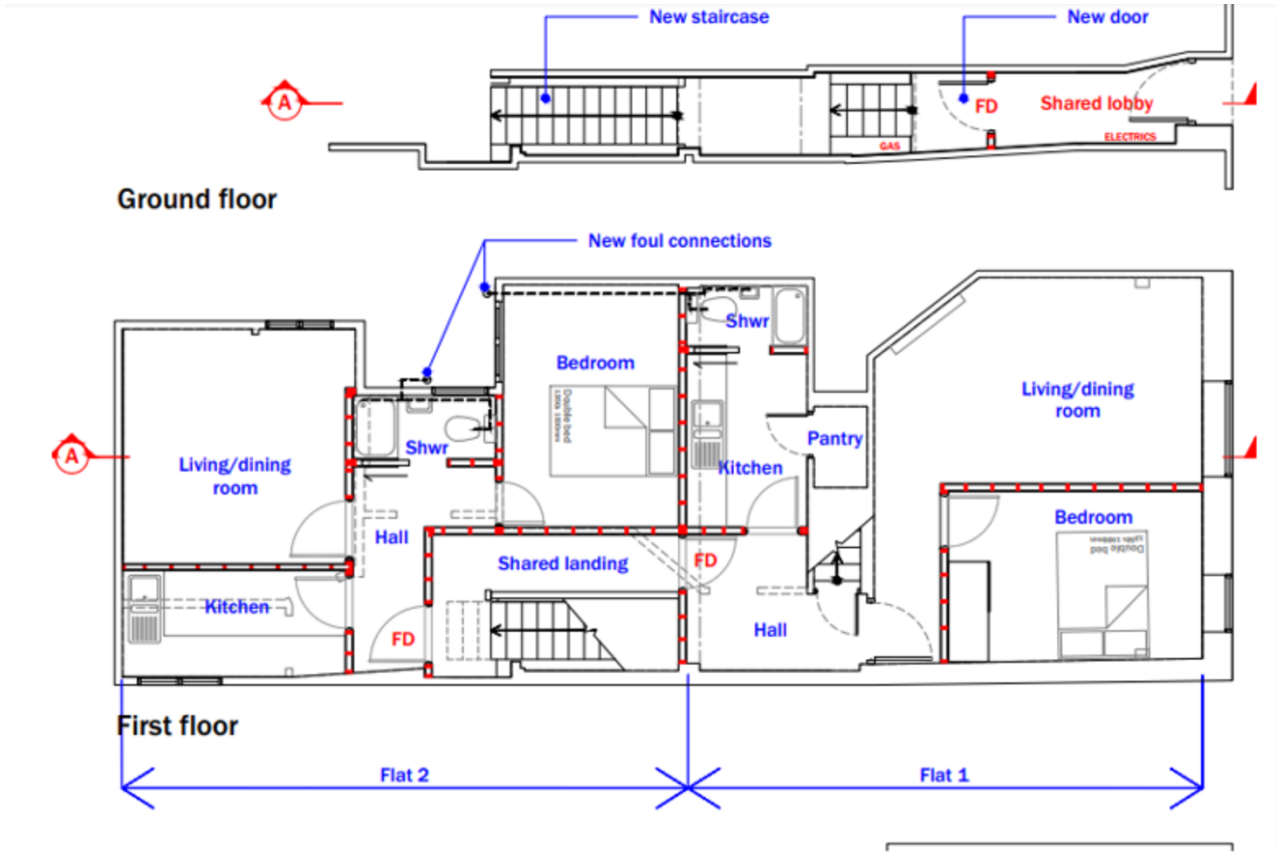
No 16 is located on the Warminster High Street (within the commercial town centre but outside the primary retail frontage) and the ground floor is an existing class E shop with general storage rooms to the rear. On the first floor is a one bedroom flat where the access is via a separate front door on to the high street as shown by the existing floor plans re-produced below. On the second floor is unused loft space.



Existing Ground and First Floor Plans

For the avoidance of any doubt, when these applications were first received, the proposal was for 3 dwellings (flats). This would have included a small ground floor flat at the rear of the class E shop unit and converting the existing first floor flat into two separate units whilst also converting the second floor loft space into accommodation for each flat. However, the conversion of the loft was met with objection from the Councils conservation officer (and to which there was also planning related objections to potential overlooking of neighbouring amenity. This led to the revision of the application where the ground floor flat was omitted, along with the conversion of the second floor. This proposal therefore now only proposes to convert the existing first floor flat into two separate one bedroom flats as shown on plan 0078.03a - originally submitted on 26 September 2023. This means plan 0078.04a GF (which was also submitted on 26 September as a revised plan has been omitted from the proposal.

The red dots on the floor plan indicate new stud partition walls to be erected diving existing rooms. No new windows are proposed. However, a replacement staircase from the ground floor to the first floor will be required.



Proposed Floor Plan - First Floor only

The Listed Building:

16 High Street, Warminster is a grade II listed building. The list description (which lists 14-18 even) is as follows:

'Early C19 front of painted brick with stone coping in 2 builds; Nos 14 and 16 2 storeys, No 18 3 storeys, over basements, but cope and ridge height continuous. Tiled roof hipped to right, one brick ridge chimney. Nos 14 and 16 2 first floor windows (with stone lintels and keys). Early C20 shop front altered to allow entrance from right and entrance to house left, framed by 3 panelled pilaster strips. No 18: One range of windows, late glazed sashes on 1st and 2nd floors, and in casement on the ground floor. Round headed doorway to left.'

However, what we do know is that buildings in this area have fabric dating from the medieval period (indeed the form of the burgage plots is still legible in areas) as this part of Warminster was the early market place. As such, the list description, which focuses only on the external appearance (as do most list descriptions) will not necessarily reflect what is of interest and significance about this particular building – perhaps as yet undiscovered or unarticulated.

The building is also within the Warminster Conservation Area.

Policies

National Context:

National Planning Policy Framework (NPPF) Planning
Practice Guidance (PPG)
Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 'special regard' to be given to the desirability of preserving a listed building or its setting.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the local planning authority [or the Secretary of State] shall 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.

Local Context:
The adopted Wiltshire Core Strategy (WCS) 2015, namely core policies

- CP57 - Ensuring High Quality Design and Place Shaping,
- CP58 - Ensuring the Conservation of the Historic Environment

Warminster Neighbourhood Plan

Key Issues
Impact on the listed building

Relevant Planning History
W/06/00141/FUL - Change of use from offices to residential flat - Approved with conditions
W/06/01925/LBC - Provision of fire resisting boarding - Approved with conditions

Consultation Responses
For the avoidance of any doubt, the revised plans and change of description were not consulted on again due to the revisions directly removing all sources of objection from the Town Council and the Council's Conservation Officer

Warminster Town Council - Objection - NOTE this specifically relates to the accompanying full planning application as the raised issues are not listed building related

Warminster Town Council resolved to object to the planning application at the meeting of their Planning Advisory Committee held on 18 September 2023 on the grounds of overdevelopment of the site and the loss of retail space.

Wiltshire Council Conservation Officer - Initial objection to the original plans and the initial revised plans (second floor elements) but following the omission of the ground and second floor plans from the proposal - no objection.

Further comments received 19 December 2024 - "*Following the comments made on 4 September 2023 by the Conservation Officer a method statement and photographs have been submitted to show the fire separation undertaken in the loft space. The details show that the wall between is*

being retained with a fire blanket to help with fire separation. There is no harm to the historic screen and this is an acceptable method of separation in this area."

Representations
No comments received

Planning Considerations and Assessment
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.

Paragraph 200 requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. The assessment provided does not assess the significance of the heritage asset and makes no mention of the conservation area. It cites the list description but this is merely a means to identify a building. There is no analysis of the internal features or character of the internal space. However, notwithstanding the absence of a proper assessment, paragraph 201 makes provision for the LPA to undertake its own assessment to which the Council's conservation officer undertook a site visit and documented photographs which are on file.

Impact on the Setting and Significance of the Listed Building:
The applicants have submitted very little information to assess the impact of the proposals on the significance of the listed building. Additionally, detailed updated comments from the Council's conservation officer following the changes have not been received other than to state that the revisions meet their concerns and that there is now no objection (mainly due to the second floor being left alone).

Regarding the replacement staircase, it would at least be in the same location as the existing and the details of the staircase as set out on the submitted plan (and revised design and access statement) were agreed on site between the agent and the conservation officer.

The further sub-division of the rooms are unfortunate with the main change being the front bedroom being converted into a bedroom and a living dining room. The central partition wall would be located in the middle of the room and due to the windows not being centrally located in the elevation, would mean that the partition wall would be very close to the splayed window. This would look quite odd but it is not considered that it would cause sufficient harm in which to warrant the refusal of the application. The partition walls would also be easily reversible should a future occupant return the floor to a single flat or should this specific flat owner decide to have a combined living room/bedroom arrangement.

Nonetheless, the NPPF directs that when there is some harm i.e. 'less than substantial harm' there has to be a public benefit to justify the harm. Firstly it is considered that the scale of less than substantial harm is at the very lowest end of harm on the spectrum. Secondly, there is public benefit from the creation of an additional housing unit. Therefore it is considered that the public

benefit would outweigh the limited harm to the listed building. This public benefit will be secured as application PL/2023/07244 (the full planning application) will be permitted at the same time as this listed building consent application

It is also therefore considered that the setting and historic character of the listed building would still be preserved and listed building consent granted.

Conditions: (2)

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 development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Location and Block Plan (0078.01) and Existing Flat floor Plans (0078.02) - both received 24 August 2023

Design and Access Statement (v2) - received 26 September 2023

Proposed Flat Details floor plan and section A (0078.03b) and Existing Ground Floor Plan and Section B Plan (0078.04b) - both received 8 November 2024 and;

Party Wall Fire Proofing Detail - received 19 December 2024

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