

Internal alterations including the removal and installation of partition walls, the permanent locking of some doors, insertion of new doors and the installation of sound insulation measures and external alterations including the installation of replacement windows and doors (listed building consent)
Kilwardby House 6 - 8 Kilwardby Street Ashby De La Zouch
Leicestershire LE65 2FU

Report Item No
A2

Application Reference
21/00095/LBC

Grid Reference (E) 435603
Grid Reference (N) 316692

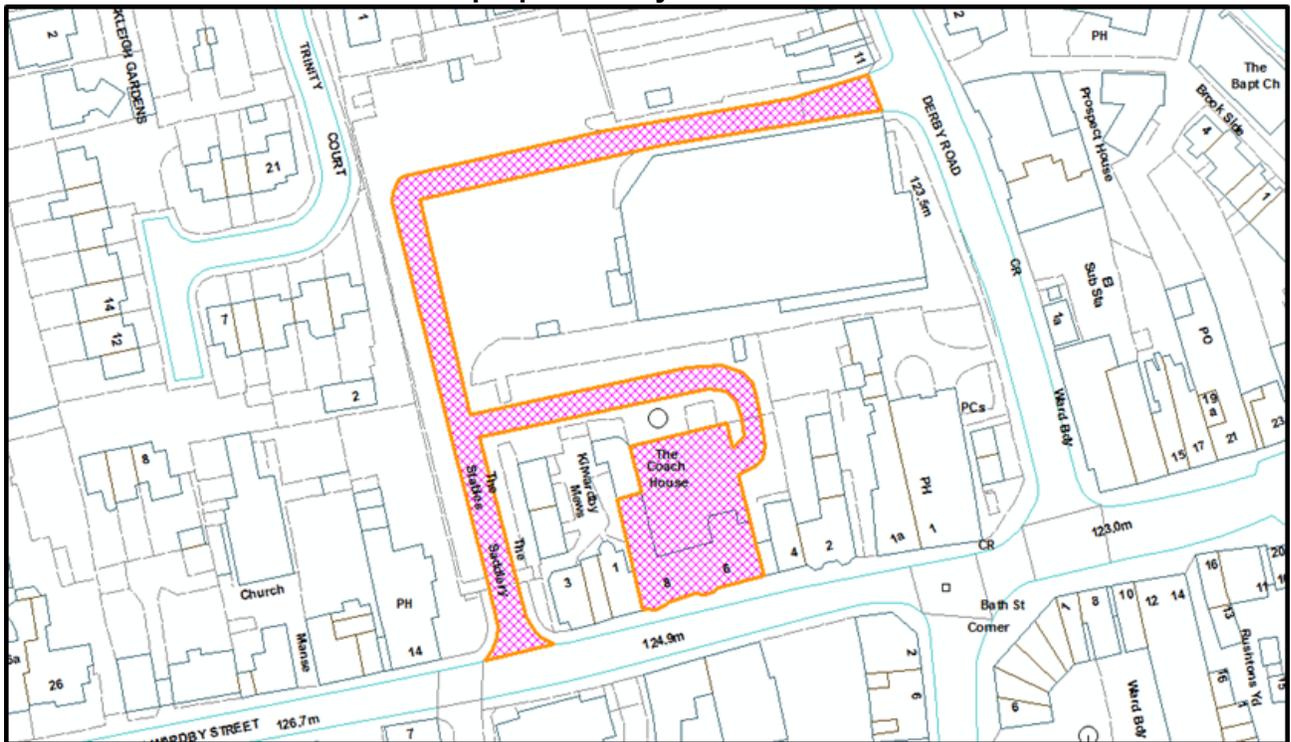
Date Registered:
2 February 2021
Consultation Expiry:
13 December 2021
8 Week Date:
30 March 2021
Extension of Time:
None Agreed

Applicant:
John Gillespie Sales Limited

Case Officer:
Jenny Davies

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is brought to the Planning Committee as the agent is related to Councillor Richard Blunt and objections have been received.

Proposal

Listed building consent is sought for internal and external alterations at Kilwardby House, Nos. 6-8 Kilwardby Street, Ashby de la Zouch. These alterations are proposed in connection with the proposed change of use of the building to six apartments and one dwelling, which is the subject of a separate Committee report. The site is occupied by a three storey building that has been empty since November 2019 and was previously in use as offices.

Consultations

Members will see from the main report below that a total of 12 letters of representation have been received from residents in support of the proposal. Ashby de la Zouch Town Council initially raised objections but now has no objections. The Council's Conservation Officer, the Georgian Group and the Victorian Society raise objections.

Planning Policy

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key planning issues arising from the application details are:

- Impact on the listed building.

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposal meets the requirements of relevant NWLDC policies, as well as those in the NPPF.

RECOMMENDATION - THAT LISTED BUILDING CONSENT BE GRANTED SUBJECT TO CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Listed building consent is sought for internal alterations, including the removal and installation of partition walls, the permanent locking of some doors, insertion of new doors and the installation of sound insulation measures, and external alterations, including the installation of replacement windows and doors at Kilwardby House, Nos. 6-8 Kilwardby Street, Ashby de la Zouch. The site lies on the northern side of the street and is adjoined by dwellings/flats to the west, offices to the east and the Co-op retail store and car park to the north, with residential and commercial properties lying to the west on the opposite side of the street.

Kilwardby House is a Grade 2 listed building and an application for planning permission its change of use to six apartments and one dwelling, external alterations, erection of cycle and bin stores and provision of landscaping (21/00094/FUL) has been submitted concurrently. The site is occupied by a three storey property and its listing description states:

Early C19. Stucco facade with plinth, eaves cornice and blocking course. Stucco bands at 1st and 2nd floor sill heights. 3 storeys.

No 8 (was No. 21 Kilwardby Street). 3 windows in symmetrical facade. 2 full height bows flank centre window. All barred sashes. Advanced round arched centre porch with panelled reveals and moulded architrave to modern door.

No 6 (was Nos. 23 and 25 Kilwardby Street). 1 window each, generally 3-light, unbarred sashes. Former No 23 has door with rectangular fanlight and flat canopy. Former No 25 has window inserted in former doorway which retains former round arch with moulded archivolt, keystone and pilasters

The site also lies within the Ashby de la Zouch Conservation Area and forms part of a row of buildings that extends along the northern side of Kilwardby Street from its junction with Bath Street and Market Street to the exit from the Co-op's car park. The building has been empty since November 2019 and was most recently used as a solicitors' office.

Some external alterations are proposed including the installation of replacement windows and doors but most of the alterations would be internal and include the removal and installation of partition walls, the permanent locking of some doors, insertion of new doors and the installation of sound insulation measures.

Amended plans have been submitted to address officer concerns relating to impacts on the listed building. The precise dimensions of the proposal are available to view on the planning file.

Planning history:

- brick up internal door opening at first floor level between no 4 and no 6 Kilwardby Street (20/00283/LBC) approved April 2020;
- installation of pattress plates and tie bars, and provision of internal restraint straps (listed building consent) (08/00140/LBC) approved March 2008
- installation of 3 no. brackets to front elevation of property (Listed Building Consent) (07/00725/LBC) approved June 2007;
- change of use to car park (85/0428) withdrawn;
- demolition of wall (listed building consent) (85/0208) approved June 1985

- change of use of garden to car park (85/0181) refused March 1985;
- conversion of electrical shop/office into solicitor's office (78/0539) approved June 1979.

2. Publicity

114 Neighbours have been notified.
Site Notice displayed 12 February 2021.
Press Notice published Leicester Mercury 17 February 2021.

3. Summary of Consultations and Representations Received

Statutory Consultees

Ashby de la Zouch Town Council initially objected on the basis that the car parking is insufficient for the number of properties being proposed and does not comply with our Neighbourhood Plan Policy S4, no.3: 'Adequate off-road parking should be provided to ensure highway safety & to enhance street scene in line with LCC standards'.

Following the submission of amended plans and additional information, the Town Council has no objections.

NWLDC - Conservation Officer has raised objections and concludes that the proposal would result in less than substantial harm to the listed building.

The Georgian Group has registered a formal objection and considers that the application should be refused.

The Victorian Society endorses the objection of the Georgian Group and advises that the authority refuse consent.

Third Party Representations

12 letters of representation have been received which are in support of the application.

All responses from statutory consultees and third parties are available for Members to view on the Council's website.

4. Relevant Planning Policy

National Planning Policy Framework - July 2021

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are applied. The following sections of the NPPF are considered relevant to the determination of this application:

Paragraphs 194, 195, 197 and 199-202 (Conserving and enhancing the historic environment)

Adopted North West Leicestershire Local Plan (2021)

The North West Leicestershire Local Plan forms part of the development plan and the following policy of the Local Plan are relevant to the determination of the application:

He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment

Ashby Neighbourhood Plan (2018)

The Ashby Neighbourhood Plan forms part of the development plan although there are no policies in the Neighbourhood Plan relevant to the determination of the application:

Other Guidance

Section 16 - Planning (Listed Buildings and Conservation Areas) Act 1990

Ashby de la Zouch Conservation Area Study and Appraisal - April 2001

Making Changes to Heritage Assets - Historic England (2017)

5. Assessment

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant listed building consent, to have special regard to the desirability of preserving the building or any features of special architectural or historic interest that the building may possess. Reference should also be made to paragraphs 197, 199 and 200 of the NPPF.

Significance of the Heritage Assets

The building lies in the Ashby de la Zouch Conservation Area on the edge of the medieval core of the town and is one of the last non-residential buildings at this end of the town centre. The building previously formed three separate buildings (formerly Nos. 21, 23 and 25 Kilwardby Street). No. 21 was the larger of the buildings with the two full height bow windows on either side of a central door, with Nos. 23 and 25 being two separate single fronted dwellings attached to the east. The majority of the building (the former Nos. 23 and 25 and the easternmost of the full height bay windows) date from 1890, with the remainder of the former No. 21 dating probably from the 1770s. The part dating from the 1770s was built as a dwelling, with the 19th century element built as an extension to the dwelling and purpose-built offices for Fisher, Jesson and Wilkins solicitors.

Given its imposing principal elevation, the building is visually prominent within Kilwardby Street. The building's rear elevation is less prominent in public viewpoints but can be seen from Trinity Court and from the Co-op store's car park.

The original building's external character has largely been retained as the majority of its original and distinctive external features to its front elevation are still in place although a front door has been replaced with a window (although the door surround is still in place). The building's setting within Kilwardby Street is as part of a high quality and characterful terrace of buildings. Its setting when viewed from the rear is somewhat marred by the Co-op store and its car park which dominates the land to the rear of the site, and the building is also less prominent due to the differing rear projections and roof designs to the buildings on Kilwardby Street. Many of the buildings' original internal features remain intact and some distinctive features are in place, e.g. the dome rooflight, staircases, cornices, fireplaces and floor tiles.

The County Archaeologist advises that the building is or has the potential to constitute a heritage asset with archaeological and heritage interest.

Impact on the Heritage Assets

Significant weight is given to preserving the fabric and features of the listed building.

A limited number of external changes are proposed to the building relating to the replacement of

some doors and windows within existing openings, reinstatement of a front door and the installation of obscure glazing to some windows. External soil pipes and vent outlets are also proposed. No new openings are proposed to be installed.

Most of the proposed changes would be internal, and include the removal and installation of partition walls, the permanent locking of some doors, insertion of new doors and the installation of sound insulation measures.

The Conservation Officer initially advised that no evidence of marketing had been submitted and alternative development options have not been considered. The Georgian Group considers that the harm to the building has not been justified as the building has not been effectively marketed at a realistic price to demonstrate that other less damaging solutions to the building's future are not available. The Victorian Society advises that in the absence of any evidence of marketing or a robust options appraisal, it cannot accept that the current proposals represent the optimum viable use for the building.

Two sets of additional information demonstrating the marketing that was undertaken and consideration of other uses of the building has been submitted. The Conservation Officer, the Georgian Group and the Victorian Society were reconsulted on this information. The Conservation Officer did not consider that the marketing efforts were genuine, the Georgian Group still considers that the building was not marketed at a realistic price and no further comments were received from the Victorian Society.

The agent advises that the property was marketed but that there was no interest from any purchasers to keep the building as offices or as one building, and the only limited interest was to convert the building to residential use.

The agent has also submitted advice from local estate agents who are of the view that the residential use of the building would be its most viable alternative use, and also advise that given the building's considerable size, a company looking to take on that level of office space would be looking for a substantial amount of parking spaces (which cannot be provided at the site) and it is not clear whether the office market will recover from the impacts of the covid-19 pandemic. It is also advised that other main town centre uses, e.g. retail, restaurants etc would not be suitable given the site's location at the edge of the town centre where there is substantially reduced footfall compared to Market Street.

These agents have also advised that upgrading the building to modern office requirements or introducing other non-residential uses may require similar internal alterations to those proposed as part of this application. Uses such as shops or restaurants are likely to need shop fronts to create a more active frontage which would significantly alter the character of the building, and even if these uses were provided at ground floor, the upper floors would need to be converted to residential use to ensure they did not remain empty. Furthermore as noted above the Council's Planning Policy team are satisfied with the evidence of marketing. Therefore it is considered that the site has been satisfactorily marketed and that satisfactory consideration of alternative uses has been undertaken, and that residential use is the most viable and suitable new use for the building.

There were a number of different elements of the original proposals that were not considered acceptable as they would detract from the historic characteristics and importance of the building, including the removal of an original secondary staircase within Unit 3, the insertion of a door in Unit 1 into a wall containing a glazed brick dado, the removal and installation of partition walls and the insertion of stud walls over locked doors, and objections were raised by the

Council's Conservation Officer, the Georgian Group and the Victorian Society on such grounds.

The Conservation Officer also requested that an acoustic survey be undertaken before determination of the application so that any noise mitigation/ventilation measures required as a result of such a survey could be considered in terms of impact on the fabric of the listed building. However as set out below in the section of this report relating to residential amenities, an acoustic survey is not required.

Amended plans have been submitted throughout the course of the application to address most of the Conservation Officer, the Georgian Group and the Victorian Society's concerns relating to the internal and external alterations.

The windows that would be replaced are of poor design and the replacement windows would reflect the windows that are to be retained. The doors to be replaced are a mix of designs and the replacements would provide more consistency of design. The new front door (to serve Unit 1) would be installed within the original front door opening (its architrave and pilasters are still in place), and would mean that the original front door arrangements when the building was three separate buildings would be reinstated. The soil pipes and vent outlets would be of the same style and material as those already on the building.

The limited extent of external alterations would ensure that the building retains its current character, and the amendments would improve the overall appearance of the rear elevation.

Many of the concerns relating to the internal alterations have been addressed. However the door proposed to be installed in the wall containing a dado rail in Unit 1 has not been omitted from the scheme. The agent and officers have considered whether a door could be installed elsewhere within Unit 1, or the internal layout amended.

The Conservation Officer is of the view that some of the internal alterations, including the insertion of the doors into the glazed brick dado, would result in harm as they would be contrary to advice in Historic England's document 'Making Changes to Heritage Assets', and that these alterations arise from the manner of the proposed subdivision of the building. He advises that these harmful alterations may be avoided by changing the proposal so that the building is subdivided into a commercial unit on the ground floor, two dwellings and another unit used for commercial or residential purposes.

The agent has advised that providing fewer, larger dwellings within the building would not be viable as this would result in dwellings with little or no private garden space and there is a limited market for this type of property, and that there is strong evidence of a market within the town for two bedroom properties.

As noted earlier in the report, other non-residential uses would not be suitable given the site's location at the edge of the town centre and some commercial uses being likely to need shop fronts to create a more active frontage which would significantly alter the character of the building.

No further comments have been received from the Victorian Society in respect of any of the amended plans and the Georgian Society reiterated its objection in respect of the first set of amended plans, but has not made any comments in respect of the several subsequent sets of amendments.

It is noted that some harm would result from the proposed layout, and it is regrettable that part

of the glazed brick dado would be lost. However having regard to alternative uses or layouts not being viable or suitable, and that without a change in its use the building is likely to remain empty, it is considered that the proposed form of subdivision is acceptable. It is also noted that the majority of the brick dado would be retained.

The other amended internal alterations would result in the proposal being more sympathetic to the original layout and character of the building, and would ensure that many of the building's original features would be retained.

Therefore it is considered that the proposal would result in less than substantial harm to the listed building. Considerable weight and importance is attached to this harm to the listed building. Paragraph 202 of the NPPF requires less than substantial harm to designated heritage assets to be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.

The less than substantial harm to the listed building is in this case considered on balance to be outweighed by the public benefits of the repair and bringing back into use of a Grade 2 listed building in the Conservation Area that is in a poor state of repair and has been empty for over two years, since November 2019, along with the provision of new dwellings to make a small contribution to the Council's five year housing land supply. Therefore the proposal complies with the NPPF and Policy HE1 of the Local Plan.

Other Matters

The Town Council's initial objection related to the level of car parking, which cannot be considered as part of a listed building consent application but which has been considered as part of the concurrent planning application for this site.

RECOMMENDATION, PERMIT subject to conditions relating to the following:

- 1 - time period
- 2 - approved plans
- 3 - external materials and internal and external details