

PLANNING AND HERITAGE STATEMENT

CHANGE OF USE OF THE RED COW PUBLIC HOUSE TO A RESTAURANT (GROUND FLOOR) WITH RESIDENTIAL ACCOMODATION ABOVE

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1 INTRODUCTION AND PROPOSED DEVELOPMENT

- 1.1 The applications refer to both planning and listed building consent for the extension to the existing Red Cow public house (A4 use) and internal changes to facilitate its conversion to a restaurant (A3) at ground floor level and residential (C3) accommodation above. The property is a Grade II listed building as explained in the Heritage Statement section of this report below. The protected nature of the building is fundamental to how this application has evolved and the details which are now submitted for formal consideration.
- 1.2 The application follows the withdrawal, prior to refusal, of an earlier application for a similar ground floor use, the reasons for refusal being less to do with the principle of the proposal and more to do with the poor quality of the application and the uncertainty as to how the conversion would be carried out. *Application 60176 for "Restaurant on the ground floor, alterations to the front, double storey extension to the rear, flats on the first and second floor. Withdrawn".*
- 1.3 To address this, the current application follows on from pre-application discussions with both the planning officer and the Council's Conservation Consultant. Their input has been valuable with the most recent advice, culminating in a number of suggestions which have been incorporated into this current submission. In terms of the resulting development, the changes to the building are as follows:
 - Use of basement for storage, facilitated by a new staircase from the existing single storey extension which currently provides a corridor and WC facilities but will become a small dining area (3).
 - Removal of single skin wall between the existing staff room and shed and removal of internal walls to make an open plan dining area (1).
 - Removal of walls either side of structural wall section and chimney breast to link two dining areas (1) and (2).
 - Removal of existing bar – this is not believed to be historic in either its fabric or its location within the property.
 - Single storey rear extension to provide new kitchen and extension to existing WC facilities. The extension will not extend beyond the existing built form on the eastern side of the building. Insertion of a new extractor flue for the extension.
 - Addition of single storey "store" in spare room to rear of the property.
 - Addition of new staircase to serve the first floor residential conversion (creating a separate residents' access point off Crown Street) with the entrance off Southampton Street remaining for use by the restaurant.
 - Conversion of upstairs to 3 flats. The use of the existing staircase (to be retained but not used) would have prevented a sensible or reasonable conversion of the upper floors.
 - Proposed first floor side extension (on northern, Southampton Street side) to fill in existing gap to boundary (currently a 'modern' single storey flat roof extension) and create additional residential floor area for bathroom and kitchen.
 - Remove low ceiling in middle section of first floor where the current roof heights are too low for use. Open up void over bedroom.



- Addition of dormer window over the first floor hallway to address restricted head height
- Internal walls for segregation of residential bathrooms and kitchens.
- Refurbishment of existing windows and repair of brickwork where required.



2 PLANNING POLICY JUSTIFICATION

- 2.1 All development proposals must be determined in accordance with the development plan (unless material considerations dictate otherwise) whilst applications referring to listed buildings must comply with the statutory obligations set out in the Planning (Conservation Areas and Listed Buildings) Act 1990. The current development plan is Reading Borough Council's Core Strategy (2008, Altered 2015), the Central Area Action Plan (AAP) (2009) and Sites and Detailed Policies (2012, Altered 2015) documents. Where a development plan documents (in this case the AAP) predates the National Planning Policy Framework (NPPF), its requirements must be tested for consistency against the aims of the NPPF

Principle of development

- 2.2 Before considering the changes to the building that are required to enable the conversion to a restaurant and 3 flats, we must first consider whether these land uses are acceptable in principle. Policy RC8 of the Central Area Action Plan refers specifically to drinking establishments but is a policy which specific refers to new development rather than the loss of existing facilities. Policy DM15 refers to the loss of public houses outside of the Central Area but has no jurisdiction over the area covered by the AAP.
- 2.3 The Council advised during the pre-apps process that "The loss of the pub is not an issue within the Reading Central Area, where there are alternative drinking establishments. However, any alternative use needs to be demonstrated to be suitable to the site and acceptable in terms of the Listed Building." It continued that "Officers consider that the combined restaurant with residential above would be a more appropriate use of the building". This advice is consistent with the development plan policies and there is no reason in principle to resist the loss of the A4 use. A restaurant use is consistent with the aims of the AAP and its focus on the night time economy.
- 2.4 In terms of the reuse of the upper floors of the property for residential purposes, these have always been residential in association with the pub downstairs (i.e. landlords and staff accommodation). Whilst this proposal creates new 'planning units' the actual use of the upstairs remains consistent with its historic use as the private quarters of the public house. The principle of residential development in the existing urban area, not least in a central location such as the application site, is acceptable and consistent with the aims of the development plan.

Site Specific Requirements

- 2.5 For residential development, site specific policies are relevant to the consideration of the application. These must be considered in context of paragraph 131 of the NPPF which is clear that the long term retention of the listed building is a material consideration and one that can overrule the site specific development plan policies. It states that "In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation". On other words, there must be some flexibility in applying site specific policies to ensure against unnecessary constraints to the long term retention and conservation of the listed building.
- 2.6 Policy CS15 of the Core Strategy states that "Developments should provide an appropriate range of housing opportunities in terms of a mix of housing types, sizes and tenures, in accordance with the findings of a housing market assessment." This is an aspirational policy which refers mainly to new development rather than new dwellings brought forward through the conversion of an existing



building. The size of the building and the nature of the first floor space adds further constraints. The proposal is for three one bedroom units (including a single studio) and this makes best use of the space available. The Housing Market Assessment identifies a need for one bedroom units and therefore, whilst not providing the mix on site, the proposal still responds to a clear and stated demand.

- 2.7 Guidance within Policy DM10 requires each new flat to have an area of on-site amenity space. Whilst it recommends 25sqm per flat outside of the Central Area, there is no specific requirement for sites inside the Central Area. The policy merely states that “Open space is nonetheless required, unless exceptional circumstances prevail, to accommodate modest sitting out areas and clothes drying facilities.” The only available external area is the hard surfaced yard to the east of the building. Part of this yard will be needed to provide bin storage (both residential and commercial) as well as a cycle store. The remaining area of circa 150m² is shown as parking area rather than amenity space. The site is located within the Zone 2 (the primary core area) but on the periphery of Zone 1 (the central core area). In accordance with the adopted SPD, the development would be required to provide a parking provision of 1 space per flat and/or 1 space per 7.5m² of A3 use. This is an overall parking requirement of 21 spaces for the usable restaurant floor areas. There is only room for 5 spaces to be provided but in such a central urban and town centre location, the use of the motor car should be restricted (see below). Furthermore, the existing pub would normally generate a similar need for parking provision and therefore there is already an under provision on site. There will therefore be no material impact on highway safety or on street parking requirements. In accordance with the Borough’s Parking Standards and Design SPD, a minimum provision 0.5 cycle storage spaces should be provided per flat located in a conveniently located, lockable, covered store.
- 2.8 A balance must be reached here on the use of the external area if the viable re-use of the listed building is going to be achieved. In terms of sustainability in a central location, the provision of cycle storage (an encouragement against the use of the car) is the priority. Given that the available land is currently a car park, there is no amenity space currently, and that servicing will be required for the proposed restaurant use, most of this area must remain as hardstanding. In this scenario it makes sense for car parking to be provided in the left over spaces as a better juxtaposition between the service area for the restaurant than amenity space would be. The proposal therefore does not propose any amenity space.
- 2.9 Whilst the parking provision is under the parking requirements set out in the SPD, given the central location of the site, users of the restaurant would be expected to walk to the site rather than drive. Paragraph 29 of The NPPF states that “the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice of how they travel”. Paragraph 35 continues that “developments should be located and designed where practical to...give priority to pedestrian and cycle movements and have access to high quality public transport facilities”. On this basis, providing parking for the proposed development would actually encourage the use of the private motor car in a location where one is not required and is therefore categorically contrary to the specific aims of the Framework. By definition, the proposal will be more sustainable by not providing parking than it would be if parking was provided and therefore it will better reflect the aims of the NPPF.
- 2.10 The correct approach to parking provision is addressed by paragraph 39 of the NPPF which states that “If setting local parking standards for residential and non-residential development, Local Planning Authorities should take into account:

- The accessibility of the development;



- The type, mix and use of the development
- The availability of and opportunities for public transport
- Local car ownership levels
- An overall need to reduce the use of high-emission vehicles”

2.11 If testing this application against the 5 criteria above, the provision of reduced-parking (and cycle parking spaces) directly responds to points i), iii) and iv). The type of development is appropriate to the surrounding area where historically very few buildings have allocated parking.

2.12 On the above basis, we are satisfied that the proposal provides the best solution to servicing, cycle parking, vehicle parking and amenity space taking into account the site constraints, the existing situation and the desire/need to provide a viable use for the existing listed building.

2.13 Reading Borough Council’s Air Quality Policy DM19 requires that developments have regard to the need to improve air quality and reduce the effects of poor air quality through design, mitigation and where required planning obligations to be used to help improve local air quality.

Affordable Housing

2.14 Policy DM6 of the Local plan requires all new residential development to make a contribution towards affordable housing. For schemes of 4 or fewer units, this is in the form of a commuted off-site payment. Following the Court of Appeal Order dated 13th May 2016 and the 28th November 2016 Ministerial Statement and the National Planning Practice Guidance regarding affordable housing have been re-instated as being material considerations that should be taken into consideration when making a decision. Government advise that for schemes of 10 or fewer residential units there should be no requirement for an affordable housing contribution to be made. The Council are required to take this info consideration prior to requiring a financial contribution to be made.

2.15 In response to this the Council has concluded that they will continue to implement Policy DM6 as currently adopted but excluding proposals that solely involve the conversion of an existing property, where the conversion involves the provision of 10 or less dwelling units (i.e. not HMOs), or the replacement of dwellings by the same number of replacement dwellings where there is no net increase. On this basis, no affordable housing contribution will be required.



3 PROPOSED CHANGES

3.1 The proposed changes to the building are detailed in Section 1 above. In this section, we demonstrate how the pre-application advice has been taken on board and addressed. The Council's comments are in both followed by our response:

1. **There is considered that there is only a limited opportunity for extension of the north wing of the building to the upper storey. The addition of a second storey would detract from the character of the north wing roof and tend to dominate the setting of the Listed Building** – the proposed extension is now entirely single storey, the two storey element of this extension has been removed.
2. **A full two storey infill extension at the rear of the building to replace the existing rear overhanging roof would be difficult to attain and provide a difficult juxtaposition with the existing main roof. Following the principle of maintaining the dominance of the original Listed Building any extension should be confined to single storey only, which would be dependent on appropriate detailing in terms of scale, mass, location and materials** – as above.
3. **Any single storey freestanding building would be harmful to the setting of the Listed Building, but also the pattern of development of the area and neighbouring properties** – the proposed building in the car park has been removed in its entirety.
4. **The potential removal of the stairs should be avoided if possible. This is because the stairs reflect the original circulation patterns of the building ('compartmentation'). The proposed addition of new stairs needs careful consideration and should preferably be confined to any new extension, where possible. The currently detailed location within the main body of the building would potentially affect significant areas of the ceiling joists within the historic core of the building and lead to partial removal of the ceiling** – the existing stairs have now been retained as part of the proposal. Whilst they will not be the principal stairs for access to the upper floor, the historic integrity of both the built form and the compartmentation of the building will remain.
5. **The ceiling between the first floor/second floor rooms would benefit from investigative work into the structure in order to determine its age and significance** – this has been investigated and it is clear from the location of the staircase, the stud wall encasing the staircase, the lack of any historic beams and floor boards and the relatively modern (1960s) dormer window that this second floor was retrofitted to the building in a relatively recent era. Its removal is proposed to return this part of the building to a more useable head height and to expose the original building features in this location.
6. **There are a number of casement windows to the right hand side of the front elevation of variable quality which could be replaced with timber sash windows more in-keeping with the building. The existing sash windows to the left of the front elevation appear to be 'Victoria' sashes and, dependent on the final assessment of condition, should be refurbished. The restoration of the currently blocked front elevation window opening could be considered** – The windows that can be refurbished will be whilst new windows are proposed where they cannot be restored.
7. **A number of areas of brickwork along the front elevation have deteriorated significantly and will require re-pointing, as a minimum, or patching in matching brickwork into the existing structure** - Along with the changes to the fenestration, the application will repoint the exterior of the building as an enhancement delivered by the proposals.
8. **The downstairs of the public house has been opened-up to remove internal walls and timber framing, although the ceiling retains exposed ceiling joists and bressumers: these should be**



maintained as exposed timber work and new compartments formed around them – All internal framing to be retained

9. **The kitchen area to the left side of the property is contained within a small single storey outshut. This area has considerable flexibility for adaption and modernisation** – The single storey kitchen extension will be replaced by a two storey extension in the same gap, reflecting the ridge height, roof pitch etc. of the existing building and creating a continuation of the street scene. This represents a significant enhancement to the existing building.

- 3.2 All these changes represent an improvement to the original design solution and both respect the historic fabric and character of the existing building and also enhance it. The changes are considered further in the Heritage Statement below.



4 HERITAGE STATEMENT

- 4.1 This Heritage Statement is prepared as a statutory requirement for an application which affects a designated Heritage Asset. Much of the planning statement elsewhere in this report provides justification for the use of the building and the balance of planning policies against the need to preserve the listed building in the long run – by ensuring it has a viable use. The intention of the proposal is to provide a viable use for the existing building, consistent with its historic character and respecting the existing built form and the historic fabric of the building. Rather than reiterate these more general points, this statement will consider the heritage implications of the proposed development and explain how the proposed development is acceptable in the heritage context working with the heritage asset on the site rather than conflicting with them.
- 4.2 The existing building is currently in a lawful A4 use as a public house. The pub has been closed for almost 2 years and, given that other pubs in the vicinity of the site have closed, there is reason to assume that the prevailing use is unviable. There are two fundamental considerations for this proposal; the impact on the historic built form and the impact of the proposed use on the character of the building. To make the assessment on the impact on the heritage asset, the starting point for the consideration is the list description provided by Historic England. It states:

SOUTHAMPTON STREET 1. 5128 (East Side) No 63 SU 7172 NE 4/571 II Including No 50 Crown Street. No 63 is an early C18, small, 2½ storey house of grey brick headers with red brick quoins and dressings. Tiled roof with catslide to rear with tall chimney. 1 gabled dormer. On 1st floor a tripartite casement window to left and panel to right. On ground floor a segmental-headed former door and flanking windows. Flanking red and grey brick set back rusticated quoin pilasters (altered on right hand side). Rounded corner extension to Crown Street (No 50) probably 1860s, possibly circa 1840. 3 windows with hipped tiled roof. 2 window extension to north. A good example of early C18 brickwork.

- 4.3 As a starting point, none of these specific points identified in the list description are removed as part of the proposed scheme. Where they are materially impacted by the proposal, they are impacted in the positive rather than in the negative.

Legal position

- 4.4 Listed buildings benefit from the highest level of protection under the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. Within the definition of listed buildings, the majority are grade II (approximately 92%) with only the top rated buildings grade I or II*. Paragraph 1(3) of the Act explains that “*In considering whether to include a building in a list compiled or approved under this section, the Secretary of State may take into account not only the building itself but also—*

(a) any respect in which its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part; and

(b) the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building consisting of a man-made object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building.”

- 4.5 Section 16(2) of the Act then sets out the basic legal test for the decision maker requiring 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.*” The more general



advice of the NPPF and its associated guidance is a material consideration but does not change the statutory starting point for the decision maker. It does, however, add guidance to how the statutory obligations must be applied.

- 4.6 In terms of the approach to determining planning applications for works to listed buildings, paragraph 128 of the National Planning Policy Framework (NPPF) explains that:

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. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed...

- 4.7 The advice for the decision maker continues in paragraph 132-134 of the NPPF where the relevant advice states:

*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**. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. (Para. 132)*

- 4.8 Conservation (as highlighted above) refers to both the individual historic artefacts identified in the list description and the overall conservation of the building (i.e. ensuring against it falling into disrepair and finding a viable use for it). A use can, in theory, fail to conserve the building if it is a use so completely alien to the original use that its original/historic use is lost in the new use.

- 4.9 Paragraph 134 continues 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 securing its optimum viable use.

- 4.10 In terms of the local plan policies, CS33 of the Core Strategy is non-prescriptive and reflective of the general advice set out above in the NPPF as well as the legal requirement. For the sake of thoroughness, the test set out is "Historic features and areas of historic importance and other elements of the historic environment, including their settings, will be protected and where appropriate enhanced." It continues that "Planning permission will only be granted where development has no adverse impact on historic assets and their settings. All proposals will be expected to protect and where appropriate enhance the character and appearance of the area in which they are located."

Consideration of Impact on Listed Buildings

- 4.11 As the property consists of a listed building it is considered to be a designated Heritage Asset as defined by the NPPF. The NPPF defines a Heritage Asset as "*a building....identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated Heritage Assets (definition provided elsewhere in NPPF) and assets identified by the Local Planning Authority (including local listing)*".



- 4.12 Whilst the NPPF advice suggests that, if harm is identified, there is a judgement call to be made on the balance between public benefits and harm, this is not entirely consistent with the legal position¹. In terms of the setting of a listed building, the tests for this are set out in paragraphs 16(2) and 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (“The Act”) which requires 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.”* The setting of the listed building in this case must refer to development around the listed building which isn’t attached and, therefore, which doesn’t require listed building consent (as a guideline).
- 4.13 In reality, the proposed development will have no impact on the setting of the listed building as very few external changes which aren’t connected to the building are proposed – these are limited to the bin and bike stores. On this basis, we can conclude the proposed development will have no impact on the setting of the listed building and therefore the proposal satisfies the legal obligation of Section 16(2) or 66(1) of The Act. On this basis and context of the Mordue and Barnwell court cases ² (Barnwell specifically considers the impact on the setting of a listed building), we can conclude that the setting of listed building is not harmed by the proposed development.
- 4.14 In terms of the requirements to preserve the listed building on the application site, this refers to both the external changes and extensions and the internal changes to facilitate the conversion to the new use. Internally, the list description identifies a number of key features all of which are retained. The internal changes are primarily the opening up of a few walls, mainly walls which are not historic such as the main wall between the existing staff room and shed. Where openings are created to the side of the main chimney breasts, these are done to ensure that the structure of the building is not harmed. A small amount of the chimney breast between proposed dining rooms 1 and 2 is required to be removed, however this doesn’t materially alter the character of this chimney breast. The chimney breast as an entity remains.
- 4.15 To consider the changes, it is first important to explain how the property has evolved over time. There are clearly three distinct periods of development with at least two, if not three, historic properties on the site. The oldest part of the building is on the corner of Southampton and Crown Street, curving the corner. This is likely to have housed the commercial pub use back in its original form. The part of the building was served by the Crown Street door. To the north of this was evidently a separate, one-up-one-down property (two windows) with its access off Southampton Street. The lack of depth of this part of the building reflects that next door. Internally the change in levels between these two sections demonstrates that they were once separate entities. It is likely that 63 Southampton Street had a small internal staircase which was subsequently removed when the existing staircase was installed to the rear of the property (as was). The staircases give significant clues to the historic evolution of the building. For completion of how the main property evolved, 50 Crown Street was clearly extended eastwards as evidenced by the distinct change in brickwork on this elevation as well as the ill-matching windows in height and size.

Internal Changes

- 4.16 The insertion of the new staircases (to both the basement and the first floor) are the most significant internal works proposed. However, 50 Crown Street must once have had its own staircase (as above, the first floor is currently served by the staircase to the rear of the former 63 Southampton Street) and there is on-site evidence that there was historically a staircase to the first floor from the Crown Street entrance in pretty much the location of the proposed staircase. Stair marks are visible.

¹ Clarified in *Mordue v. Secretary of State for Communities and Local Government* [2015] EWHC 539 (Admin)

² *East Northamptonshire v. Secretary of State for Communities and Local Government* [2015] 1 W.L.R. 137



Current building regulations and standards mean that the original staircase cannot be reinstated exactly as it was (there is insufficient depth for an acceptable gradient) so it is moved over slightly to enable it to work. However, given that a staircase was removed from this part of the building, it is evidence enough that there has been considerable change to the built historic fabric of the building. The use of materials for the raised floor and store room (relatively modern floorboards, plasterboard walls etc.) demonstrate this along with the clear fact that the store room (room 6 on the existing plans) would not historically have existed. If there had been no staircase, there would historically have been two more uniform front room, potentially even one. However, other than the visual evidence, the compelling evidence for a staircase in this location is the fact that there is no other reasonable location for a staircase to the first floor of this part of the property.

- 4.17 The staircase to the rear of number 63 Southampton Street would once have been external (beyond the rear wall) and therefore there is little doubt that this staircase was introduced at the time that 50 Crown Street and 63 Southampton Street were co-joined. At this time the two original staircases would have been removed at this time and replaced by the current staircase. This staircase to the rear has the characteristics of a secondary staircase with limited width, poor headroom and a distinct back-of-house feel to it, a response to the use of the building at the time it was installed and there being little need for a grand staircase for workers' accommodation at first floor level. This was clearly never intended to be the principle staircase for the property.
- 4.18 Understanding this evolution is important but it does not completely supersede the importance of the next period of the property's history in its current form. This was its form when listed and therefore the new format is also important to the understanding of this historic use of the building. The existing staircase plays a role in the through-flow of the building (there is a chance that it existed at the same time as the 'main' staircase) as well as providing evidence of some hierarchy in the building as it now stands. For this reason, the staircase is retained as a secondary staircase, retaining this hierarchy of the historic building if not reflecting how the building(s) was/were originally constructed.
- 4.19 The basement was always a minor part of the hierarchy reflected in the restricted staircase which is likely to have been installed in this location at the same time that the main staircase was removed from above it. The original access to the basement is more likely to have been through a hatch in the floor rather than with a staircase and this is evidenced by the staircase being poorly located and restricted in room at its base. There remains evidence of direct access to the basement from street level (for beer kegs etc.) and this would have married up with a similar internal access. On this basis, whilst the installation of a new staircase is a significant change, it is a change to the part of the building which has already experienced considerable change since how it was originally constructed. In terms of best practice, it is preferable to focus change on the parts of the building which do not reflect the form in which it was originally built. The concept of staircases in this location can be traced back to the construction of the building and therefore the proposal is reflective of this.

External changes

- 4.20 Externally the evolution of the building to its current form can be seen clearly. The doors and windows are the most obvious clues from the public domain. Clues are also offered to the rear of the building (the east side) where there is evidence of construction over a number of periods (the 'barn', and the two extensions which currently house the toilets). Of these, the 'barn' is the oldest and it is likely that this was once a separate building, located a few metres to the rear of number 63 Southampton Street. There is also evidence that this building once extended further east than it currently does. In terms of hierarchy, it is possible, if not likely, that this was once the largest of the three buildings on the site. The exposed beams on the east elevation are demonstration of this and these exposed beams are deliberately unaltered by the proposal.



- 4.21 The two most significant alterations which are proposed are the single storey rear extension and the two storey side extension. The two storey side extension replaces a relatively modern and, in terms of its flat roof and poor detailing, unsympathetic single storey extension which was added in the last 100 years to provide a kitchen for the pub. The window is off balance with the other windows, the brickwork is poor and the roof is bowed. Not only does this detract from the listed building visually but it is in extremely poor condition, barely fit for purpose. It certainly wouldn't pass modern tests for use as a kitchen for the proposed restaurant. Its replacement with a two storey extension will completely fill the gap between the application site and 61 Southampton Street. As 61 Southampton Street is significantly taller than the application property and of completely different style (it has Georgian characteristics), the filling of the gap at first floor level does not visually merge the buildings and nor does it detract from the setting of the listed building.
- 4.22 In term of the single storey rear extension, this will fit in an existing gap between parts of the building of various ages and eras. The shallow pitched roof reflects the prevailing pitches of roof which characterise the existing property yet is of limited height and proportions that it does not alter the character of the building. Due to some inconsistent edges on the existing building the extension will incorporate parts of rear wall internally however the most interesting wall visually (if not either historic or structurally given its lightweight nature) is the wooden slatted wall on the south elevation of the barn. Whilst extremely unlikely to be historic, it is nonetheless characteristic of this part of the building and its retention visually from the outside is a result of the single storey nature of the extension.

Use

- 4.23 In terms of use the NPPF continues that **"Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset."** (our emphasis). This directly responds to the wording of paragraph 131 of the NPPF which explains that in determining planning applications, local planning authorities should take account of:
- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation*
 - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;*
- 4.24 The proposed does not fundamentally alter a long established use at the property which would, until approximately 10 years ago, would have fallen within the same use class (A3 use class was expanded to A3, A4 and A5 in 2005). The fundamental difference in the use (in layman terms rather than in terms of the Use Classes Order 1987 as amended) the shift back from pub to restaurant. The main change to facilitate this is the need for more open space.

Conclusion

- 4.25 Returning to the legal requirements, an understanding of the significance of the heritage asset as a listed building has been demonstrated and an assessment has been made of where the particular importance of this particular listed building lies. The proposal results in some existing inconsistencies such as the prevailing use (in its wider terms), and some heritage benefits listed below:
- Return to a use which was one that it could previously have had. If it was being used as a restaurant when the A3 use was expanded, that would be its prevailing use.



- Formal residential use of the first floor. Having been subservient staff quarters for the pub, the proposed use of the ground floor is not a use which would normally be associated with the need for ancillary accommodation. Separation of the two uses is needed if the first floor of the property is to be put to a viable use. Viability at first floor level reflects viability at ground floor level.
- Re-instatement of 'main' staircase to the front of the oldest part of the building.
- New windows and improvements to the brickwork.

4.26 Otherwise, in terms of the impact on the listed building, there are no changes proposed which we consider to be harmful to the historic building. Internally, the changes are minimal and where they are necessary, they have been designed in a sympathetic way without harming this historic fabric of the building.

4.27 Further economic and long terms benefits such as the provision of a viable use and residential accommodation add to the benefits of the proposal. The residential use of the property was explored with the Council at pre-application stage and the Council was keen for the ground floor to be retained as a commercial business and as a restaurant. From this, we can therefore conclude that the proposal will maintain the listed building in the best possible active use to preserve the building long term. The proposed changes are sympathetic and no harm will result in terms of the listed building and therefore under the requirements of the NPPF, there is no judgement to be made on the level of significance of the harm. Should the decision maker disagree and conclude that there is some harm, it is reasonable to conclude that it is so negligible that any harm will be outweighed by the benefits of the long term continued use of the building, a material consideration of preserving a listed building in its own right.

4.28 Having assessed the historic context and the changes proposed we are satisfied that the proposals will result in no harm to the heritage assets and that the proposal is compliant with all legal and policy tests as well as the development plan requirements.



5 SUSTAINABILITY

- 5.1 The pre-application advice states that: “The proposal would need to demonstrate how it had been designed to incorporate measures to adapt to climate change in accordance with policy DM1: Adaptation to Climate Change of the Sites and Detailed Policies Document and also, prior to occupation, provide a final BREEAM Domestic Refurbishment certificate demonstrating that the dwellings achieve at least a ‘Very Good’ rating. It will be required for a BREEAM Domestic Refurbishment pre-assessment to be submitted at the time of any future application.”
- 5.2 These requirements are unnecessarily onerous and it is almost impossible to retro-fit BREEAM requirements into a modern building, let alone a listed historic building. The building is what it is. The new windows will enhance the sustainability credentials but ultimately there is little else that can be done without being unduly harmful to the historic fabric of the listed building.



6 CONCLUSION

6.1 As the application property is a listed building the Heritage Statement is required to consider the impact of the proposals on all of these features. The considerations are therefore:

- i) Does the proposal preserve the historic listed building?
- ii) Does the proposal respect the setting of surrounded listed building?
- iii) Does the proposal preserve or enhance the character and appearance of the conservation area?

And, if the answer to any of these questions is negative, the final question is:

- iv) Assuming all the changes are essential, does the provision of a use in perpetuity and therefore the retention of the listed building outweigh any harm to the listed building from the proposal.
- 6.2 Having assessed the historic context and the changes proposed we are satisfied that the proposals will result in no harm to the heritage assets and that the proposal is compliant with all legal and policy tests as well as the development plan requirements.
- 6.3 There is no development plan policy which demands the retention of the existing use and the proposal therefore offers the best alternative use in the form of a restaurant (which is similar in many ways to a pub) and separate residential accommodation above. Few uses require ancillary residential accommodation and therefore the creation of three planning units at first floor level makes this separation which is considered essential to the long term mainanance of the property.
- 6.4 The Planning system has an obligation to preserve heritage assets and in doing so there must be some compromise by the decision maker in terms of the site specific development plan requirements. The proposal cannot satisfy the relevant policies on housing mix, amenity space and parking provision however it makes best use of the building and land that is available. The long term use of the listed building is **the** material consideration to justify why these policies cannot be satisfied.