

MAIDENHEAD DEVELOPMENT CONTROL PANEL

30 August 2017

Item: 4

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| Application No.: | 16/02354/LBC |
| Location: | Pappadums 3 Nicholsons Lane Maidenhead SL6 1HR |
| Proposal: | Consent for change of use of ground floor from commercial to 2x two bedroom apartments |
| Applicant: | Mr Majeed |
| Agent: | Not Applicable |
| Parish/Ward: | /Oldfield Ward |

If you have a question about this report, please contact: Julia Foster on 01628 683796 or at julia.foster@rbwm.gov.uk

1. SUMMARY

The proposal seeks consent for alterations to facilitate a change of use from restaurant to residential use (to two flats) of part of this grade II listed building which is located within the Maidenhead Town Centre Conservation Area. The full extent of the proposed conversion is unclear due to missing and inaccurate drawings and supporting information. The proposals have been amended by further plans, which are even more inaccurate, submitted on 23.12.2016, after this application had been invalidated.

From the information supplied, it is considered that the proposed alterations would be likely to cause 'less than substantial harm' (NPPF para 134) to this grade II listed building.

These listed building and planning applications were invalidated on 9th November 2016 due to the inaccurate and incomplete nature of their submission. The applicant has appealed against non-determination of the applications which the Planning Inspectorate has accepted. These applications therefore need to be determined on the basis of how the Council would have determined them if the appeal had not been submitted.

- 1.1 This building is the former Nicholson's Brewery stables. The ground floor including the original courtyard, dray storage and horses staircase (excluding the through passageway) and the first floor (part) balcony covered by a modern mono-pitched glazed roof are currently used as a restaurant. The upper floors of the original brick building are converted to flats. This application proposes to replace the glazed roof with a three storey brick building over the existing part balcony covering all of the original stables courtyard to give four full floors, a floor higher than the existing building.
- 1.2 No structural report or sections and only an inadequate heritage report have been submitted, and the submitted plans and elevations are inaccurate and not sufficiently detailed.
- 1.3 Amended drawings were submitted on 23.12.2016 showing the proposed three storey extension, a revised heritage statement and Land Registry documents to confirm the extent of the applicant's land ownership and private right of access through the property.

- 1.4 Officers did not re-validate the applications following the submission of the new drawings as the plans were at an unacceptable scale, and were less accurate than those previously submitted. However, the Planning Inspectorate has decided to consider these revised drawings as part of a valid appeal. Both the original and the revised sets of submission drawings will therefore be considered in this report.
- 1.5 It is considered that the proposed alterations would result in 'less than substantial harm' to the significance of this Heritage Asset. There are not considered to be public benefits arising from the scheme which would outweigh this 'less than substantial harm', and refusing LBC for the scheme would not prevent securing the optimum, or indeed any, viable use of the building. The proposed scheme therefore conflicts with the National Planning Policy Framework (NPPF para 134).

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| It is recommended the Panel refuses Listed Building Consent (16/02354/LBC) for the following summarised reasons (the full reasons are identified in Section 9 of this report): | |
| 1. | The original application is incomplete; no proposed front elevation or first floor plan has been submitted, the survey and proposed plans and elevations are inaccurate and not sufficiently detailed, and the Heritage Statement is inadequate. |
| 2. | The amended plans are drawn at a scale not permissible for listed building consent applications, they are also inaccurate and show only the most basic details. |
| 3. | With regard to the original submission, it is assumed that the creation of the living room to flat 1 will necessitate the extension of the inserted balcony and new walls or the extension of the original staircase brick balustrading to enclose the living room. Also additional walls would be necessary at first floor above for the atrium. These alterations and the compartmentalisation of the ground floor for the flats would further enclose the original open courtyard, the cart/dray storage area which has arched openings and barrel vaulted roof, and the curved external horse ramp, causing harm to the significance of this heritage asset. |
| 4. | When the upper floors were recently converted to flats new windows were permitted which should have matched the original cast iron windows; however, upvc double glazed windows with internal glazing bars have been fitted, which are not considered appropriate on this listed building. It is now proposed to add several new windows to the ground and first floor. Even if all the windows matched the original cast iron windows, this building was designed as a stables and the insertion of so many additional openings would cause harm to the character and special interest of the listed building. |
| 5. | No indication has been given that the proposed works would comply with the Building and Fire Regulations. Further alterations which could be damaging to the significance of the listed building may be required to implement the scheme. |

2. REASON FOR PANEL DETERMINATION

Following requests for additional information and accurate plans (which were not forthcoming) and a meeting with the applicant where this was requested, this application was invalidated on 9th November 2016. However, the applicant appealed to the Planning Inspectorate for non-determination and the Inspectorate have decided that the appeal can proceed. The Inspectorate require a formal indication of whether this Council would have approved or refused the application. The applicant is a close relative of a Council member, therefore this application is required to be determined by the panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 Listed Grade II, the former multi-storey stable building was constructed in around 1870 for the Nicholson Brewery (demolished 1965). The red brick, slate roofed buildings are L shaped in plan with a courtyard in which a shallow curved ramp (now stairs) was used by horses to access first floor stabling. The ramp which has brick balustrades, lead to a covered landing beneath the roof of the two storey north building. The three storey eastern building had a hay loft accessed by a door on the front elevation on the second floor and has a planked door on the ground floor the full width of the building. The building retains a number of original cast iron windows with cambered brick arches. On the ground floor, cambered brick arches on the east side of the courtyard provide access into the covered storage for the brewery carts and drays. A passageway, formed by a modern block wall bisecting the cart storage area, retains its original blue clay squared floor tiles (the passageway was until recently used for deliveries to the charity shop at the rear- 101 High St). The first floor of the existing three storey building is supported by a series of small barrel arched mortar floors formed over corrugated iron. The original open courtyard and ramp are now enclosed with a modern mono-pitched glazed roof, and a balcony has been added over part of the courtyard. It is still possible to view the horses ramp/ staircase, former courtyard and the arched openings where the drays and carts were stored together in the existing open restaurant space beneath the glazed roof.
- 3.2 The property is located Maidenhead Town Centre Conservation area. It backs onto buildings on the High Street. A number of buildings are identified in the conservation area appraisal as being of local interest near to the site. However, as the brewery which the stables served was demolished in the 1960's, number 3 Nicholson's Lane is regrettably now surrounded by modern development on its Nicholson Lane frontage.
- 3.3 The building was spot listed on 8.8.1994. The list description reads as follows:
- Multi-storey brewery stables. Circa 1870. Red brick. Slate roof with gabled ends. L-shaped on plan around a small courtyard; with stables and tack room on the first floor approached by external stairs on the west side to a covered landing in the angle and with a hay loft on the second floor. 3 storeys. The south gable end has an RSJ over later doorways and a hayloft doorway in the gable with a plank divided door and hoist above. The west side of the main east range has cambered arch openings on the ground floor with inserted piers and two segmentally-headed multi-pane iron windows above on the first floor and projecting bay on left clad in corrugated sheets and with 3 small 12-pane windows [the bay is supported on ornate cast-iron brackets now inside a later lean-to below]; second floor blind. On the right [west] side of the small courtyard a shallow flight of stairs with solid brick balustrades leads to a covered open-fronted landing with timber posts and a slate roof These are the stables to Nicholson's Brewery, founded in 1820 by Robert Nicholson. In 1965 the brewery on this site was demolished except for the stables.*
- 3.4 The significance of this building was not identified by the applicants in the Heritage Statement. It is considered that the significance of this building is that it is an unusual and rare example of an urban brewery stable building, having very unusually, a first floor stables, which the horses accessed via a ramp with brick balustrading and a roofed open landing. The ramp enclosed the open courtyard which also gave access to the arched openings for the storage of drays and carts beneath the stables. The first floor is constructed of a series of small barrel vaults of mortar supported on corrugated iron. The building retains a number of its original cast iron windows and on the ground floor running front to back there is a wide passageway which has retained the original blue clay squared floor tiles. A chimney stack survives at the north west corner of the building.

Despite the recent addition of a lean-to conservatory and a balcony over part of the courtyard, it is still possible to see the layout and read the original plan and significance of this grade II listed building. This unusual stable building is all that is left of the Nicholson's Brewery which is an important part of the history of Maidenhead.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 The planning history is outlined below.

| Application Reference | Description of proposal | Decision |
|--------------------------------|---|-------------------------------|
| 01/36647/LBC and 01/36623/FULL | Conversion and alteration of The Stables to offices | Approved 25.6.2001 |
| 02/39078/LBC and 02/39483/COU | Change of use to restaurant | Approved 2002/ 2004 on appeal |
| 12/02320/LBC and 12/02608/FULL | Partial conversion to three flats and alterations. | Withdrawn and refused 2015 |
| 14/04039/LBC and 14/04037/FULL | Internal alterations to facilitate change of use of 1 st and 2 nd floors from restaurant to three flats | Approved 22.12.2014. |

4.2 The original submission indicated the retention of the existing conservatory roof and the conversion of the ground floor to two flats. Internal partitions subdivided the ground floor to provide two flats and additional windows were proposed. Amended plans submitted 23.12.2016 show the application would be interrelated with the applications for the proposed three storey front extension over the first floor balcony.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 In determining applications for Listed Building Consent the Council is obliged, by Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to 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.

5.2 Pertinent to the determination of this application are National Planning Policy Framework Sections 7 and 12; Conserving and Enhancing the Historic Environment- Paragraphs 128, 129, 131, 132, 133, 134 and Design; Paragraphs 58, 60, 64.

5.3 Paragraph 132 of the National Planning Policy Framework states that '*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*'. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.

5.4 The NPPF identifies two levels of harm which would normally result in the refusal of a listed building consent application. Paragraph 133 considers that where 'substantial harm' or 'total loss' of the significance of a designated heritage asset occurs, then consent should be refused, unless such harm or loss is necessary to achieve substantial public benefits, or unless all of the following apply:

The nature of the heritage asset prevents all reasonable uses of the site, and

- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation, and
 - Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible, and
 - The harm or loss is outweighed by the benefit of bringing the site back into use.
- This reason for refusal is rarely used.

5.5 Paragraph 134 of the NPPF deals with cases where 'less than substantial harm' would occur, and requires that such harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case, it is considered that less than substantial harm would be caused to the significance of the heritage asset but as discussed above 'great weight' should still be given to the heritage asset's conservation.

5.6 *Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment* (English Heritage, 2009)
Making Changes to Heritage Assets (Historic England, 2016)
Managing Significance in Decision- Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning Note 2 (Historic England)
The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Historic England)
Traditional Windows: Their Care, Repair and Upgrading (Historic England, 2017)

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The plans and supporting information for the original application are incomplete and inaccurate
- ii The amended proposals are inaccurate and incomplete and appear not to be divisible from the proposals set out in two other applications for the three storey extensions (16/02350/FULL and 16/02340/LBC).
- iii Impact of original proposals on the Heritage Asset
- iv Impact of revised proposals on the Heritage Asset

6.2 (i) Incomplete and inaccurate original submission

6.3 No proposed first floor plan was originally submitted for this application. Additional walls (not shown on the submitted plans) would be required to enclose the gap between the top of the horses stair balustrading and a ceiling; to form the walls of the living room of flat 1. An extension of the existing (inserted) balcony/ mezzanine floor (also not drawn on the submitted plans) would also be required to provide a ceiling to the part of the living room of flat 1 closest to the main entrance. An atrium is proposed alongside the top of the horses staircase but there is no indication of any new walls or a roof at first floor level to enclose the atrium for safety reasons. There is no indication of the proposed use of the extended balcony/ mezzanine at first floor level.

6.4 No proposed front elevation to Nicholson's Lane was originally submitted with this application showing the proposed blocking of the wide planked door and the formation of the proposed new bathroom window all indicated on the proposed plans.

6.5 The elevation drawings are not accurate, as an example, on the rear (north) elevation; two wings of a property fronting the High Street are attached to the rear elevation of the application building, but these are not shown on the drawings. Also, the doors and windows are not accurately drawn and the three first floor cast iron windows, original roof

lights and chimney stack in the NW corner of the building are all omitted from the survey drawings.

- 6.6 The Heritage Statement is considered to be inadequate. The proposals will have a major impact on the significance of the building but the Heritage Statement does not assess the significance of the building. The Historic Environment Record does not appear to have been consulted, and the impact that the proposed extension will have on its significance has not been assessed. It does not appear that appropriate expertise has been used (ie an historic buildings professional) in the preparation of the documentation. The NPPF paragraph 128 states 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 using appropriate expertise where necessary.'

A second heritage statement submitted on 5.9.2016 appears to have been written in 2012 for the proposed conversion of the upper floors to flats and does not address the current proposals.

6.7 (ii) The revised drawings submitted 23.12.2016

- 6.8 The revised drawings are even less accurate than the original submission. The plans are drawn at scale 1:200; not acceptable under National Requirements for a submission as part of a listed building consent application, (should be 1:100 or 1:50). The survey plans show the spiral staircase and the west wall of the existing three storey building above ground floor level moved 1-1.5 metres to the west- not located above the arches on the ground floor, and this error is repeated on the proposed drawings. The elevations are very basic and do not even show the design of any windows and doors. No additional assessment of significance or impact assessment was submitted with the revised drawings.
- 6.9 These drawings now show the proposed three storey extension on top of the existing balcony, indicating that the applicant would like the change of use and conversion of the ground floor to be considered in connection with the three storey extension applications. Apart from the greater inaccuracy of the plans compared to those previously submitted and the proposed substantial extension shown on the drawings but not considered part of this application, other modifications are proposed. These include an alternative route for the neighbour's right of way from through the NW corner of the building from the west yard into the rear yard of the High Street property to the north, rather than through the toilet extension. However, this appears to demolish an original chimney in the NW corner of the listed building. It also proposes relocating a proposed bedroom window to open into an outbuilding of the adjoining property to the north.
- 6.10 A revised Heritage Statement only includes the 'list description' of the building and a description of the proposed works. It states that a 'CARE report confirms that it is safe and acceptable to create new openings' ; it is assumed that this refers to the 2012 report by Jon Avent of Mann Williams, who includes in his qualifications that he is a CARE Accredited Conservation Engineer, ie he is on the 'Conservation Accreditation Register for Engineering'. However, his structural report was prepared in 2012 for the conversion of the upper floors of the eastern section of the building, and not for the current proposals. A structural report was requested to enable the impact to be assessed of the

proposed three storey extension which appears to be built over and taking support from the listed building.

6.11 (iii) Impact of original proposals on the heritage assets

6.12 The proposed additional walls and ceilings/ floors (including those assumed) within the originally open courtyard and the cart/ dray storage area with its arched openings and would enclose, compartmentalise, confuse, detract from and cause harm to the architectural and historical significance of the original spaces of this important building.

6.13 When the upper floors were recently converted to flats new windows were permitted which were required to have matched the original cast iron windows; however, upvc double glazed windows with internal glazing bars have been fitted, which are not appropriate on this listed building. It is now proposed to add several new windows to the ground floor for this proposal. Even if all the windows matched the original cast iron windows, this was originally a stables and the insertion of so many additional openings would cause harm to the character and significance of the building.

6.14 No alterations are noted on the revised front elevation that has been submitted with this application but in plan form the scheme shows the front wide planked doors to be bricked up and a new bathroom window inserted. The sister applications, for the proposed large extension, indicate doors and windows on their upper floors of an unsympathetic modern domestic design which would look incongruous on this principal elevation of the former stables.

6.15 There is no indication of what additional alterations would be required to enable to installation of services and to comply with fire and building regulations. Furthermore drainage pipes have been inserted (without consent) through the barrel arched roof of the existing through passage. This matter also raises questions over unauthorised works having already taken place, and the potential for misunderstanding of, or disregard for, the need to specify and obtain LBC for technical details for the implementation of a residential conversion

6.16 It is considered that the scheme would cause 'less than substantial harm' to the historical significance and appearance of the Listed Building. Paragraph 134 of the NPPF explains 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. In this case, the applicant has not put forward public benefits which would outweigh the 'less than substantial harm', With regard to securing the optimum viable use of the building, there is nothing to suggest that refusing these alterations would prevent the viable use of building. The building currently has tenants operating a restaurant 'Thai Spoon' The proposal therefore conflicts with paragraph 134 of the NPPF.

6.17 (iv) Impact of revised proposals (23.12.2016) on the heritage assets

6.18 All of the above concerns still apply to the revised submission

6.19 The revised drawings now indicate that this application could not be implemented separately from the applications for the three storey extension which would provide a ceiling and walls to flat 1.

- 6.20 The proposed three storey front extension over the original open courtyard of the stables to would be an alien structure which would dominate and cause great harm to the significance of the listed building, the impact of which is considered in more detail on in the report on 16/02340/LBC and 16/02350/FULL
- 6.21 If the proposed relocation of the spiral staircase and west wall of the three storey building is not a drafting error, the proposed demolition and relocation of the west wall of the three storey building would result in 'substantial harm' to the listed building.
- 6.22 The revised layout still does not show the existing rear wings of the High Street property which are attached to the rear/ north elevation of this building. The right of way from the High Street property appears to have been amended to exit into the rear yard of their property, but this also indicates the loss of what appears to be an original chimney stack on that corner (also not shown on the survey plans and elevations).

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

No occupiers were notified directly of the application.

The planning officer posted a site notice advertising the application at the site in the week of 16.08.2016 and the application was advertised in the Maidenhead & Windsor Advertiser on 25.8.2016.

No comments have been received to date.

8. APPENDICES TO THIS REPORT

1. Appendix A - Site location plan
2. Appendix B – Existing and proposed floor plans
3. Appendix C - Existing and proposed elevations

9. RECOMMENDATION;

THAT THE APPLICATION WOULD HAVE BEEN REFUSED IF THE APPEAL HAD NOT BEEN LODGED

- 1 Insufficiently accurate and comprehensive information has been submitted to the Local Planning Authority to describe the proposals or the significance of the heritage asset, and the application does not demonstrate adequately that the impact of the apparent proposed development would not be harmful to the significance of the Listed Building and to the character and appearance of the Conservation Area. The development would therefore conflict with the terms and objectives of guidance contained within the NPPF 2012.
- 2 The loss of and damage to the fabric of the Listed Building implied in the proposal, and the reduction of opportunities to appreciate the form and layout of the building and its context from within and outwith the site would not preserve the building or any features of special architectural or historic interest which it possesses, but would instead cause less than substantial harm to the significance of the building. No substantial public benefits which would be secured by the development have been identified or are apparent that would outweigh the harm. The proposed works would conflict with the terms and objectives of guidance contained within the NPPF 2012.