

Agenda Item 5

PLANNING APPLICATIONS COMMITTEE
26th MARCH 2015

Item No:

UPRN	APPLICATION NO	DATE VALID
	15/P0036	8/1/15

Address/Site 157 Arthur Road, Wimbledon, SW19

(Ward) Wimbledon Park

Proposal: Listed Building Consent – reinstatement of acoustic partition wall between shop and access to upper floor residential uses

Drawing Nos Existing floor plans and site location plan S02B, existing elevations S03A, Comparative Plans proposed and existing LBA 04, Heritage Statement, Photographic record, Illustrative tile layout, sketch 3-D perspectives LBA05

Contact Officer: Sue Wright (020 8545 3981)

RECOMMENDATION :

GRANT Listed Building Consent

CHECKLIST INFORMATION

- Is a screening opinion required - No
- Is an Environmental Statement required:- No
- Press Notice - Yes
- Site Notice - Yes
- Number of neighbours consulted –11
- Controlled parking zone: Yes

1.0 INTRODUCTION

This report comes before Members because of the number of objections received.

2.0 SITE AND SURROUNDINGS

2.1 The application site is a ground floor and basement commercial unit within the Arthur Road local centre, formerly occupied by a butchers shop. It forms part of a three storey building with basement, with

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residential use above the commercial premises. The commercial unit, occupying the ground and basement levels, was statutorily listed Grade II on 12 November 2014. The site is not within a Conservation Area. It is located within a designated local centre.

3. CURRENT PROPOSAL

- 3.1 The proposal involves the provision of an acoustic partition wall separating the access to the residential upper floors from the shop at ground floor level.
- 3.2 The original partition was removed in order to meet current Building Regulations requirements in relation to noise transfer and fire retardance in relation to the upper floor residential use. The removal of the partition would not have required any form of permission or consent from the Council as local planning authority at the time of its removal. However, because the ground floor and basement levels were statutorily listed Grade II on November 12th 2014, Listed Building Consent is required for the reinstatement of the new partition to separate the shop from the corridor leading to the stairs to the residential upper floors.
- 3.3 The butcher's shop interior walls reflect the appearance of the external shopfront, with decorative green and white checkerboard ceramic tile panels with light green, dark green and brown tile surrounds. The checkerboard green tile is decorated with an art nouveau tree motif. A frieze with a swag pattern runs around the edge of the ceiling with narrow green and yellow borders.
- 3.4 The partition wall which was removed was also tiled in the same manner. A number of tiles have been salvaged from the demolished wall. It is intended to tile the shop side of the new partition with decorative tiles to mimic the patterns which had existed and which are still seen on the remaining shop walls. Salvaged tiles will be used interspersed with new ones to match.

4.0 RELEVANT PLANNING HISTORY

- 4.1 12/P2524 Proposed mansard roof extensions on front and rear of existing slopes in connection with conversion of existing maisonette into 3x 1bedroom flats. Members resolved to grant planning permission subject to completion of a legal agreement in April 2013, which was subsequently signed and the permission GRANTED in September 2014.
- 4.2 14/P3288 Alterations to existing shopfront. REFUSED on 28 Oct 2014 on the grounds that it would result in the loss of an exceptionally high quality shopfront with original features and details of historic value.
- 4.3 14/P2111 Erection of single storey rear extension and conversion of ground and lower floor levels of the rear of the property into a 3 bedroom flat and change of use of the front part of the building from A1,

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to A1, A2 or B1 use. REFUSED on 11 November 2014 on grounds that (i) the proposed residential unit was of an unsatisfactory standard, (ii) the proposed commercial unit would be too small and badly configured to appeal to a commercial user and (iii) no agreement has been provided to make the development permit free.

- 4.4 12th November 2014 – the Council were notified that the building was statutorily listed Grade II, with the upper residential floors excluded from the listing. The reason for the designation was based on rarity as a surviving traditional butchers shop interior and exterior, the architectural interest of both interior and exterior, the decorative scheme and its intactness.
- 4.5 15/P0426 Listed Building Consent application for refurbishment of commercial unit at ground floor and basement/lower ground level including reinforcement of damaged floors, installation of membrane dampproofing in the basement, refurbishment of lower ground floor level window, creation of new opening between basement front and rear openings, new opening to external store and refurbishment of original upper floor entrance door. Awaiting determination.
- 4.6 15/P0647/NEW Application for change of use from A1 shop to A2 solicitors in the process of being validated. Consultation will be taking place shortly.

5.0 CONSULTATION

- 5.1 The application has been advertised through individual letters, press and site notices. 8 representations have been received from local residents objecting/commenting on the proposals, as well as representations from the Wimbledon Society and the Wimbledon Park Residents' Association. The main objections/concerns are set out below:
- Object to partition position increasing width of entrance to flats and making shop narrower, will lead to loss of tiling on rear wall of shop. The partition makes a 135mm step to the right, some 600mm back from the door, resulting in the loss of a strip of tiling approximately one white tile width wide where the new partition meets the rear internal wall
 - Should also ensure reinstatement of metalwork hanging rails and hooks lost when previous partition and ceiling were removed
 - Re-tiling in a manner sympathetic to the original decor is welcomed, but needs to be identical, not just sympathetic. Detail for replacement of existing tiles is inadequate. Beautiful tiling and iron scroll work should be retained as they were.
 - Enforcement officers should ensure reinstatement of listed shop interior is satisfactorily carried out
 - Propose to cover tongue and groove floors in the hallway with acoustic boarding which would change its visual appearance
 - Works on the front door, ceiling and floor of the hallway are also intended and are not referred to in the description on the form.

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- Investment in the shop is welcomed but need to ensure its historical and pleasing appearance is safeguarded and that the space is productively used to the benefit of the local community. Should be a cafe, shop or restaurant, not a hairdressers, estate agent or convenience store
- Works to remove historical features were carried out a few days before listing despite owner being aware that listing was being considered - these works should be reversed and any applications to modify the site, such as this one, should be refused.
- Site notice not prominently displayed
- Concerns that not consulted on what appears to be a late amendment showing an illustrative tiled wall layout – either seek confirmation that not part of the application or object on basis that does not replicate the original layout.

5.2 Wimbledon Park Residents' Association

Partition should be in exactly the same place as the original and not as proposed. The butchers shop was Grade II Listed on 12th November 2014 in order to preserve the fine Edwardian tiling on the shopfront and interior as well as the original ironwork on the ceiling/interior walls. Not only the tiling should be reinstated but also the ironwork. The planning permission for alterations to the building 12/P2524 stated on the plans 'ground floor shop unaffected by proposals'. All subsequent applications were refused or withdrawn so the partition wall with original tiling to the shop side should not have been removed.

5.3 Wimbledon Society

Oppose reinstatement of partition in a different position to the original. 12/P2524 stated on the plans 'ground floor shop unaffected by proposals'. All subsequent applications were refused or withdrawn so the partition wall with original tiling to the shop side should not have been removed.

5.4 English Heritage – happy for the Council to determine in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice. In relation to the tiling, given that the types which will require special manufacture to replace are limited to two (the frieze and the green art deco tree tile), it is considered reasonable to require this. Re-achieving a unified interior decorative scheme is a reasonable approach to take and the applicants should be prepared to take extra care now that the building is listed.

6.0 RELEVANT PLANNING POLICY

6.1 Merton Adopted Core Strategy (July 2011)

CS14: Design. All development to be designed to respect, reinforce and enhance the local character of the area, conserving and enhancing Merton's heritage assets and wider historic environment and promoting high quality sustainable design.

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- 6.2 Merton Adopted Sites and Policies Plan (July 2014)
DM D4 : Managing Heritage Assets Advises that developments affecting a heritage asset will be required to be in accordance with the National Planning Framework (2012), the Historic Environment Planning Practice Guide, the London plan and further English Heritage Guidance, and to demonstrate how the proposal conserves and where appropriate enhances the significance of the asset, having regard to the conservation, or reinstatement if lost, of features that contribute to the asset.
- 6.3 Further Alterations to the London Plan 2015
Policy 7.8 Heritage Assets and Archaeology. Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 6.4 National Planning Policy Framework (March 2012)
Section 12: Conserving and Enhancing the Historic Environment
Great weight should be given to the heritage asset's conservation. Proposals should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- 6.5 Planning for the Historic Environment - Historic Environment Planning Practice Guide (March 2010)

7.0 PLANNING CONSIDERATIONS

- 7.1 The key planning consideration in relation to this application is the impact on the proposed new partition on the significance of the listed building as a designated heritage asset, and whether its impact is positive or negative. It is considered useful to provide Members with background information in relation to the works that took place prior to the listing of the building before considering the merits of the current application.
- 7.2 Background
Planning permission was granted in September 2014, following an earlier Planning Applications Committee resolution in April 2013 subject to a legal agreement, for the addition of mansard roof extensions in connection with the conversion of the upper floors from a maisonette into 3x 1bed flats. Works in connection with the conversion and general refurbishment began in late September 2014. At the same as works were commencing, 2 further planning applications had been submitted and were under consideration for (i) alterations to the existing shopfront (14/P3288) and (ii) erection of a rear extension and conversion of rear ground and basement levels into a residential unit (14/P2111). These applications focussed attention on the quality of the exterior and interior

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of the former butcher's shop, and as a consequence, English Heritage were asked to consider whether this was worthy of listing.

- 7.3 Works connected with the general refurbishment of the building and the conversion and extension of the upper floors continued to progress from late September. English Heritage visited the property in early October and on 12th November 2014, the building became statutorily listed. However, by that time, a number of internal features referred to in the listing had been removed, the main items being the matchboard ceiling and decorative iron hooks and hanging rails and the partition wall separating the shop from the access to the residential use on the upper floor, along with the decorative tiling attached to the shop side.
- 7.4 Members should note that the works referred to above, which took place before the building was listed, were all internal works relating to the refurbishment of the building. They would have all been classed as permitted development and were entirely lawful at the time which they took place. However, as of 12th November 2014, any works to the listed building which affect its character as a building of special architectural or historic interest requires Listed Building Consent.
- 7.5 Impact of Proposed Works on Significance of Listed Building
A copy of the English Heritage Advice Report relating to the listing of the building is attached as an Appendix. Following the listing, active discussions have taken place on site between the applicant, agent, Council planning and conservation officers and English Heritage. These have been aimed at finding the best way forward in relation to internal works proposed to the now statutorily listed building, with the intention of allowing the refurbish and repair of the building whilst preserving and enhancing its architectural and historic significance.
- 7.6 There is currently no separation between the access to the upper residential floors and the shop. The original partition was removed in order to provide a thicker one which meets current Building Regulations requirements in relation to noise transfer and fire resistance but the building was Listed before the new one was provided, hence the current application.
- 7.7 Other works such as the reinstatement of the matchboard ceiling, damp proofing of the basement, and treating the floor joists between the ground floor and basement for dry rot, repair of existing doors and windows etc are the subject of a further application that is currently under consideration and which has had the benefit of a visit from English Heritage's engineer. Asbestos and polystyrene removal has been permitted within the basement which has revealed the existing of an old kitchen range.
- 7.8 In response to concerns expressed through the consultation process and for further clarification, officers have requested more finely detailed drawings to clarify the relationship to the existing internal rear wall,

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which still has original tiling. The new partition will be thicker than the old one and the passageway to the upper floors is already extremely narrow. If the outer edge of the partition is placed on the same line as the original, the shop side of the partition would slightly overlap the first column of white tiles at the outer edge of the internal wall. There is currently one row of white tiling to the right of the decorative panel on the back wall and two columns to the left. It seems a reasonable solution to position the new partition to tie in with second column of tiling, so that the tiles meet edge to edge. The shop face of the partition would be moved 150mm further across. This would provide symmetry either side of the rear wall decorative panel, which would be unaffected. The re-positioning of the partition results in a small recess of a similar width at the front of the shop. The Council's Conservation Team are happy with this solution. The reduction of the original tiling by one tile width on the rear wall, allowing the partition to connect at the tile edge rather than overlapping, is not considered to affect the historical significance of the building to a degree that would warrant refusal. The reinstatement of the partition restores the original internal sub-division and has the benefit of allowing the Council to require a new tiled treatment of the shop side of the partition to match the other walls.

7.9 One of the key features of the building's interior, referred to in the English Heritage listing report, was the decorative tiling around all the walls of the front of the shop. It is intended to tile the shop side of the new partition to reflect the original tiling on the other walls. It is considered that the reinstatement of the unified interior decoration around all the walls of the shop, regrettably lost through the removal of the original partition prior to listing, would make a positive contribution to the significance of the building as a designated heritage asset. An illustrative tiling pattern has been provided, which borrows from the detail of the tiling of the pier on the opposite wall to accommodate the small recess next to the shopfront. Officers are happy with the illustrative tiling pattern shown and with the confirmation that the limited number of salvaged tiles from the original partition will be re-used and supplemented with new tiles to match the originals. Following the advice of English Heritage, given the availability of most of the tile types with the exception of the tree motif tile and the swagged frieze, it is considered reasonable to require their special manufacture to replicate the originals. Although the tiling pattern will not be exactly identical to the original wall because of the small recess, it borrows from the pattern on the opposite wall and the way in which the pier is accommodated to create a cohesive appearance.

7.10 The Council will require further approval of samples of the tiles to be used and the identification of the extent of salvaged original tiles that can be incorporated. In order to ensure that the re-tiling takes place within a reasonable timeframe from the construction of the partition, it is intended to impose conditions which provide a timeframe for approval of the materials and for the re-tiling to take place. This is considered to be more appropriate than a further stand alone Listed Building Consent

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application as the acceptability of the partition is linked to the appearance of the shop front side and the re-tiling works taking place within a defined time frame.

- 7.11 In relation to the comments received requesting that the original ironwork hanging rails be also reinstated as a condition of the permission, these were not in situ at the point when the building was listed. Although their loss is very unfortunate and efforts were made to track them down with the contractors without result, following legal advice, officers do not consider that this can be insisted upon as a condition of approval or used as a grounds for refusal for the current application for a new partition wall.

8.0 CONCLUSION

Prior to the statutory listing of the building, planning permission was already in place for alterations to the upper floors and works were being undertaken internally in connection with the implementation of that permission and general refurbishment. The original partition and its tiling had been removed in order to bring the partition up to current Building Regulation standards – this would have been ‘permitted development’ at the time. Listing of the building means that internal works to the ground and basement level that affect the architectural or historic character of the building now require listed building consent, which includes the replacement of the removed partition.

- 8.1 The old partition would not have met modern Building Regulations requirements for acoustic insulation or fire retardance and the new partition is therefore wider. The existing passageway to the upper floors was already extremely narrow, and could not reasonably be further reduced. Therefore the shop side of the partition would move approximately 15cm, resulting in a small recess to the internal wall close to the shopfront and a narrowing of the commercial unit by the same margin. In order to avoid the partition overlapping the existing rear wall tiling, it is positioned one tile in to meet the edge of the next tile. These small alterations are considered to be acceptable. The proposed re-tiling of the partition wall, based on the existing tile pattern on the other walls and using a mixture of salvaged tiles and new tiles – where necessary specially manufactured to match the originals – is considered to have a positive impact on the significance of the former butcher’s shop as a designated heritage asset, recreating a cohesive visual appearance to the shop interior, subject to suitable conditions being imposed.

9.0 RECOMMENDATION

GRANT LISTED BUILDING CONSENT subject to the following conditions:

- 1) Time condition – listed building consent
- 2) Drawing numbers
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- 3) Notification shall be provided to the local planning authority in writing of the date of completion of the partition wall within one week of its completion.
- 4) Within one month of completion of the partition wall, full details of the tiling pattern, extent of salvaged tile usage and samples of replacement tiles, which shall replicate the original tiles, shall be submitted to the local planning authority. No tiling works shall be commenced until the details are approved.
- 5) The tiling of the new partition shall be carried out in strict accordance with the approved details within 3 months of completion of the partition wall

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