

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **8TH SEPTEMBER 2015**

ADDRESS/LOCATION : **ALBION HOUSE 77 SOUTHGATE STREET,
GLOUCESTER**

APPLICATION NO. & WARD : **15/00672/COU & 15/00674/LBC
WESTGATE**

EXPIRY DATE : **26TH SEPTEMBER 2015**

APPLICANT : **ARROWGUILD LTD**

PROPOSAL : **DEMOLITION AND ALTERATIONS TO
LISTED BUILDING AND ADJOINING
STRUCTURES TO PROVIDE 9
APARTMENTS WITHIN ALBION HOUSE, 2
APARTMENTS WITHIN THE REAR COACH
HOUSE, A TERRACE OF 4 NO. DWELLINGS
TO THE REAR COURTYARD A NEW BUILD
FOUR STOREY BLOCK COMPRISING 7 NO.
APARTMENTS FRONTING ONTO
SOUTHGATE STREET.**

REPORT BY : **BOB RISTIC**

**NO. OF APPENDICES/
OBJECTIONS** : **SITE LOCATION PLAN**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located opposite the docks entrance and to the south of the four storey Southgate House building on the eastern side of Southgate Street and within the Southgate Street Conservation Area.
- 1.2 The site comprises the imposing three storey stone fronted Albion House building which is grade II listed. The site also includes a more contemporary two storey former kitchen bathroom store also fronting onto Southgate Street. To the rear of these two buildings is a small red brick 'coach house' style building to the southern part of the site and a large two storey warehouse building at the south-western corner of the site, the rear wall of which runs along the boundary to the garden of no.1 Albion Street.
- 1.3 The site is accessed via a driveway to the southern side of the listed building, from Southgate Street and serves a large area of hard standing in the central and northern parts of the site.

- 1.4 All the buildings on the site are presently vacant and have been so for a considerable number of years.
- 1.5 This application seeks planning permission and listed building consent for the comprehensive re-development of the site which comprises:
- The conversion of the main listed building, including some alterations and demolitions to the rear, to create 9 apartments, comprising: 1 x studio apartment, 5 x 1 bed flats and 3 x 2 bed flats.
 - The replacement of the former 'kitchen shop' with a modern four storey apartment block comprising 4 x 1 bed flats, 2 x 2 bed flats and 1x 3 bed flat.
 - The conversion and alteration of the rear 'coach house' to provide 2 x 2 bed apartments.
 - Demolition of the rear warehouse building to the south eastern part of the site
 - Construction of a terrace of 4 x 2 bed dwelling houses to the north-eastern part of the site
 - 17 parking spaces within the central courtyard area
- 1.6 In total, the proposal would provide 22 new dwellings.

2.0 RELEVANT PLANNING HISTORY

- 2.1 The site has been subject to a previous application for the conversion of the listed building and this consent has remained unimplemented and has since 'time expired'.

09/00244/FUL & 09/00246/LBC - Conversion of property to create 8 No. 3, 2 & 1 bed residential apartments and the demolition of latter additions to the rear - Grant

3.0 PLANNING POLICIES

- 3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.
- 3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.

3.3 The policies within the 1983 and the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.

3.4 From the Second Stage Deposit Plan the following policies are relevant:

BE.1 – Scale, Massing and Height

BE.7 – Architectural Design

BE.21 – Safeguarding Amenity

BE.22 - Alterations to and Development within the Curtilage of Listed Buildings

BE.29 – Development Within Conservation Areas

TR.31 – Road Safety

ST.8 - Creating Attractive Routes to the Centre

3.5 In terms of the emerging Local Plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20th November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The weight to be attached to them is limited by the fact that the Plan has not yet been the subject of independent scrutiny and do not have development plan status. In addition to the Joint Core Strategy, the Council is preparing its Local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to

- The stage of preparation of the emerging plan
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework

4.0 CONSULTATIONS

4.1 City Conservation Officer – No objections subject to conditions.

4.2 Gloucestershire County Highways Officer – No objection subject to conditions

4.3 Urban Design Officer – No objection subject to conditions

4.4 Drainage Officer – No objections subject to conditions

4.5 City Archaeologist - No objections subject to conditions

4.6 Civic Trust - Acceptable

5.0 PUBLICITY AND REPRESENTATIONS

5.1 The occupiers of twenty-seven neighbouring properties were notified of the application by letter and a site notice was also posted.

5.2 As a result of the consultation, four public representations have been received. The comments raised are summarised below:

- Residents in the upper story of Albion House will have an overview of our garden and into no 3 Albion Streets kitchen area, which constitutes a significant loss of privacy.
- Building on boundary with 1, Albion Street provides security.
- lowering boundary jeopardises the security of the properties on Albion street with direct access from Southgate Street
- Concerned about noise pollution owing to the high concentration and density of properties and occupants into the proposed area.
- Terraced mews would result in overlooking of property and garden.
- Not clear if there are any side facing windows to the end mews property – this would directly overlook garden
- Concerns regarding noise, dust and privacy during the constructing and demolition.
- Parking issues on Albion street may escalate due to so many more residents living in vicinity
- Some buildings have Asbestos roofs, resulting pollution & dust will be hazardous for all on this street.
- Sea Cadets occupy 1A Albion Street and have an emergency exit over the land on which it is planned to build.
- Right of way has been used in the last 6 months
- Our building backs onto this courtyard - and has an access door onto it.
- Can see no provision for this in the plan.
- New buildings appear to be planned to be built directly behind ours with no provision for space between.
- Our sewerage drains etc are believed also to run into this courtyard
- Concerned that construction this close to our premises will damage our own building

5.3 The full content of all correspondence on this application can be inspected on the city council website or via the link below:

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=15/00672/COU>

6.0 OFFICER OPINION

6.1 The application seeks planning permission and listed building consent for the redevelopment of the site and would create 22 new dwellings.

6.2 The main issues with regards to the determination of this application are set out below:

6.3 Conversion and alterations to the Listed Building

Albion House is a designated heritage asset Grade II listed and is located within the Southgate Street Conservation Area. The property is also identified as being 'At Risk' on the City Council 'Building at Risk Register' which was reviewed in autumn of 2013.

While planning permission and listed building consent were granted in 2009 for the conversion of Albion House, this scheme was not implemented as it was not considered 'viable' given the condition and constraints of the listed building.

Unlike the previous submission, this application proposes the comprehensive redevelopment of Albion House and the adjoining land.

The proposal would involve the removal of various unsympathetic single and 2 storey flat roof additions to the north and east of the listed building, which would serve to preserve the setting of the listed building.

The proposed conversion works are considered appropriate and subject to compliance with conditions requiring the retention of original architectural features and sympathetic conversion works this element of the scheme is considered to be acceptable.

The removal of the insensitive buildings at the site and the proposed new dwellings and associated landscaping would serve to preserve and enhance the setting of the listed building.

6.4 New Development and Design

In addition to the conversion works to Albion House, the application proposes a new apartment block onto Southgate Street and a terrace of dwellings to the rear.

The existing unsympathetic and dilapidated shop unit to the north of Albion House, would be replaced with a modern four storey building containing 7 apartments. The proposed building would be separated from Albion House and would be of a similar overall height to the listed building.

It is considered that this modern design approach is of a strong individual architectural quality which would compliment and contrast with Albion House and would result in a significant improvement in the appearance of this part of the Southgate Street Conservation Area.

To the rear the proposal would result in the demolition of a substantial and unsightly two storey warehouse building set to the south-eastern corner of the site and the construction of a terrace of four 'modernist' flat roof dwellings.

This terrace would be set away from Albion House and would be of a significantly smaller scale. The modernist design would have an acceptable

appearance and would create its own character. These properties would also benefit from their own private gardens.

The scheme would also provide for the retention and conversion of an existing 2 storey coach house to the southern boundary of the site. The retention of this historic building is welcome particularly as it is visible from Southgate Street and the access drive.

In addition to the main dwellings the proposal would provide for cycle stores, bin stores as well as general landscaping and improvements, which would greatly enhance the present appearance of the site which is presently dominated by tarmac surfacing.

The precise details of the landscaping and paving within the courtyard area can be controlled by condition in order to secure a high quality finish to this part of the development.

6.5 Residential Amenity:

The proposed development would provide a satisfactory mix of dwelling types and sizes, which would provide for a mixed and inclusive community.

The volume of development on the site is appropriate and there are satisfactory levels of separation between the blocks. While the development would provide some limited areas of on site amenity, it should be noted that the site is located in close proximity to the public open space at the docks and city centre facilities.

Concerns have been raised from occupiers of properties at Albion Street with regards to loss of privacy and crime.

The nearest of the terrace of dwellings to no.1 Albion Street would be set approximately 17 metres from the nearest part of the rear elevation to this property. Additionally the first floor oriel window to this unit would be splayed, so that the outlook is away from the rear elevations of properties at Albion Street. Additionally, there would be no windows within the east facing elevation of this block. Additionally, Albion House is set over 34 metres from the side garden boundary with no.1 Albion Street

Considering the separation and orientation of windows, the proposal would not result in any demonstrable harm to the amenities of the occupiers of properties at Albion Street in terms of overlooking.

Furthermore, the new-build terrace would be sited to the northwest of no.1 Albion Street, which when combined with the restrained height of this part of the development would not result in any overshadowing or any general loss of light.

The adjoining occupiers have raised concerns that the existing 2 storey warehouse building on the boundary with no.1 Albion Street would be

removed and this boundary reduced in height, it is considered that a satisfactory boundary treatment can be secured by condition in order to address the residents concerns with regards to security.

6.6 Highway Safety

The proposed development would re-use the existing site access which formerly served the offices at Albion House, the 'interiors shop' and its warehouse. The current proposal would provide 17 on site car parking spaces as well as cycle storage facilities.

The highway implications of the application have been assessed by the County Council Highways officer who has advised that the development will utilise an existing vehicular access and a further designated pedestrian access would be formed between Albion House and the new apartment block, separating any conflict between vehicular and pedestrian traffic. The applicant has demonstrated that the emergent visibility from the site entrance is acceptable and the proposed development is likely to generate fewer vehicular trips than the existing A1/B1/B8 use class of the site.

Gloucestershire does not currently have any car parking provision standards and parking provision is being assessed against Paragraph 39 of the NPPF. Using census data for car ownership levels and the DCLG Residential Car Parking Research Document, it is estimated that the development would generate 18 vehicles, and would result in the displacement of 1 resident vehicle and any visitor(s) onto the highway.

Given the proximity of public car parks and on-street parking as well as the sustainable location of the site and the provision of secure cycle parking, the level of on site parking proposed is considered to be acceptable and would be in accordance with Paragraph 39 of the NPPF.

Paragraph 32 of the NPPF states '*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*'. As set out above, the cumulative impact of the proposed development is not considered to be severe.

6.7 Housing Need

In terms of housing need, the 2014 Gloucester City Housing Monitoring Report evidences that over the past 23 years the city has delivered on average 582 dwellings per annum. The submitted Gloucester, Cheltenham and Tewkesbury 'Submission Version' Joint Core Strategy (Nov.2014) has a requirement for the city to deliver 565 dwellings per annum (2011-2031). The Joint Core Strategy Housing Background Paper (Nov 2014) demonstrates that the city presently maintains a 5 year plus 5% housing land supply as required by paragraph 47 of the NPPF.

The proposal has the potential to contribute to additional housing numbers in the short term and would also result in the regeneration of this prominent and sustainable site.

6.8 Affordable housing and S.106 contributions

The application has been accompanied by a S.106 (Unilateral Undertaking) to provide £17,832.00 in contributions towards education provision within the city.

With regards to other contributions, the application has advised that due to the complexities and costs associated in particular with the conversion of the listed building and potential archaeological mitigation works the development would be unable to make any contributions towards affordable housing, which is typically sought on developments of over 14 dwellings.

A viability assessment has been received from the applicant in support of this assertion and is presently being reviewed by the City Council Surveyor.

While it is disappointing that it would appear that appears the development is unable to deliver affordable housing, this should nevertheless be weighed against the economic and environmental benefits of restoring the listed building and regenerating this vacant site within the Southgate Street Conservation area.

In view of this it is recommended that the standard 'commencement condition' is revised down from: works to commence within 3 years of the date of the permission to 18 months from the date of the permission in order to incentivise the regeneration of the site and ensure that the viability appraisal is relevant to the current economic climate.

6.9 Archaeology

An archaeological evaluation has been undertaken within this site. This evaluation has demonstrated that archaeological remains of Roman and Saxon/medieval date are present at about 80cm below ground level within the site.

In order to protect against any potential damage to heritage assets the City Archaeologist has recommended a series of conditions to provide for a further stage of archaeological evaluation within the site and appropriate mitigation measures.

6.10 Other Matters

Concerns have been raised with regards rights of access into the application site from adjoining land. This has been raised with the applicant, who has confirmed that he is not aware of any such rights existing, furthermore there is no evidence within the site of openings from adjoining properties.

Should any rights of access be formally identified these would be a civil matter which would need to be resolved between the concerned parties and does not affect the determination of this application.

Concerns have also been raised with regards to disturbance during the construction phase. It should be noted that any disturbance would be temporary in nature. An 'hours of construction' condition should protect residents from noise in early hours of day or late at night, and issues relating to asbestos removal are covered by separate legislation and controls.

6.0 CONCLUSION/REASON FOR APPROVAL

- 6.1 The application proposal would result in the comprehensive regeneration of this prominent site. The impacts of the proposal have been carefully considered and it is concluded that subject to compliance with conditions, the proposal would provide an appropriate mix of accommodation in a sustainable location and would not harm the amenities of the occupiers of neighbouring properties the character and appearance of the listed building or conservation area or adversely impact highways safety. For these reasons the proposal is considered to be in accordance with Policies BE.1, BE.7, BE.21, BE.22, BE.29 and TR.31 of the Second Deposit City of Gloucester Local Plan (2002) and the requirements of the Planning (Listed Building and Conservation Areas) Act 1990.

7.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 7.1 That subject to no issues being raised with regards to the submitted viability appraisal, that planning permission and listed building consent are granted subject to the following conditions and the completion of the unilateral undertaking to secure contributions towards education:

Planning permission - 15/00672/COU

Condition 1

The development hereby permitted shall be begun before the expiration of 18 months from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The development hereby permitted shall be carried out in accordance with the approved submitted forms, supporting information and amended drawing nos.21416/10 Rev.A, 11 Rev.B, 13 Rev.A, 12 Rev.A, 14 Rev.B and 15 Rev.B received by the Local Planning Authority on 28th May 2015 as well as any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within Second Deposit City of Gloucester Local Plan (2002).

Condition 3

No development outside the footprint of Block A (as shown in Plan 21416 DWG No.13), other than demolition down to ground floor slab only, shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework and Policies BE.36, BE.37 & BE.38 of the Gloucester Local Plan (2002 Second Stage Deposit).

Condition 4

No development outside the footprint of Block A (as shown in Plan 21416 DWG No.13), shall commence other than demolition down to ground floor slab only until a detailed scheme showing the complete scope and arrangement of the foundation design and ground works of the proposed development (including drains and services) has been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved scheme.

Reason

The site may contain significant heritage assets. The Council requires that disturbance or damage by foundations and related works is minimised, and that archaeological remains are, where appropriate, preserved in situ. This accords with Policy BE.31 and BE.36 of the Second Deposit City of Gloucester Local Plan (2002) and paragraph 141 of the NPPF.

Condition 5

The development hereby permitted shall not commence until details for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) and shall be implemented prior to the first use or occupation of the development and maintained thereafter for the life of the development.

Reason

Details of these 'under ground' work are required prior to construction in order to ensure satisfactory drainage arrangements are provided in accordance with sustainable objectives of Gloucester City Council and Central Government and policy FRP.6 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 6

No development shall take place, including any works of demolition, until a construction method statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall:

- i. Specify the type and number of vehicles;
- ii. Provide for the parking of vehicles of site operatives and visitors;
- iii. Provide for the loading and unloading of plant and materials;
- iv. Provide for the storage of plant and materials used in constructing the development;
- v. Provide for wheel washing facilities
- vi. Specify the intended hours of construction operations;
- vii. Measures to control the emission of dust and dirt during construction

Reason

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance with Paragraph 35 of the NPPF.

Condition 7

Notwithstanding the submitted details and prior to the commencement of any conversion works to the Listed Building, full architectural details and where appropriate samples of the following (in relation to the conversion works to the Listed Building part of the development) shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details prior to the occupation of the first flat and shall be similarly maintained thereafter: -

- a) All internal and external materials.
- b) Scaled drawings detailing methodology for blocking/opening of doorways and erection/removal of new partitions/walls.
- c) Details of the retention/repair/reinstatement of all historic skirting, cornice, door and window architraves, doors, windows, window shutters and wall panelling.
- d) Details of refurbishment for timber windows and internal window shutters
Details of flues, vents, grilles, guttering and down pipes, including details of material and colour.
- e) Details of new pipe, cable and ventilation routes.
- f) The proposed methods for upgrading the property to meet the requirements of the Building Regulations for fire safety and sound insulation.
- g) Location and details of all meter boxes and their enclosures.

Reason

The precise details of works to the listed building are required prior to the commencement of works in order to ensure a satisfactory appearance to the development and to safeguard the character and appearance of this building

of historical interest in accordance with policy BE.7 & BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 8

Prior to any above ground works associated with the new build elements of this development, full architectural details and where appropriate samples of the following (in relation to the new-build elements) shall be submitted to and approved by the local planning authority . The development shall be completed in accordance with the approved details and shall be similarly maintained thereafter:

- a) All external materials and finishes, including details of colour, profile and texture.
- b) 1:5 & 1:10 scale drawings of windows, external doors (including profiles and their reveals), oriel windows, parapets and their cappings
- c) Flues, vents, guttering and down pipes, including details of material and colour.
- f) Details of the bin and bike stores
- g) Details of all external meter boxes and their enclosures.

Reason

To ensure a satisfactory appearance to the development and to safeguard the setting of the building of historical interest in accordance with policy BE.7 & BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 9

During the construction and demolition phase, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason

To protect the amenity of local residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 10

No part of the development hereby permitted shall be occupied until precise details of the hard and soft landscaping to the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in all respects not later than the first planting season following the first occupation of any part of the development or the completion of the development, whichever is the sooner.

Reason

To ensure a satisfactory and well planned appearance to the development in accordance with policy BE.7 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 11

Notwithstanding the submitted drawings, no part of the development hereby permitted shall be occupied until the boundary treatments and means of enclosure to the site have been constructed in accordance with details which shall be submitted to and approved in writing by the local Planning Authority.

Reason

These details are not included in the application and are required to ensure a satisfactory appearance to the development and in accordance with policy BE.4 & BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 12

The pedestrian access hereby permitted shall be constructed in accordance with the submitted drawing no 13 Rev A and made available for use prior to the occupation of any dwelling on site.

Reason

To ensure that safe and suitable access can be supplied for all users that minimise conflicts between pedestrians, cyclists and traffic in accordance with Paragraph 35 of the NPPF.

Condition 13

The dwelling(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no.13 Rev A, and those facilities shall be maintained available thereafter.

Reason

To ensure safe, suitable and secure means of access for all people that minimises the conflict between traffic, cyclists and pedestrians is provided in accordance with Paragraph 35 of the NPPF.

Condition 14

The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan drawing no. 13 Rev.A and those facilities shall be maintained thereafter.

Reason

To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with Paragraph 35 of the NPPF.

Condition 15

The development hereby permitted shall not be occupied until the bin stores have been made available for use in accordance with submitted drawing no 13 Rev.A and those facilities maintained thereafter.

Reason

To ensure that the waste bins do not impeded the free flow of pedestrian movements or enter the highway in accordance with Paragraph 35 of the NPPF.

Condition 16

No part of the development hereby permitted shall be occupied details of any external lighting to the building and car parking and public areas have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried in accordance with the approved details prior to the first occupation and shall be similarly maintained thereafter.

Reason

To ensure a satisfactory and well planned appearance to the development in accordance with policies BE.7, BE.21 & BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 17

No satellite dishes shall at any time be placed upon the principal listed building or the principal elevations of the new build properties hereby permitted.

Reason

To preserve character and appearance of the Conservation area and listed building and in accordance with Policies BE.22 and BE.29 Second Deposit City of Gloucester Local Plan (2002).

Note 1

Your attention is drawn to the requirements of the Building Regulations, which must be obtained as a separate consent to this planning decision. You are advised to contact the Gloucester City Council Building Control Team on 01452 396771 for further information.

Note 2

Notwithstanding the submitted drawings, this permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary

Note 3

Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

- Work on an existing wall or structure shared with another property
- Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property
- Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of

the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 - explanatory booklet.

Statement of Positive and Proactive Engagement

In accordance with the requirements of the National Planning Policy Framework (2012), the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Listed Building Consent – 15/00674/LBC

Condition 1

The works hereby permitted shall be begun before the expiration of 18 months three years from the date of this consent.

Reason

To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Condition 2

The development hereby permitted shall be carried out in accordance with the approved submitted forms, supporting information and amended drawing nos.21416/10 Rev.A, 11 Rev.B, 13 Rev.A, 12 Rev.A, 14 Rev.B and 15 Rev.B received by the Local Planning Authority on 28th May 2015 as well as any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within Second Deposit City of Gloucester Local Plan (2002).

Condition 3

Notwithstanding the submitted details and prior to the commencement of any conversion works to the Listed Building, full architectural details and where appropriate samples of the following (in relation to the conversion works to the Listed Building part of the development) shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details prior to the occupation of the first flat and shall be similarly maintained thereafter: -

- a) All internal and external materials.
- b) Scaled drawings detailing methodology for blocking/opening of doorways and erection/removal of new partitions/walls.
- c) Details of the retention/repair/reinstatement of all historic skirting, cornice, door and window architraves, doors, windows, window shutters and wall panelling.
- d) Details of refurbishment for timber windows and internal window shutters

Details of flues, vents, grilles, guttering and down pipes, including details of material and colour.

- e) Details of new pipe, cable and ventilation routes.
- f) The proposed methods for upgrading the property to meet the requirements of the Building Regulations for fire safety and sound insulation.
- g) Location and details of all meter boxes and their enclosures.

Reason

The precise details of works to the listed building are required prior to the commencement of works in order to ensure a satisfactory appearance to the development and to safeguard the character and appearance of this building of historical interest in accordance with policy BE.7 & BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 4

Prior to the commencement of development details of the materials and finishes to all external walls and roofs of the listed building shall be submitted to & approved in writing by the Local Planning Authority. Such works shall be undertaken in accordance with the details agreed and the materials/finishes shall not thereafter be changed without the prior written approval of the Local Planning Authority. All works of external repair, restoration and replacement are to exactly match the original features, unless otherwise agreed with the local planning authority in writing.

Reason

To safeguard the character and appearance of this building of architectural and historical interest in accordance with policy BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

Before any work is undertaken in pursuance of the consent to demolish any part of the building, details shall be submitted to and approved in writing by the local planning authority of works to be undertaken during the progress of the development hereby permitted to secure the safety and stability of that part of the building which is to be retained in accordance with any terms and conditions of this consent. The demolition shall then be carried out in accordance with the approved details.

Reason

To minimise the risk of damage to the existing building in accordance with policy BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 6

All works of external repair, restoration and replacement to the listed building are to exactly match the original features and materials. Any re-pointing should be in a lime mortar and any replacement stone and/or brickwork shall be approved in writing by the local planning authority, and the works shall be undertaken in accordance with the approved details.

Reason

To safeguard the character and appearance of this building of historical interest in accordance with policy BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 7

All historic fabric such as lath and plaster walls and ceilings, skirting, cornice, door architrave and doors, fire places and staircases shall be retained within the Listed building unless otherwise agreed in writing by the Local Planning Authority.

Reason

To safeguard the architectural and historical interest of the building in accordance with Policy BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 8

The City Conservation officer shall be notified in advance of any opening up works to identify if any historic features remain.

Reason

To safeguard the architectural and historical interest of the building in accordance with Policy BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 9

The developer shall provide the City Council 7 days written notice of the date of the completion of the development to enable the building to be inspected and recorded by the City Council Conservation Officer.

Reason

To ensure compliance with the approved details and to safeguard the character and appearance of this building of special architectural or historical interest in accordance with policy BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Statement of Positive and Proactive Engagement

In accordance with the requirements of the National Planning Policy Framework (2012), the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Decision:

Notes:

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Person to contact: Bob Ristic (Tel: 01452 396822)

15/00672/COU & 15/00674/LBC

Albion House
77 Southgate Street
Gloucester
GL1 1UB

Planning Committee 09.09.2015

