

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **3RD NOVEMBER 2015**

ADDRESS/LOCATION : **9-13 ST JOHN'S LANE, GLOUCESTER**

APPLICATION NO. & WARD : **15/00167/FUL (WESTGATE WARD)**

EXPIRY DATE : **4 AUGUST 2015**

APPLICANT : **MR CHANCE MALONE**

PROPOSAL : **ERECTION OF A ROOFTOP PENTHOUSE FLAT EXTENSION TO SECOND FLOOR, AND MODERNISATION OF EXISTING ELEVATIONS OF BUILDING INCLUDING WIINDOWS.**

REPORT BY : **JON SUTCLIFFE**

NO. OF APPENDICES : **1. SITE LOCATION PLAN**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is a building at 9-13 St Johns Lane, Gloucester. The bulk of the building has been empty since 2006, but was previously used as offices by the Citizen newspaper. A gym exists on part of the ground floor. The building is accessed by foot from St John's Lane, which runs south-westerly down to Westgate Street, while vehicular access can also be gained from St Johns Lane running to the north-east.
- 1.2 The building has three storeys (including ground floor), and an assortment of structures on the roof. It also has an exterior metal fire escape at its north-west corner. A car-park area which includes a small electrical substation is located at the north/north-east of the building, and has metal gates/fencing to St Johns Lane. The building is currently in two different architectural styles, and the north-easterly portion of the building is an added extension (built in the 1960's) to the original elements, which date from the late 19th century. To the 'rear' of the site (i.e. far side from St John's Lane) are a number of lean-to extensions to the buildings.
- 1.3 To the south-east the site is bounded by St John' Lane; to the north-west it is bounded by 26A Westgate Street. To the north/north-east of the car park are the gardens of 15/15A St John's Lane, and rear garden areas of properties which front onto College Green.

- 1.4 The proposal is to construct a penthouse apartment on the rooftop of the existing building, and to undertake alterations to the existing elevations of the building to improve its appearance. This includes replacement of windows. The top floor would also be extended to in effect 'square-off' the building at the rear. This will allow the provision of internal means of escape and enable the removal of the external metal fire escape structure. Remaining flat roof areas of the buildings would be utilised as roof terraces, and would have a protective glazed screen erected around their perimeter.
- 1.5 The rooftop apartment would take the overall height of that part of the building to 15.97m above the adjacent level of St John's Lane (which slopes downwards as it progresses in a north-easterly direction). That height is no higher than the existing pitched roof of no.11. It would have a flat zinc roof. It would be formed of aluminium framed blue/grey aluminium windows, and white cladding.
- 1.6 The current roof of the building has a number of assorted structures on it, which would be removed. These house ventilation and air conditioning units, and lift motors. These are timber and sheet metal clad and are quite unsightly. It is proposed to install 3 dormers finished with lead covering in the roof of no.11 on the elevation facing St John's Lane.
- 1.7 The end elevation (north-eastern and north-western elevations of the extension of the building fronting onto St John's Lane and the car-park) are to be re-clad as part of this proposal. Existing metal-framed windows would be removed. The replacement elevation will be mirrored glass, designed to provide a reflective element to the building.
- 1.8 The site lies within a Conservation Area, but the building is not a Listed Building.
- 1.9 The application has been brought to Committee because the proposed rooftop penthouse flat would extend the height of the building over 15 metres.

2.0 RELEVANT PLANNING HISTORY

- 2.1 14/00891/JPA – Prior approval for change of use from offices (B1a) to flats (C3). Granted on 18/11/14. This prior approval relates to then newly-introduced temporary change of use 'permitted development' rights which enable the change of use of offices to residential use. While under the current Permitted Development Order this use has to be begun by 30 May 2016, recent Government announcements have suggested that this may be made a permanent provision and that date removed. At the time of writing this report however the 2016 date still applies. Also, this prior approval would not cover any external alterations to the buildings.

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 policy is the most relevant:
- Policy BE.1 (Scale Massing and Height)
 - Policy BE.2 (Views and Skyline)
 - Policy BE.7 (Architectural Design)
 - Policy BE.10 (Design criteria for development in the commercial core of the centre)
 - Policy BE.20 (Extensions)
 - Policy BE.21 (Safeguarding of Amenity)
 - Policy BE.29 (Development within Conservation Areas)
 - Policy BE.36 (Preservation in situ)
 - Policy BE.37 (Protecting and Preserving Archaeology)
- 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 NPPG and are a material consideration. The weight to be attached to them is limited; the Plan has not yet been the subject of independent scrutiny and does not have development plan status. The Examination in Public has been ongoing since May 2015. 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.
- 3.6 On adoption, the Joint Core Strategy, City Plan and any Neighbourhood Plans 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.

3.7 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; Gloucestershire Structure Plan policies – www.gloucestershire.gov.uk/index.cfm?articleid=2112 and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

Conservation Officer - The property is located within the City Centre Conservation Area and is a one which is identified as a positive building. This is a building which contributes to the architectural character of the street scene and designated conservation area. The proposal is in principle acceptable. There will be little impact in relation to the proposal and any long distance view points, the main viewpoints of this development will be from St Johns Lane and from the rear courtyard of 26 Westgate Street (Grade I listed). The main issue which requires refinement are the proposed cladding materials, detailing and form of replacement windows and window locations/openings. The design of one large expanse of glass to reflect the cathedral and be a seamless application would create a distinct contemporary scheme. The rear elevation requires some further thought in regards to window sizes, locations and associated balconies. Presently there is a mix of small horizontal windows and larger vertical windows with balconies, there needs to be greater consistency to this elevation. Therefore the windows should be alerted to create further vertical emphasis and this will enhance the overall scheme and improve the setting of 26 Westgate Street. The windows in the original Citizen office should be a high quality slim profile aluminium frame and be of a colour which ties the scheme together, I would recommend a gun metal/dark grey for a contemporary edge. Overall the application is welcomed subject to some refinement to the detailing and further information submitted regarding these changes. Therefore based on the above comments the application is acceptable subject to conditions.

City Archaeologist - Has reviewed the results of an archaeological desk-based assessment undertaken for this site. The assessment has identified that significant archaeological remains of Roman date may survive beneath the existing buildings on site. These remains are potentially at least, of high significance. Is therefore concerned that the proposed development may damage or destroy significant heritage assets. In light of this advises that conditions be attached to any permission, should it be granted.

Urban Design Officer – Comments on the few impacts of the proposal in terms of overlooking and overbearing impacts, and has no objection to the

scale of the development. Commented that the original proposals had 'heavy' cladding between the floors, and recommended a fully glazed treatment to the end elevation and that facing the lane, which would give a more refined, modern and simple approach, and would better reflect the view of the cathedral. Cautions against the use of white render, preferring either glazed brick or panel cladding. Comments that the window layout in the rear elevation (south-west of the building) is jumbled and has a lack of clear rhythm and theme. Comments on the adverse visual impact of the sub-station in the car park area.

Civic Trust – The vertical emphasis of the proposed re-cladding of the extension is an improvement on the original building, provided that the detailing, and the colour and quality of the materials used is satisfactory. No objections to the penthouse.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The application has been publicised through neighbour notification, press and site notices. No representations have been received.
- 5.2 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, or via the following link, prior to the Committee meeting:

<http://glcstrplnng12.co.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=NJ6YB2HM0BR00>

6.0 OFFICER OPINION

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 It may benefit the Committee to firstly set out what parts of this development scheme fall to be considered. This is because the change of use of the existing buildings to residential use (12 flats) is already consented by virtue of the prior approval related to the Permitted Development rights for such a change. As a result issues relating to possible impacts of those 12 flats cannot be considered as part of this application. Similarly, the internal conversion works to the buildings to create those 12 flats do not constitute development in planning terms, and therefore those impacts also cannot be considered.

- 6.3 Therefore, the planning issues which this scheme does raise are limited to those arising from the construction and provision of the new rooftop penthouse apartment, and the external alterations to the buildings.
- 6.4 It is considered that the issues raised by the proposal relate to the residential use; amenity impacts; archaeological issues; impacts of the proposals on Listed Buildings and the Conservation Area; and the design and appearance of the scheme.

Residential Use

- 6.5 The sole element that can be considered in relation to the introduction of a residential use to the building is that of the rooftop penthouse apartment. Residential use within the city centre is not precluded by planning policy, and can contribute to creating a vibrant city centre. As 12 apartments can be developed under Permitted Development rights it is clearly consistent with that ability to in principle have an additional new residential unit on the roof of the building

Amenity impacts

- 6.6 The proposal has the ability to impact upon the amenity of both existing occupiers of nearby buildings, and also of wider users of the surrounding area. In terms of this latter point, it should be noted that the development of 12 apartments in the building would be the principle source of impacts, in terms of such matters as noise and activity. The impact of the new penthouse apartment would be relatively minor in that context.
- 6.7 The rooftop apartment will have an elevated view of the surrounding area, both from its windows and also from the rooftop terrace area. Such views will in the main be over rooftops of neighbouring buildings, so will not in the main be sensitive views. However, land to the north of the building does contain ground level open areas, including some garden areas. However, it is not considered that the potential overlooking from the rooftop would be of such significance that it would adversely affect those locations, and so is considered acceptable.
- 6.8 The city centre location also raises issues of amenity for the future occupiers of the rooftop apartment. Clearly city centre locations have the potential to be noisier and busier than more traditional residential areas. However, it is considered that the likely impacts on the occupiers would be limited, and would certainly be something that would be expected by potential occupiers.

Archaeology

- 6.9 The rooftop apartment will require the installation of additional foundation elements through the basement of the building. There is a possibility of significant remains from Roman times being beneath the building. The City Archaeologist has advised that if permission is granted then conditions should be attached to the consent, which provide for a programme of archaeological

mitigation to be undertaken prior to and during the development taking the form either of a watching brief or excavation. This would ensure the proposals do not have an unacceptable impact on archaeological interests, and would be in accordance with policies.

Listed Buildings & Conservation Area

- 6.10 While the building itself is not a Listed Building, there are Listed Buildings nearby. In addition the site is located in a Conservation Area. The Conservation Officer has confirmed the proposals will not affect the setting of any Listed Buildings. In terms of the impacts on the Conservation Area these are closely linked to the next issue covered in this report, that being the design and appearance of the proposals. The proposal has limited impacts upon the 19th Century components of the site, and these are considered to have some significance, being identified as a positive building. The most significant changes are proposed to the most northerly elements of the buildings which date from the 1960's, and are of limited architectural quality. It is not considered that this element of the buildings currently has a particularly positive impact on the conservation area.
- 6.11 The proposed glazed cladding on these newer elements will transform the more recent additions, and introduce a new contrasting design to the 19th Century elements. The intention of the chosen materials is to create a modern contrast. It is considered that this contrast will both accentuate the older elements of the buildings; and also by replacing the dated appearance and materials of the 1960's building will improve the contribution the building makes to the conservation area. The policy and legislative test for development in conservation areas is the need to preserve or enhance the conservation area. It is considered the proposals will certainly preserve, and quite likely enhance the conservation area, and as such the proposal complies with policy and legislative requirements.

Design and appearance

- 6.12 There are two principle elements relating to this issue, relating to the design and appearance firstly of the rooftop apartment, and secondly of the revisions to the elevations of the buildings.
- 6.13 The rooftop penthouse apartment has a clean modern appearance. Due to its location on the roof, in terms of its visibility it will not be overly conspicuous from most locations. While it is on the rooftop of the existing building it would not be any higher than the existing pitched roof of part of the building, and as such will protect the city skyline. The proposed additional dormers in an existing roof are considered to be sympathetically designed and would not have an unacceptable appearance. It is considered that these design elements are acceptable in this location and would not have any adverse impacts.
- 6.14 Originally the new elevational treatments of the existing building consisted of windows and separating panels. Concerns were that the cladding areas

between the floors had a 'heavy' appearance which was detrimental to the design and appearance. The applicant has subsequently followed advice and amended the proposals to have fully glazed elevations. While, like all designs, there is a subjective element to judging such matters, it is in this case considered that the glazed elevations are an improvement on the original proposals. The improvement in the appearance of the building compared with its existing design and materials will be positive and a distinct improvement. As such, while the design and appearance of these elevations will be noticeably different from what currently stands, it is considered that these changes will be beneficial and should be considered acceptable. The proposals therefore comply with the relevant policy requirements.

CONCLUSIONS

- 6.15 This building occupies a city centre location within the Conservation Area. It is clear that the 1960's element of the building is of low design quality and does not particularly contribute to the appearance of the area. The proposed external alterations to that area of the building, combined with the construction of the rooftop penthouse are considered to improve the appearance of the building and its setting. The proposals comply with the policies set out in section 3.4 of this report, and accordingly it is recommended that permission be granted subject to conditions.

7.0 **RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER**

That planning permission be granted subject to conditions relating to the following matters:

- Commencement of development
- Details of materials and colours to be agreed
- Archaeological provisions
- Boundary treatment

Statement of Positive and Proactive Engagement

In accordance with the requirements of the NPPF 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:
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15/00167/FUL

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Planning Committee 03.11.2015



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