

# GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	5 February 2019
Address/Location:	37 - 39 Worcester Street, Gloucester GL1 3AJ
Application No:	18/01395/FUL and 18/01396/LBC
Ward:	Westgate
Expiry Date:	26.02.2019
Applicant:	Worcester Street Developments Ltd
Proposal:	Demolition of a single storey building. Erection of a new four-storey building incorporating an existing Grade 2 listed structure and accommodating 19 no. one-bedroom apartments and 5 no. two-bedroom apartments.
Report by:	Ron Moss
Appendices:	Site location and site layout plan

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1** The application site is located within the Worcester Street Conservation Area. The site extends from Worcester Street to the east, runs parallel to Gouda Way to the north and borders Park Street to the west. The eastern part of the site, fronting onto Worcester Street is enclosed by a chain link fence and covered in hardstanding/gravel. To the mid part of the site and fronting on to Gouda Way are the standing remains of 'Tanners Hall', a Grade 2 Listed structure, and to the rear (western) part of the site is a single storey brick built garage/workshop, with a roller shutter door fronting on to a loading area in Park Street. Adjoining the site along Worcester Street is a two storey building housing a bric a brac/old furniture shop. The buildings running along this side of Worcester Street are predominantly three storeys in height (the office building adjoining the opposite side of the bric a brac shop being the exception at 4 storey). On the opposite side of Worcester Street a new residential development is part constructed. This will be four storeys in height with an additional set back floor. Parts of the site fall within both flood zones 1 and 2 of the Environment Agency's classification.
- 1.2** The applications seek planning permission and listed building consent for the redevelopment of the site to create 24 apartments in a four storey building. Overall there would be 19 x one bedroomed units and 5 x two bedroomed units. There would be 4 one bedroomed flats and 1 two bedroomed flats on the ground floor, 5 one bedroomed and 2 two bedroomed flat on the first floor, 5 One bedroomed flats and 2 two bedroomed flats on the second floor and 5 One bedroomed flats on the third floor.
- 1.3** The proposed development would follow the splayed boundaries of the site and would be four storeys in height towards the east facing Worcester Street and three storeys in height towards the west where the proposal would front Park Street. The application also shows railings around the open boundaries of the site.
- 1.4** **The applications have been referred to the Planning Committee by Councillor Pam Tracey on the grounds that the proposal would block light to the neighbouring property, block rear access and lead to parking problems in the area due to no parking provision.**

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
06/00837/COU	Change of use of land and building for the sale and display of motor vehicles.	REFREA	07.08.2006
06/01026/COU	Retention of existing building for the display and sale of motor vehicles.	REFREA	11.10.2006
07/00507/COU	Retention of existing building for the display and sale of motor vehicles for a period of three years.	REFREA	31.05.2007
10/01295/FUL	Building comprising A1/A3/A4 use commercial on ground floor with 12 no. 1 bedroom apartments and 2 no.2 bedroom apartments above. (Incorporating scheduled monument)	G3Y	26.09.2011
10/01296/CON	Demolition of non-listed buildings	G3Y	31.08.2011
14/00481/FUL	Change of use of building and part of rear yard for the sale and display of motor vehicles.	WDN	03.07.2014
14/01134/FUL	Use of building for the sale and display of motor vehicles	REFREA	11.12.2014
17/01406/FUL	Demolition of a single storey storage building. Erection of a new 4 storey building accommodating 15 No. 1 bedroom apartments and 7 No. 2 bedroom apartments.	WDN	
18/00332/LBC	Demolition of single storey Storage Building and erection of new 4 storey building incorporating the Grade 2 listed structure and accommodating 15 No. 1 bedroom apartments and 7 No. 2 bedroom apartments.	WDN	

## 3.0 RELEVANT PLANNING HISTORY

3.1 The following planning guidance and policies are relevant to the consideration of this application:

### 3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

### 3.3 Development Plan

**Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)**

Relevant policies from the JCS :

- SP1 - The need for new development
- SP2 – Distribution of new development
- SD3 – Sustainable design and construction
- SD4 – Design requirements
- SD6 – Landscape
- SD8 – Historic Environment

SD10 – Residential development  
SD11 – Housing mix and standards  
SD12 – Affordable housing  
SD14 – Health and environmental quality  
INF1 –Transport network  
INF2 – Flood risk management  
INF4 – Social and community Infrastructure  
INF6–Infrastructure delivery  
INF7 – Developer contributions

### 3.4 **City of Gloucester Local Plan (Adopted 14 September 1983)**

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 213 of the NPPF states that ‘...*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*’ Therefore it is considered that the 1983 Local Plan is out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy.

### 3.5 **Emerging Development Plan Gloucester City Plan**

The Gloucester City Plan (“City Plan”) will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Draft Gloucester City Plan 2017 takes forward the results of previous consultations and was subject to consultation January and February 2017. As the Plan is at an early stage, it is considered that it carries limited weight in accordance with paragraph 48 of the NPPF.

### 3.6 **Other Planning Policy Documents Gloucester Local Plan, Second Stage Deposit 2002**

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. The following “day-to-day” development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight:

BE.30a – Control of redevelopment in Conservation Areas  
E.4 – Protecting Employment Land

## 4.0 **CONSULTATIONS**

### 4.1 **Highway Authority**

No objection, subject to a condition regarding the parking, loading and storage of plant for operatives during the demolition and construction phase as well as a cycle storage condition.

### 4.2 **Conservation Officer**

37 – 39 Worcester Street is a derelict site in the Worcester Street conservation area and is also close to the boundary with the Cathedral Precincts Conservation Area. Part of the site is also designated as a Grade 2 Listed Building consisting of the standing remains of Tanners Hall. Tanners Hall is a rare survival of an early Medieval Merchants House that is currently on the Gloucester City Council’s Building at Risk List. The structure is fragmentary in terms of the standing remains and in a precarious condition.

4.3 The current proposal would be an improvement on previous withdrawn applications, with the elevations updated to create a more contemporary looking building and the roof line adjusted so that it is lower to the west where it meets Hare Lane and the Cathedral Precincts

conservation area

- 4.4 Overall the proposed works to Tanners Hall, the designated asset are considered acceptable in terms of the program of repairs outlined on drawing 21838/10 Historic Structure Details and should be welcomed as an enhancement.
- 4.5 The development of the site as a whole although arguably large in scale and dominating with regards to its setting and location within the Conservation Areas has to be balanced against the fact that the site has been empty for many years with the deterioration of Tanners Hall a particular issue. The development will see the conservation works to the standing remains taking place before the commencement of works for the wider site thus ensuring that the future of the structure is secure. The proposals are considered acceptable subject to conditions on details of historic building recording, external repointing, repairs to match existing, and a contract/scheme for demolition.
- 4.6 **Contaminated Land Adviser**  
The proposed site is located in an area identified as 'garage' and 'tanners yard' highlighted as sites of potential concern due to the historical use of the land and that contamination might be a significant issue. No objection subject to conditions relating to submission of remediation scheme, implementation of approved remediation scheme, and the reporting of unexpected contamination if found during works being undertaken.
- 4.7 **Local Lead Flood Authority**  
The applicant needs to provide a drainage strategy with a discharge rate that meets the requirements set out in the SuDs Guidance and green field run off rates and existing discharge rates for comparison. The applicant has not provided evidence as to why underground storage is not feasible and have not demonstrated that they have designed the drainage system to cope with increases in rainfall as a result of future climate change, nor shown routes for exceedance flows as part of the proposal. The applicant states that it is proposed to discharge into an existing combined Severn Trent Water (STW) sewer and they need to provide evidence from STW for this connection.
- In conclusion they currently raise an objection
- 4.8 **Drainage Adviser**  
The submitted Flood Risk Assessment states that the sequential test does not need to be passed, which is incorrect. To pass the test should however be straightforward. The applicant is further stating that the site is currently nearly 100% impermeable and there would be betterment by reducing the impermeable area. This is not the case and methods of attenuation need to be shown.
- 4.9 **City Centre Improvement Officer (Environmental Protection)**  
No objection subject to conditions relating to air quality, noise mitigation, construction hours and details of refuse storage.
- 4.10 **City Archaeologist**  
No objection subject to conditions requiring implementation of a programme of archaeological work and details of the scope and implementation of ground works.
- 4.11 **Urban Design Adviser**  
The proposals have been amended to take account of previous concerns and the height of the building has been reduced particularly on the eastern side. The appearance of the building has also been made more contemporary and some highways land has been incorporated to allow for defensible space at ground floor level. The amendments have gone some way to

addressing previous concerns. The bulk and massing of the building has been improved and the reduction in height has helped to overcome the issues with relationship with the neighbouring buildings. The appearance of the building while an improvement remains average. There remains no parking or drop-off arrangements or amenity space.

## 5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 Neighbouring properties were notified and press and site notices were published.

5.2 5 letters of objection received raising the following issues:-

- 1) Would lose car repair business. Council should support small businesses;
- 2) Have family to support and rely on income from car repair business;
- 3) Car repair business utilises local MOT garage and local tyre company, which would lose this trade;
- 4) Would cause parking problem in the area. There is no car parking provision or pick up/drop off areas in the proposal and it is unrealistic to assume that residents would not have cars.
- 5) Flat on ground floor on boundary next to road/traffic lights would not be habitable especially in summer months and at peak times when traffic is not moving;
- 6) Proposed building would be ugly, overbearing and would not fit in with the Gloucester townscape;
- 7) Don't need any more flats;
- 8) The proposed development would be of poor design and fails to take opportunities available for improving the character and quality of the area;
- 9) Loss of privacy ;
- 10) Would overshadow front of house in Park Street;
- 11) Would block views of the cathedral;
- 12) Would cause loss of light;
- 13) Concerned at Grade 2 listed structure being enveloped with the block of flats.
- 14) Would restrict rear access to Fad and Fated.

5.3 A petition of 206 names has also been received objecting to the proposal on the following grounds:-

- 1) The proposal would block light to the side windows of the neighbouring Fad and Fated;
- 2) The proposal would block the rear access to Fad and Fated;
- 3) The proposed flats have no parking leading to the likelihood of parking problems in the area;
- 4) The proposal would involve the loss of a successful car repair garage and the loss of employment for the 4 people who work there;
- 5) The potential problems with parking and access could lead to Fad and Fated closing down.

5.4 The full content of all correspondence on this application can be viewed on:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

## 5.5 **The Civic Trust**

The reduced height of the blocks is welcome. There are no return elevation to assess how proposal relates to the neighbouring property. (Officer note: The elevations are included) There are concerns with the lack of symmetry in some of the details, including the different width blue piers, centrally and off centrally set windows and off set Juliet balconies. They could however

be considered quirky.

## 6.0 OFFICER OPINION

### 6.1 *Legislative background*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

6.4 It is considered that the main issues with regards to this application are as follows:

- Principle
- Design, layout and landscaping
- Impact on Conservation Areas and Listed Buildings
- Affordable Housing
- Traffic and transport
- Residential amenity
- Drainage and flood risk
- Land Contamination
- Economic Considerations

### 6.5 *Principle*

The NPPF at Paragraph 67 requires local planning authorities to demonstrate a 5 Year Housing Land Supply against the relevant housing requirement. Gloucester City Council can currently demonstrate a five year supply of deliverable sites. This positive housing land supply position means that the housing policies in the Joint Core Strategy can be given full weight.

6.6 Policy SD10 of the JCS allows for infilling within the existing built up areas of the City Gloucester. In terms of the broad principles of development, the site is within the built up area of the City, is in a sustainable location for residential use and would contribute to housing supply.

6.7 Policy E4 'Protecting Employment Land' of the Gloucester Local Plan Second Stage deposit draft 2002 is still a valid policy and states that planning permission will not be granted for new development that involves the loss of employment land unless the land has limited potential for employment. This proposal would involve the loss of the car repair garage, which would constitute an employment use. It should however be noted that the current proposed use is quite small scale, employing just 4 persons and the building itself, whilst currently occupied, is of an age, design and build that would not be particularly attractive or usable to any other employments uses than small workshop. In general terms the land can be considered to have limited potential for employment. The second part of this policy indicates that the loss of employment land would be acceptable where the alternative use offers greater potential benefit to the community. In this case the proposal would help preserve the grade 2 listed structure and provide much needed housing, which are felt to be a greater potential benefit to the community. Therefore overall it is considered that the loss of the car repair garage is

acceptable.

6.8 The broad principle of development is therefore considered to be acceptable.

6.9 ***Design, Layout and Landscaping***

The NPPF states that new residential developments should be of high quality design, create attractive places to live, and respond to local character integrating into the local environment. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design, while Policy SD10 requires housing of an appropriate density, compatible with good design, the protection of heritage assets, local character and compatible with the road network.

6.10 In terms of general heights the four storey element would be read within the street scene of Worcester street and Gouda Way where heights are predominantly higher. Directly across Worcester street is the nearly completed residential development of four storeys with a fifth storey in a light weight structure that fronts on to Gouda Way. A lot of the properties in Worcester street are three storeys in height , while the Regus building is the next but one building to the application site and it is three/four storeys in height. As the development extends towards Park Street however, the character of this area is defined by more low level buildings, generally up to two storeys with a few single storey dwellings. Officers have raised concern with previous proposals for this site where the development has been shown continuing in to this street scene at four storeys in height. The reduction in height here in the current proposal to three storeys then helps the feel of transition from the higher development in Worcester Street to the lower level Park Street. Overall the heights of the building is considered acceptable in its context.

6.11 The design of the proposed building is now more contemporary and an improvement on previous designs including the scheme approved in 2011. The materials would be a mix of coloured render, brick and cladding panels, which help to provide the contemporary feel to the design. The Council's urban design adviser confirms that she is satisfied with the bulk and massing of the development. Furthermore her previous concerns with regard to lack of balconies and defended space have now been resolved with the introduction of Juliet balconies and the purchase of a strip of highway land around the open boundaries to enable the erection of railings. It is still recognised that the proposal would have no usable open space and limited landscaping within it, however it is a very tight site and within the city centre, where there would be less expectation to have open space. Overall the design of the proposal is considered to be acceptable and to accord with policy SD4.

6.12 **Impact on Conservation Area and Listed Buildings**

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that where an area is designated a conservation area 'special attention shall be paid to the desirability of preserving the character or appearance of the area.' The Council's conservation officer recognises that whilst negotiations have taken place that have led to the variation in roof heights to avoid loss of visual amenity , in particular to the west to allow views to the cathedral , the proposal would still be quite large scale and quite dominant, particularly in the street scene of Park Street. The proposal could therefore be considered to cause less than substantial harm to the character and appearance of the Worcester Street conservation area (that includes Park Street).

6.13 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that with development which affects a listed building or its setting, the local authority 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. The development site includes the Grade 2 listed standing remains of Tanners Hall, which is fragmentary and in a precarious condition. The site has been vacant for many years and the listed structure is continuing to deteriorate. This

proposal would ensure that the conservation works to the standing remains are undertaken before the commencement of works for the wider site. The development would therefore ensure the retention of a designated heritage asset that may otherwise collapse.

- 6.14 It can be seen therefore that whilst there might be limited harm to the appearance of the conservation area, this needs to be balanced against the significant benefit of ensuring the survival of the Grade 2 listed structure.
- 6.15 The argument above alone would likely be sufficient to ensure a positive decision on the application on heritage grounds. Paragraph 196 of the National Planning Policy Framework however states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.' The less than substantial harm to the Worcester Street conservation area can also be balanced against the importance of getting a site that is part derelict back in to use and a development that would bring forward twenty four residential units that would meet both a recognised need and help Gloucester meet its housing delivery requirements. Overall the balance is considered to be firmly in favour of the development.
- 6.16 **Archaeology**  
This site contains some especially sensitive below ground archaeological remains. These include remains associated with a suburb of Roman Gloucester, structures associated with medieval and later industrial activity (tanning) and medieval and later structural elements (including the standing remains of the medieval 'Tanner's Hall' which are Listed). That said, the City Archaeologist states that the proposed scheme is well designed with regard to the preservation of archaeological remains. The level of impact from foundations and services appears to be very low.
- 6.17 The City Archaeologist confirms that he has no objection to the proposal subject to conditions on any approval for the implementation of a programme of archaeological works in accordance with a written scheme of investigation and for the complete scope and implementation of the ground works
- 6.18 **Affordable Housing**  
The NPPF states that where local authorities have identified the need for affordable housing, policies should be set for meeting this need on site, unless off site provision or a financial contribution can be robustly justified. Policy SD12 of the JCS provides that a minimum of 20% affordable housing will be sought on sites of 11 or more dwellings in the Gloucester City administrative area.
- 6.19 However, bullet point 9 of the Policy states that *'If a development cannot deliver the full affordable housing requirement, a viability assessment conforming to an agreed methodology, in accordance with Policy INF7 will be required...'*
- 6.20 In this case the applicant has submitted a viability appraisal to seek to demonstrate that there is insufficient viability in the scheme to provide affordable housing. This appraisal has then been assessed by an independent party appointed by the Local Planning Authority to ensure proper scrutiny.
- 6.21 The proposal would be liable to provide 5 affordable units. The viability appraisal indicates that the developer is seeking a profit allowance of 15% of Gross Development Value (GDV), which the independent assessor accepts as a reasonable target profit level. The independent assessor has adopted a Residual Land Value (RLV) approach to determine the value generated for the land based upon the development proposal to be delivered. The RLV is determined by calculating the GDV of a development proposal and then deducting all other



development costs to arrive at a figure which is available for land acquisition. This can produce a negative figure, resulting in a deficit. In these circumstances it can be reasonably assumed that a development proposal is financially unviable. After allowing for acquisition costs in this scheme there is an RLV of £19,828, which would not be sufficient to allow the provision of affordable housing.

6.22 In light of the expert advice of the independent assessors it is therefore concluded that there is insufficient profit in the development to allow for the provision of affordable housing.

6.23 ***Traffic and transport***

The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network.

6.24 It is recognised that the proposal makes no car parking provision, however the location is a very sustainable central location within close proximity to all amenities and to both the train and bus station. There would also be cycle parking provision. Neighbours have raised concerns about parking, in particular the neighbouring occupier of Fad and Fated who has concerns that they would find it difficult to get access to service their business if the proposal went ahead.

6.25 Your officers comment that the surrounding area is a no parking area with double yellow lines along the neighbouring roads. There would simply be no opportunity for potential new occupants to park anywhere except for the neighbouring car park where they would incur parking fees. On the Park Street road frontage there is one parking space on street, probably currently used by the existing car garage and this would remain. The area directly behind Fad and Fated in Park Street would remain as the existing situation thereby allowing them to continue servicing as currently done. It would also not be acceptable for any construction compounds to block the Fad and Fated access and the applicant has recognised that this neighbouring property would need access throughout the demolition and construction process.

6.26 The Highway Authority confirms that they have no objections subject to a condition regarding details in relation to the provision of parking of operatives, loading and storage during the demolition and construction period.

6.27 ***Residential amenity***

Paragraph 17 of the NPPF provides that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

6.28 With regard to the amenity of the potential occupants, concerns have been raised on air quality in relation to the busy Gouda road and busy road junctions here that mean vehicles are stopping and starting. The Council's Environment Protection officer has viewed the submitted air quality assessment which shows higher NO2 concentrations than annual mean air quality objectives for ground and first floor levels. He therefore recommends that mechanical ventilation is shown for these floor levels with non openable windows to ensure future residents are not exposed to elevated NO2 concentrations. This can be secured by condition on any approval. The second and third floor have levels lower than Annual Mean objectives and therefore opening windows are not a concern.

6.29 The Council's Environment Protection officer also suggests that the recommendations in the submitted noise report regarding mitigation be secured by a planning condition on any approval to ensure a satisfactory environment for the proposed residents

- 6.30 Concerns have been raised by the occupier of the neighbouring premises Fad and Fated with regard to blocking light to their flank windows. Your officers comment that these are secondary windows, with the ground floor ones currently screened and the upper floor ones part blocked by sale items. This is therefore not considered to be a material concern.
- 6.31 There was also a concern raised by a residential occupier on the other side of Park Street as to potential loss of light and overshadowing. However there would be a distance of some 25 metres between the development and the residential properties in Park Street thereby ensuring loss of light and overshadowing would not occur to a level that would be unacceptable.
- 6.32 ***Drainage and flood risk***  
The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.
- 6.33 Part of the site does fall within Flood Zone 2 of the Environment Agency's classifications and there would therefore be the requirement to demonstrate that there are not any suitable sites available within flood zone 1. Planning Practice Guidance sets out that the area to apply the Sequential Test across will be defined by local circumstances and that when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere.
- 6.34 In this case, the application relates to the regeneration of the application site and also includes proposals to preserve a grade 2 listed structure. On that basis it is not considered that there are more suitable locations for the proposed development and the sequential test is passed.
- 6.35 The Council's Drainage officer has raised concerns with regard the claim by the applicant in their Flood Risk Assessment that the site is currently 100% impermeable and that betterment would therefore be provided by reducing the impermeable area. His opinion is that attenuation would be required. A further response from the applicant is awaited and the Drainage officers comments in relation to this information will be reported on the late list.
- 6.36 On the matter of drainage the Local Lead Flood Authority (LLFA) currently object to the scheme in that there are insufficient details in the drainage strategy and the applicant has not as yet confirmed that they can connect on to the Severn Trent Water system. The applicant is to submit further information and the LLFA's response to this information will be reported on the late list.
- 6.37 **Land Contamination**  
Worcestershire Regulatory Services state that the proposed site is located in an area identified as 'garage' and 'tanners yard' highlighted as sites of potential concern due to the historical use of the land and that contamination might be a significant issue. They have no objection subject to conditions requiring site remediation.
- 6.38 ***Economic considerations***  
The construction phase would support employment opportunities and therefore the proposal would have some economic benefit. Further, paragraph 3.1.9 of the JCS identifies that it is important to ensure that sufficient housing is made available to support the delivery of employment and job growth. In the context of the NPPF advice that 'significant weight should be placed on the need to support economic growth through the planning system', this adds

some weight to the case for granting permission.

### 6.39 **Conclusion**

It is recognised that the proposal even in its current form would still be quite a substantial building for this location. Considerable discussion has taken place between Council officers and the applicant to get to the current design and whilst the design is of reasonable quality and heights have been reduced on the western element, the proposal would still cause less than substantial harm to the appearance of the Worcester Street conservation area (the Park Street area) by reason of its bulk and massing. This less than substantial harm has to however be balanced against the substantial benefit of ensuring the preservation of the Grade 2 listed 'Tanners Hall' monument that is currently at risk of collapse. There are also substantial public benefits from developing this prominent part derelict site with the physical uplift to the area and the economic benefits of having people living in the city centre. The proposal would also provide much needed residential accommodation in the form of 24 residential flats and help the Council's housing delivery figures as well as general economic benefits associated with a development of this nature.

6.40 This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of design, materials, highway safety implications, impact upon the amenity of any neighbours and the local area; land contamination and archaeology, the proposal is therefore considered acceptable subject to the satisfactory resolution of drainage concerns

## 7.0 **RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER**

7.1 That delegated authority be given to the City Growth and Delivery Manager to GRANT planning permission for planning application reference 18/01395/FUL subject to resolution of the drainage matters and the conditions set out at paragraph 7.3 below.

7.2 That Listed Building Consent be GRANTED subject to the conditions at paragraph 7.4 below.

### 7.3 **18/01395/FUL – Full application conditions**

#### **Time limit**

##### **Condition 1**

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

#### **Reason**

Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **Plans**

##### **Condition 2**

The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:-

- Location and Block Plans – Dwg. No. 21838/07
- Site Plan As Proposed – Dwg. No. 21838/08
- Ground and First Floor Plans As Proposed – Dwg. No. 21838/11B
- Second and Third Floor Plans As Proposed – Dwg. No. 21838/12A
- Elevations As Proposed – Dwg. No. 21838/13B
- Flood Risk Assessment by Calibro dated 17 October 2018
- Transport Statement by BWB dated October 2018
- Noise Impact Assessment Report by Acoustic Consultants Ltd dated October 2018

- Air Quality Assessment by BWB dated October 2018
- Heritage Impact Assessment by Integrated Architecture dated December 2017.

### **Reason**

To ensure that the development is carried out in accordance with the approved plans and documents and in accordance with policies contained within the Joint Core Strategy.

### **Archaeology**

#### **Condition 3**

'No development 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

#### **Condition 4**

No development shall take place within the proposed development site until the applicant, or their agents or successors in title, has produced a detailed scheme showing the complete scope and arrangement of the foundation design and ground works of the proposed development (including services, drainage and attenuation), and this scheme shall also include provisions to deal with the potential for vibration to affect the Tanner's Hall standing remains, which have been submitted to and approved in writing 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 is in accordance with paragraphs 131, 132 and 139 of the NPPF and Policy SD8 of the Joint Core Strategy.

### **Environmental Protection**

#### **Condition 5**

No demolition or construction works shall be carried out outside the following hours:

Monday to Friday – 0800 to 1800 hours

Saturday – 0800 to 1300 hours

No such works shall be carried out on Sundays, Public or Bank Holidays.

### **Reason**

To safeguard the amenities of the area, having regard to Policy SD14 of the Joint Core Strategy

#### **Condition 6**

No materials or substances shall be burnt within the application site during the construction phase.

### **Reason**

To safeguard the amenities of the area and prevent pollution in accordance with Policy SD14 of

the Joint Core Strategy

**Condition 7**

No development shall take place, including any works of demolition, until a Demolition and 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 demolition and construction period. The Statement shall:

- I. specify the type and maximum number of vehicles during the demolition and construction ;
- II. provide a suitable construction vehicle access;
- III. provide for the parking of vehicles of site operatives and visitors;
- IV. provide for the loading and unloading of plant and materials;
- V. provide for the storage of plant and materials used in constructing the development;
- VI. provide for wheel washing facilities;
- VII. specify the intended hours of construction operations;
- VIII. provide measures to control the emission of dust and dirt during the demolition and construction phases from ground works, haul roads, stockpiles and material handling/removal;
- IX. provide details of light from security compounds;
- X provide for the storage of waste.
- XI specify vehicle routing for construction/demolition vehicles

**Reason**

To ensure that appropriate measures are in place prior to the commencement of development to reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework and to safeguard residential amenity and prevent pollution in accordance with policies SD14 of the Joint Core Strategy.

**Condition 8**

There shall be no openable windows at ground or first floor level within the approved development and the construction of the approved building shall not take place until details of mechanical ventilation for these floor levels has been submitted to and approved in writing by the Local Planning Authority. The building shall therefore be retained in accordance with these details throughout its lifetime.

**Reason**

In the interest of public health and safety due to air quality levels in the vicinity and to accord with policy SD14 of the Joint Core Strategy

**Condition 9**

All gas fired boilers installed in the development shall meet a minimum standard of <40mgNOx/kWh

**Reason**

In the interest of public health and safety and to accord with policy SD14 of the Joint Core Strategy

**Condition 10**

The development shall be carried out in accordance with all the recommendations in section 6 the submitted Noise Impact Assessment dated October 2018, unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

To ensure a satisfactory living environment for the occupiers and to accord with Policy SD 14 of the Joint Core Strategy.

**Highways****Condition 11**

The development hereby approved shall not be occupied until details of the cycle storage have been constructed in accordance with the approved plans. The cycle storage shall thereafter be retained for the duration of the development.

**Reason**

To ensure adequate provision and availability of cycle parking, having regard to the policies of the National Planning Policy Framework.

**Materials****Condition 12**

No work shall commence on the construction of the external facades/elevations of the building until details or samples of all materials to be used externally for built structures, hard landscaping and the public realm have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason**

To ensure that the materials harmonise with the surroundings in accordance with policy SD4 of the Joint Core Strategy

**Condition 13**

Notwithstanding the approved drawings, no work shall commence on the construction of the external facades/elevations of the building until details of the following have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details:-

- Scaled drawings at 1:10 for doors, windows and their recesses, brick and panel details
- Scaled drawings and details for the installation of rainwater goods
- Details of ventilation flues and grills.
- Details of safety measures for roof if access is required.
- Details of lighting
- Details for meter boxes
- Details for security measures – external CCTV
- Details of seagull mitigation
- Details of any cable TV installation and the location of any associated equipment.

**Reason**

To ensure the satisfactory appearance of the development in accordance with policy SD4 of the Joint Core Strategy.

**Landscaping****Condition 14**

Before occupation of the proposed development details of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping shall be carried in accordance with the approved details before occupation of the development. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written

consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

**Reason**

In the interest of the visual amenity of the area and to accord with policy SD 4 of the Joint Core Strategy

**Condition 15**

A site management plan, including long term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The site management plan shall be carried out in accordance with the approved details.

**Reason**

In the interests of visual and residential amenity in accordance with policies SD4 and SD14 of the Joint Core Strategy.

**Drainage**

**Condition 16**

Prior to the commencement of the development details of the proposed foul water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first occupation of the development hereby permitted.

**Reason**

In order to ensure that satisfactory foul drainage arrangements are provided in accordance with policy INF2 of the Joint Core Strategy

**Condition 17**

The approved development shall be carried out in accordance with the mitigation measures as stated in section 5.3 of the Flood Risk Assessment dated 17<sup>th</sup> October 2018. The measures shall be retained for the duration of the development.

**Reason**

To prevent flooding of the development and to accord with Policy INF2 of the Joint Core Strategy

**Waste Management**

**Condition 18**

Prior to the occupation of the buildings the refuse recycling and storage provision as shown on the approved plans shall be implemented and thereafter retained for the lifetime of the development.

**Reason**

In the interests of amenity in accordance with policy SD14 of the Joint Core Strategy

**Contaminated Land**

**Condition 19**

Development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to D below, have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part D below has been complied with in relation to that

contamination.

#### A. Site Characterisation

An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site which has first been submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).  
This must include

#### B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must accord with the provisions of the EPA 1990 in relation to the intended use of the land after remediation.

#### C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

#### D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part B above, and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part C above.

#### E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring of the long-term effectiveness of



the proposed remediation shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is first occupied. Following completion of the measures identified in approved monitoring and maintenance scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11.

## **Heritage Matters**

### **Condition 20**

No development, including any works of demolition, shall be carried out until a contract for the carrying out of the conservation works to the standing remains of Tanners hall has been made and executed in full.

#### **Reason:**

Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Condition 21**

No works of demolition whatsoever shall be carried out until a scheme to secure the safety and stability of that part of the building which is to be retained has been implemented in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The safety and stability scheme shall be adhered to throughout the course of development.

#### **Reason**

To minimise the risk of damage to the existing building in accordance with policy SD8 of the Joint Core Strategy with policy SD8 of the Joint Core Strategy

### **Condition 22**

Prior to the installation of the glazing solution (including fixings) to surround the listed building when incorporating into the modern structure, details shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained for the lifetime of the development.

#### **Reason**

To safeguard the character and appearance of this building of special architectural and historical interest in accordance with policy SD8 of the Joint Core Strategy

### **Condition 23**

All works of external repair to the remains of Tanners Hall, restoration and replacement shall exactly match the original features. Materials for pointing, galleting, masonry and brick works shall be submitted to and approved in writing by the Local Planning Authority following a meeting on site once vegetation removal and initial recording has taken place, and prior to the commencement of the repairs. The repairs shall be carried out and thereafter retained in accordance with the approved details.

#### **Reason:**

To safeguard the character and appearance of this building of special architectural and historical interest in accordance with policy SD8 of the Joint Core Strategy.

### **Condition 24**

External repointing to the remains of Tanners Hall shall be kept to the minimum. Joints shall be carefully raked out by hand to a depth of 18mm, and flushed. The cutting out of defective mortar with power tools is not permitted. The pointing shall be finished to give a neat slightly

recessed joint unless firm evidence exists of the original profile which must then be replicated. An unobtrusive sample area of brickwork not exceeding 1 square metre shall be repointed in accordance with the details approved under condition 23 above and no further repointing shall take place until the sample area of brickwork has been approved in writing by the Local Planning Authority. All further repointing shall be carried out in accordance with the sample area so approved.

**Reason:**

To safeguard the character and appearance of this building of special architectural and historical interest in accordance with policy SD8 of the Joint Core Strategy.

**7.4 18/01396/LBC - Listed Building Consent conditions**

**Condition 1**

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

**Reason:**

Required to be imposed by 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 following approved drawings and documents:

- Location and Block Plans – Dwg. No. 21838/07
- Site Plan As Proposed – Dwg. No. 21838/08
- Ground and First Floor Plans As Proposed – Dwg. No. 21838/11B
- Second and Third Floor Plans As Proposed – Dwg. No. 21838/12A
- Elevations As Proposed – Dwg. No. 21838/13B
- Heritage Impact Assessment by Integrated Architecture dated December 2017.

**Condition 3**

No development, including any works of demolition, shall be carried out until a contract for the carrying out of the conservation works to the standing remains of Tanners hall has been made and executed in full.

**Reason:**

Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Condition 4**

No works of demolition whatsoever shall be carried out until a scheme to secure the safety and stability of that part of the building which is to be retained has been implemented in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. The safety and stability scheme shall be adhered to throughout the course of development.

**Reason**

To minimise the risk of damage to the existing building in accordance with policy SD8 of the Joint Core Strategy with policy SD8 of the Joint Core Strategy

**Condition 5**

Prior to the installation of the glazing solution (including fixings) to surround the listed building when incorporating into the modern structure, details shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained for the lifetime of the development.

**Reason**

To safeguard the character and appearance of this building of special architectural and historical interest in accordance with policy SD8 of the Joint Core Strategy

**Condition 6**

All works of external repair to the remains of Tanners Hall, restoration and replacement shall exactly match the original features. Materials for pointing, galleting, masonry and brick works shall be submitted to and approved in writing by the Local Planning Authority following a meeting on site once vegetation removal and initial recording has taken place, and prior to the commencement of the repairs. The repairs shall be carried out and thereafter retained in accordance with the approved details.

**Reason:**

To safeguard the character and appearance of this building of special architectural and historical interest in accordance with policy SD8 of the Joint Core Strategy.

**Condition 7**

External repointing to the remains of Tanners Hall shall be kept to the minimum. Joints shall be carefully raked out by hand to a depth of 18mm, and flushed. The cutting out of defective mortar with power tools is not permitted. The pointing shall be finished to give a neat slightly recessed joint unless firm evidence exists of the original profile which must then be replicated. An unobtrusive sample area of brickwork not exceeding 1 square metre shall be repointed in accordance with the details approved under condition 6 above and no further repointing shall take place until the sample area of brickwork has been approved in writing by the Local Planning Authority. All further repointing shall be carried out in accordance with the sample area so approved.

**Reason:**

To safeguard the character and appearance of this building of special architectural and historical interest in accordance with policy SD8 of the Joint Core Strategy.

**Person to Contact:** Ron Moss (396835)



Planning Application: | 18/01395/FUL

Address: | 37 - 39 Worcester Street  
Gloucester GL1 3AJ

Committee Date: |

