

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Address/Location: | Downings Malthouse, Merchants Road, Bakers Quay, Gloucester

Application No: | 22/00563/LBC

Ward: | Westgate

Expiry Date: |

Proposal: |
Listed building consent for the alteration, including partial demolition, restoration, development and extension of Downings Malthouse and the High Orchard Street Warehouse, plus the creation of a new basement level in Downings Malthouse accessed from Merchants Road to provide car parking, together with an extension and bridge link to Downings Malthouse Extension to provide 49 residential units on the ground and upper floors and 60 sq.m of commercial floorspace for use for Class E purposes on the ground floor.

The development of a new building comprising basement ground and nine upper floors on the site of the former Silo and the retention of the remaining portion of the High Orchard Street Kiln containing basement car parking, a ground floor plaza, reception and ancillary accommodation linking the building to Downings Malthouse, and 68 residential units on the ground and upper floors together with additional ancillary parking to the south of Downings Malthouse Extension, access, turning and landscaping all at Bakers Quay Merchants Road/High Orchard Street Gloucester.

Report by: | David Millinship

1.0	SITE DESCRIPTION AND PROPOSAL
1.1	<p><u>Site description</u></p> <p>The application site forms part of “Phase 2” of the wider Bakers Quay Regeneration site. It comprises two areas within Bakers Quay, the first being the grade II listed building known as Downing’s Malthouse that sits between the public highways at High Orchard Street and Merchants Road. Downings Malthouse shares its western boundary with the Docks Conservation Area (CA), but is not within the CA itself. The second area of the application site comprises an area of land that is currently vacant land with part occupied by parking in association with Phase 1. This area is sited to the south-west of Downings Malthouse, to the south of the substantial grade II listed building at Downings Malthouse Extension and grade II listed former Transit Shed sited marginally to the north. This section of the site is within the Docks CA.</p>
1.2	<p>To the east and north are the modern buildings housing the Gloucester Quays Outlet Village and part of the Docks Restaurant Quarter. Located to the south is the completed Phase 1 of the Bakers Quay Regeneration site (comprising a modern coffee shop unit, hotel building and rebuilt Llanthony Provender Mill building in a mixed-use featuring residential and restaurant units).</p>
1.3	<p>Downings Malthouse has been vacant for a number of decades and is currently required to be supported by a substantial amount of scaffolding since public safety works were undertaken to stabilise the buildings in 2020. The remains of the building include a four-storey section to the north of the</p>

	site comprising the High Orchard St. Malthouse and High Orchard St. Kiln (subsequently referred to as “Downing’s Malthouse”) and three four storey walls that were previously part of the former warehouse and an earlier kiln building.
1.4	A 1950s concrete silo previously occupied the southern area of Downings Malthouse. It was a square concrete structure with metal framing that extended to approximately 6-7 storeys in height. Although the silo was part of the listed building, it was not considered to possess any notable significance and was permitted to be removed in its entirety to enable access into the former kiln and warehouse sections to permit the previously mentioned stabilisation works to be undertaken (the silo site is subsequently referred to in the report as the “New Build” site).
1.5	<p><u>Planning History and background to current applications</u></p> <p>The Bakers Quay regeneration (comprising the Phase 1 site, Downing’s Malthouse redevelopment and Malthouse Extension conversion) was granted planning permission and listed building consent in 2016 (ref: 15/01144/FUL & 15/01152/LBC). The scheme was supported as a phased development including a substantial element of new build to support the redevelopment and conversion of the heritage assets within the site. Phase 1 included the construction of a purpose built hotel, a stand-alone coffee shop unit and mixed-use building (comprising the rebuilding of the fire damaged grade II listed Llanthony Provender Mill) to provide a number of residential units with restaurant and leisure floor space at ground floor level. An element of Phase 1 that shares part of the northern boundary of Downing’s Malthouse was the completion of a part conversion of a section of the High Orchard St. Warehouse into 4 residential units now known as “The Maltster’s Cottages”. Phase 1 was completed in 2018-2019.</p>
1.6	The original permission sought to deliver Phase 2 of the Bakers Quay Regeneration scheme as a conversion of the grade II listed Downings Malthouse Extension (subsequently referred to as “Malthouse Ext.”), rebuilding of the adjacent grade II listed Transit Shed (and its conversion into restaurant use) and redevelopment of the grade II listed Downings Malthouse into a mixed-use site of predominantly restaurant floor-space on lower levels with some provision of residential units on upper floors. The more substantial Malthouse Extension, occupying the canal-side within the northern half of Bakers Quay, was granted permission as a residential conversion. The majority of details relating to the Phase 2 works were secured by conditions. Some details have been agreed, of note the demolition works to the Downings Malthouse (removal of the concrete silo and stabilising works) that were formally agreed in 2020.
1.7	Whilst the 2015 planning permission remains extant, a subsequent downturn to the restaurant market (compounded by the global pandemic) as well as significantly increased building costs, has stalled delivery of Phase 2 with the applicant forced to review the viability of the extant permission going forwards. Attempts to secure grants (historic building, regeneration enabling grants) or other financial support to enable implementation of the extant planning permission have been unsuccessful and the application has subsequently concluded that a redesign of the redevelopment scheme for the Downings Malthouse phase of the wider Bakers Quay development is the only option to ensure that Phase 2 can be secured.

1.8	<p>The scheme as it had originally been planned, had a significantly high budget relating to the heritage works, mainly those relating to the Malthouse Ext. conversion, but also the other historic buildings within the wider site. The heritage budget would have been balanced by the financial surplus that would have been delivered by the new build restaurant floorspace within the Downings Malthouse and Transit Shed redevelopments. As the restaurant market can no longer be relied upon to generate a surplus, redevelopment of the site into a predominantly residential use has been considered the most viable. The Malthouse Ext. was already approved as a residential conversion and options to amend that sub-phase of the scheme are limited due to the heritage constraints. As such, the applicant's primary option to redesign a viable scheme for Phase 2 site predominantly within the Downings Malthouse site.</p>
1.9	<p>A number of redesigned schemes for the Downings Malthouse have been considered by the applicant with two schemes submitted to the Local Planning Authority (LPA) for pre-application advice (in 2020 and 2021). Several schemes were discounted on viability grounds with both pre-application schemes also rejected due to significant concerns raised by heritage consultees (mainly Historic England and the LPA's Conservation Officer). The current design has been reached as a balance between the ability to deliver completion of the Bakers Quay Regeneration and the aim to preserve as much of the remaining fabric of the listed building that spans the Downings Malthouse sites.</p>
1.10	<p><u>Development Proposal</u></p> <p>The proposal seeks the rebuilding/conversion of the northern section of Downings Malthouse to provide 49 residential units (one bedroom to three bedroom in size) across four storeys. A further 68 units would be provided within the New Build occupying broadly the area of the former concrete silo. The New Build would be a nine-and-a-half storey building (nine storeys with duplex apartments at the highest level). Approximately 60 sq/m of new restaurant (use Class E) floorspace would be provided at ground floor level. Communal areas (with access only to residents of the development) would also be provided at lower levels, to be used as breakout home working/shared social areas.</p>
1.11	<p>The New Build would occupy a broadly triangular footprint, designed to enable the retention and support of the remaining walls of the listed building that face onto High Orchard St. and Merchants Rd. The New Build is proposed to be separated from the remainder of the northern section of the Downings Malthouse building that would be partially rebuilt and converted. A publicly accessible cut through between the two separate structures would be created to provide a plaza with sitting-out areas (a mixture of private and public) at ground level. The proposal also includes the reinstatement of a 2nd and 3rd storey bridge link between Downings Malthouse and the Malthouse Ext. (the former bridge link was removed in 2019/2020).</p>
1.12	<p>Car and cycle parking would be provided at basement level and within the open land located to the north of Downing's Malthouse and the southern elevation of the modern Gloucester Quays/Restaurant Qtr building. Additional public realm and car parking would be provided within the application site area to the south of the Transit Shed/Malthouse Ext. The main public highway access into the development site would follow the Gloucester Quays and Bakers Quay Phase 1 access from St. Ann's Way with Merchants Road</p>

	reopened at the southern point of Downings Malthouse.
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Application Number	Proposal	Decision	Decision Date
22/00563/FUL	<p>Alteration, including partial demolition, restoration, development and extension of Downings Malthouse and the High Orchard Street Warehouse, plus the creation of a new basement level in Downings Malthouse accessed from Merchants Road to provide car parking, together with an extension and bridge link to Downings Malthouse Extension to provide 49 residential units on the ground and upper floors and 60 sq.m of commercial floorspace for use for Class E purposes on the ground floor.</p> <p>The development of a new building comprising basement ground and nine upper floors on the site of the former Silo and the retention of the remaining portion of the High Orchard Street Kiln containing basement car parking, a ground floor plaza, reception and ancillary accommodation linking the building to Downings Malthouse, and 68 residential units on the ground and upper floors together with additional ancillary parking to the south of Downings Malthouse Extension, access, turning and landscaping all at Bakers Quay Merchants Road/High Orchard Street Gloucester.</p>	Pending	
15/01144/FUL	<p>Alteration, including partial demolition, refurbishment and restoration of Downings Malthouse and Downings Malthouse Extension, the demolition and redevelopment of Provender Mill and the restoration and extension of the Transit Shed to provide commercial floorspace for A3/A4 purposes at ground floor level in Downings Malthouse, Provender Mill and the Transit Shed, conversion of basement and ground floors of the Downings Malthouse extension for ancillary car parking, and the upper floors of Downings Malthouse, Downings Malthouse extension and new-build Provender Mill to provide 162 new residential units, and the restoration of 4 no. three-storey cottages. The development of a 105 bed hotel and freestanding unit for use for A3/A4 purposes on the site together with ancillary parking, turning, access and landscaping all at Bakers Quay Gloucester</p>	Granted with Conditions	12 th August 2016
15/01152/LBC	Demolition, internal works and external works to Grade 2 listed buildings associated with redevelopment at Bakers Quay: Alteration,	Granted with Conditions	12 th August 2016

	including partial demolition, refurbishment and restoration of Downings Malthouse and Downings Malthouse extension, demolition and redevelopment of Provender Mill, and the restoration and extension of the Transit Shed to provide commercial floorspace for A3/A4 purposes at ground floor level in Downings Malthouse, newbuild Provender Mill and the Transit Shed, conversion of basement and ground floors of the Downings Malthouse extension for ancillary car parking, and the upper floors of Downings Malthouse, Downings Malthouse extension and new-build Provender Mill to provide 162 new residential units and the restoration of 4 no. three-storey cottages. Ancillary parking, turning, access and landscaping all at Bakers Quay Gloucester		
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3.0 **RELEVANT PLANNING POLICY**

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), Planning Practice Guidance (NPPG) and National Design Guide (NDG)

3.3 **Development Plan**

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

Relevant policies from the JCS include:

SD8 – Historic Environment.

3.4 **Gloucester City Plan (Adopted January 2023) (GCP)**

Relevant policies from the GCP are:

A1 – Effective and efficient use of housing, land and buildings;
B4 – Development within and adjacent to Gloucester Docks and Canal;
D1 – Historic environment;
D3 – Recording and advancing understanding of heritage assets.

3.5 **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 215 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.)*' The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are considered relevant to the consideration of this application.

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. None of the local plan policies are considered relevant to the consideration of this application.

3.7 Supplementary Planning Guidance/Third-party Guidance

- Historic England – *GPA2: Managing Significance in Decision-Taking in the Historic Environment*.

3.8 All policies can be viewed at the relevant website address:- national policies:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Gloucester City policies:

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

4.0 CONSULTATIONS

Responses received to the application consultations have been summarised by the case officer as follows (the full responses are available by request from the case officer).

4.1 Conservation Officer (Gloucester City Council)

Objection.

The original recommendation to the proposal was for officers to refuse planning permission and listed building consent. Subject to a more detailed assessment the following conclusion was presented:

The poor condition of the Downings Malthouse complex, and its ongoing deterioration, make the need for an appropriate scheme of development vital. In addition, it is acknowledged that a number of schemes for the site have been explored, and that a more residential than mixed scheme is required. However, whilst this is the case, what is currently proposed gives rise to significant concerns, in particular with regard to the harm that this scheme, by virtue of its inclusion of a 9+ storey tower block will cause to the significance and setting of a wide range of designated heritage assets across the centre of Gloucester. This harm varies, from the lower end of less than substantial harm (in terms of the NPPF) to substantial harm, in the case of the Malthouse complex itself.

Whilst it is not disputed that the current proposals will provide some level of public benefit for Gloucester, there is no evidence provided to show that it is substantial, which is required to outweigh the harm that will occur. Indeed, it appears that the main benefit in this scheme is the principle of regenerating this site, rather than the current scheme itself. This is of considerable concern as it appears that for this benefit to be achieved the price will be very high and permanent, in terms of the impact that it will have on a number of Gloucester's designated heritage assets and the character of Gloucester's historic centre...

...The Downings Tower, because of its scale, massing and form will

completely change the context of this historic site and how it is experienced, taking it from one characterised by substantial linear forms, parts of which are still evident on site today, to something completely different; a site which will be dominated by an alien and incongruous tower, whose verticality, height and domestic character are some of its most obvious features.

- This change in the character of the Downings site is considered to be harmful. According to the submitted drawings, the historic listed elements when rebuilt or restored will retain a linear industrial form, however, because of the size of the proposed tower, the listed building will be a subsidiary feature on the site, losing its stature, status and prominence, and much of its context; all of which are features that are relevant to its character and significance. These losses will fundamentally alter the way in which the heritage asset is experienced, and what is appreciated and perceived.*

- The overshadowing of the historic elements of the site by the new tower will undoubtedly be harmful to the setting of these listed structures, however the impact of the proposals in this scheme on the High Orchard Street Kiln wall is also considerable and includes the separation of this element from the other historic structures on the site.*

- Severing the link between the High Orchard Street Kiln wall and the other historic structures will lead to the further fragmentation of the site and reduce its legibility; in addition, in terms of the wall itself, what was once a part of this important historic site becomes an isolated feature, without meeting or context. Part of the significance of this site will be derived from the relationship between its connecting parts; as such the severance of this link, and fracturing this relationship, will lead to the loss of some of this significance.*

- It is proposed that the High Orchard Street kiln wall is attached to the new Downings Tower, covering part of the first two floors of this new structure. Already isolated and without context, this fragment will appear as an out of place 'add-on' one that bears no relationship to its new host. Indeed, whilst new openings to this kiln wall (which will lead to a loss of historic fabric and character) are proposed, they are minimal compared to the heavily glazed elevations of the tower itself, emphasising the jarring relationship between old and new on this site.*

- Alterations to historic openings and the creation of new openings which will lead to a loss of historic fabric and erosion of the building's character are also considered to be harmful to the significance of the Downings Malthouse.*

Following the submission of amended elevations, a Heritage Addendum and Heritage Policy Overview the following comments were made:

...whilst the revised drawings that have been submitted are welcome, they are, in reality, a minor change on a major scheme, with no other changes to the application proposed. In addition, further concerns have been raised regarding the additional information submitted, as well as in the planning agent's comments, elements of which are unclear.

Bearing in mind these factors, and the requirement of the NPPF that 'great weight should be given to the asset's conservation' and that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification', the comments made in the initial conservation officer response remain unchanged.

Regarding the material impacts and proposed further loss of fabric to Downings Malthouse, further to our recent meeting at your offices, we believe that there are options for the same or a similar quantum of development, which could retain more historic fabric and utilise more of the site (particularly the carpark site to the north, where the previous consent included single storey buildings). We have also indicated that modifying existing and blocked openings may be acceptable in terms of further modest fabric loss, if this would result in a more contextual scheme.

4.3 Civic Trust
Objection.

The successful re-development of Gloucester Docks, going back to the 1980s, has been on the basis that no new buildings should be higher than the existing Georgian and Victorian buildings which provide a maritime conservation area of local, national and, arguably, international importance. We see no reason to change this principle.

The proposed tower block completely dominates its close listed building neighbours to an unacceptable extent and sets a precedent for further tower blocks of a similar size which would be obtrusive in the docks setting and block views of the Cathedral from the south.

A ten storey building is not needed because there is land available in this quarter of the redevelopment to site, for instance, two, five storey residential blocks which would comply with the approved policy.

4.4 Association for Industrial Archaeology
Objection

The Association considers the reuse/conversion of Malthouse No 2 and the Warehouse acceptable, the new build of the Maltings Tower is too dominant and harms the setting of the adjacent listed buildings as well as further afield views of the city, it objects to this application which should be refused.

4.5 Council for British Archaeology
Objection

We recommend that the applicants revise their plans to retain and conserve as much as possible of the surviving fabric of the listed Malthouse buildings, and to reduce the scale of the proposed tower to fit with the skyline of the existing Docks area.

4.6 Historic Buildings and Places (Ancient Monument Society)
Objection

For a number of reasons, the development fails to comply with the aims of Chapters 12 and 16 of the NPPF. Whilst there is no objection in principle to the restoration of the northern range of the listed building, there are concerns over the design and number of new openings/use of balconies etc.

The main content of the objection is to the New Build summarised below:

The tower element of this application is unacceptable due to:

- *the harm to the significance and setting of a number of adjacent and nearby heritage assets.*

It is also advised that , should the LPA be minded to approve the scheme, a mechanism to ensure the listed building restoration works are secured should be put in place (in accordance with NPPF para. 204).

Queries in relation to the accuracy of some of the application documentation were also submitted.

4.7 **The Victorian Society** Objection

This proposal would not result in the conservation of the significance of the listed building, or the setting of the Docks Conservation Area and nearby listed buildings. Considering a less harmful proposal was approved previously there is no clear or convincing justification why this cannot be implemented.

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 Press and site notices were published.

5.2 Four third-party responses to the public consultation were received:

Objections have been summarised as follows:

- The nine-storey building is too tall within this area of mainly 4-5 storey buildings;
- Overly modern design not in keeping with the character of the listed building.

Support has been summarised as follows:

- Downings Tower would be a striking and welcome addition to the city's skyline and appears to be the only realistic method of funding the regeneration of Maltings Warehouse - a building of unique character which deserves to be saved and put to good use.

5.3 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>

6.0 **OFFICER OPINION**

6.1 **Legislative background**

Section 16(2) of the Planning, Listed Buildings and Conservation Areas Act. 1990 (as amended) states that:

In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.2 There is no statutory requirement for a local planning authority to consider applications for

listed building consent against the relevant policies of the development plan. However, the planning objectives for an area (including national planning objectives) may well be material to the considerations of such consents.

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS), The Gloucester City Plan (GCP) and the partially saved 1983 City of Gloucester Local Plan. However, as detailed above, the 1983 Local Plan is considered to be out-of-date. Both the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations.

6.4 The main issue to consider is:

- **The impact of the development on the special architectural or historic interest of the listed building.**

7.0 Impact on the special architectural or historic interest of the listed building

7.1 At a national policy level, para. 199 of the NPPF states that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paras. 200-202 go on to state that 'substantial' harm to a grade II listed building should only be permitted where 'exceptional' circumstances are justified, with substantial harm only permitted if it is demonstrated that the loss of significance is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

'Less than substantial' harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

7.2 JCS policy SD8 and GCP policies D1-D5 set out the local policy considerations for development affecting a range of heritage assets with policy B4 also seeking to ensure that development within the Docks and/or adjacent to the canal responds to the significance of the historic docks conservation area and other individual heritage assets. Both JCS SD8 and GCP D1 require development proposals to conserve the character, appearance and significance of designated heritage assets and their settings. GCP D1 goes on to state that proposals should demonstrate:

- 1. The protection and enhancement of existing heritage assets and their settings in proportion with the significance of the asset; and*
- 2. The conservation of features that contribute to the significance of a heritage asset, including structures forming part of the curtilage; and*
- 3. The proposed use of the heritage asset is compatible with the preservation or enhancement of its significance; and*
- 4. The proposal conserves and enhances the character, appearance and architectural quality of the area and wider setting in terms of siting, scale, form,*

proportion, design and materials; and

5. The use of high quality and locally distinctive materials following traditional building methods and detailing, where appropriate; and

6. Retains important views into or out of the Conservation Area.

Development involving substantial harm to, or the loss of designated heritage assets will only be granted in very exceptional circumstances. The condition of an historic building resulting from deliberate damage and neglect will not be considered in any decision.

- 7.3 The application site includes a grade II listed building (Downings Warehouse.) that will experience direct impacts from the proposal and has already experienced significant demolition agreed as part of the extant 2016 listed building consent. Part of the proposal (the link bridge) will also connect into the grade II listed Malthouse Ext. so there will be some physical impact on that building.
- 7.4 With the potential for a number of listed buildings to be physically affected, it is first pertinent to understand what the 'significance' of the various heritage assets may be, and how this could be impacted upon by the proposal. If harm is recognised it must be defined as either 'less than substantial' or 'substantial'. The NPPG advises that within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.
- 7.5 The NPPF Glossary describes 'significance' as the value of a heritage asset to this and future generations because of its heritage interest, derived not only from a heritage asset's physical presence, but also from its setting.

Historic England's GPA2 guidance generally advises the following with regards to the assessment of significance within planning assessments:

Development proposals that affect the historic environment are much more likely to gain the necessary permissions and create successful places if they are designed with the knowledge and understanding of the significance of the heritage assets they may affect...The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest...

Considering the above, the greatest level of impact from the development would be to the significance of Downings Warehouse that would be directly impacted upon by the physical works. Secondly, the Malthouse Ext. would experience some physical impacts (the construction of the bridge link).

7.6 **Significance of Downings Malthouse**

Downings Malthouse is a grade II listed late C19th building constructed in the 1890s by Walter B Wood of Gloucester, for G and WE Downing (maltsters). It comprises part of a cluster of listed buildings in this area which also include the Malthouse Ext, Transit Shed and the Provender Mill (all listed in the 1970s). Downings Malthouse is in a poor condition and has been on the Gloucester Heritage at Risk Register for over 20 years. Works of demolition were agreed in principle under the 2016 planning permission. In 2020 demolition works were formally agreed as a discharge of condition, mainly in the interests of public safety. The extent of the demolition works included:

- The removal of the 1950s concrete silo to the south of the Orchard St. warehouse;
- Removal of a section of the warehouses southern wall to enable access into the historic building;
- Removal of roof including internal support;
- Erection of scaffolding to stabilise the remaining walls (some of which are now

freestanding).

The demolition works (approved by the LPA) resulted in the loss of a significant amount of historic fabric from the grade II listed building and, it was agreed under the discharge of condition that as much of the historic fabric of the building should be retained (for reuse within the subsequent redevelopment). At the time of the works it proved difficult/unsafe for the applicant to be able to access the building to assess the extent of material that could be retained. However, it has since been confirmed that a number of iron pillars, timbers and bricks from the building have been able to be retained for reuse within any subsequent scheme.

- 7.7 Whilst much of the interior of the Downings Malthouse complex has been lost, the majority of its facades, with their distinctive features, form and detailing, remain. It is within these façades that much of the significance of this historic building now lies, with these elements retaining historic, architectural and evidential value.
- 7.8 The current proposal seeks to retain the majority of the walls that have been left in-situ following the demolition but, due to the need for the new development to be served by natural light some loss of historic fabric is proposed predominantly to create new door and window openings. Initially, the alterations proposed to the north-west elevation of the Orchard St. building were unsympathetic to the existing architectural features of the building (failing to take advantage of the existing brick recesses to frame new openings). The original scheme also sought to remove original warehouse window openings (that face into High Orchard Street), inserting larger openings with recessed balcony areas. A revised scheme was submitted including improved design of the new window openings (north-west facing) as well as the retention of the High Orchard Street warehouse windows. In terms of the conversion of the High Orchard St. Warehouse and Kiln, the amended design is considered to offer improvement, but there remains an element of harm due to the additional loss of historic fabric required for new window openings.
- 7.9 The council's Conservation Officer (GCC-CO) has raised an objection to the development, considering that the New Build element (in combination with the loss of additional historic fabric) would result in substantial harm to the significance of the grade II listed building. The GCC-CO disagrees with the applicant's approach to the assessment of the significance of the listed building disputing the approach that, because Downings Malthouse has lost extensive fabric there is justification for further changes or loss with only minimal or no harm being caused. The GCC-CO notes Historic England's guidance¹ stating that:

Where the significance of a heritage asset has been compromised in the past... consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset in order to accord with NPPF policies.

I agree with the GCC-CO's view that the applicant is incorrect to present the assumption that further interventions arising from additional loss of historic fabric are diminished due to previous works. However, I do not entirely agree with the extent of additional harm that has been identified by the GCC-CO. The lawful fall-back permission is a material planning consideration that balances against the level of additional harm expected to be caused to the remains of the Downings Malthouse listed building. Should the applicant continue to implement the previously approved development, further loss of historic fabric would occur. I am satisfied that losses would be comparable to that currently proposed.

- 7.10 The loss of historic fabric is not the only issue and the overall design of the scheme and impact of it on the significance of the listed building (as a whole) must be considered. The

¹ Historic England – GPA2: Managing Significance in Decision-Taking in the Historic Environment

GCC-CO does not dispute that the reinstatement of the northern range of Downings Warehouse (the warehouse and former no.2 Kiln) would be achieved. A level of harm would arise from new fenestration openings and creation of areas of modern public realm and parking/servicing areas (within the setting – potentially mitigated by use of appropriate materials see Conservation Area section below). However, the historic form and some of the architectural detailing that identifies the building's former uses (such as the reinstatement of the kiln roof detailing and restored signage on the NW elevation) will begin to restore some of the significance of the northern range and ensure that it can be appreciated as a historic building with links to Gloucester's industrial past. HE's GPA2 guidance recognises that the significance of a previously compromised heritage asset can be restored and in some cases enhanced. Taking into account the condition of the northern range and that the scheme proposed to reinstate much of its original scale, form and some of its architectural interest, I consider it reasonable to conclude that the restoration of the northern range of the building is a broad heritage benefit of the scheme that would restore some of the lost significance of the building, that must be balanced against overall harm.

- 7.11 The GCC-CO considers the manner in which the applicant is seeking to achieve the redevelopment of the southern range/former silo site, by separating the site from the northern range (High Orchard St. Kiln) from the southern section of the site and constructing what is effectively a new, taller structure will give rise to substantial harm to Downings Malthouse and its setting. It is stated that the change to the context of the historic building and how it is experienced, would change the character from that of a predominantly linear built form, to a site which will be dominated by an alien and incongruous tower, whose verticality, height and domestic character are some of its most obvious features. There is some agreement that the historic listed elements, when rebuilt or restored, will retain a linear industrial form. However, the GCC-CO concludes that because of the size of the proposed tower, the listed building will be experienced as a subsidiary feature on the site, losing its stature, status and prominence to the detriment of its significance.
- 7.12 I accept that the elements of the listed building that would remain (including the restored northern range) would be subsidiary features to the larger-scale New Build element and some of the linear form of the original building would not be reinstated. Along the north-western elevation, the New Build would be experienced as a clearly modern addition, separate to the historic building but, along the south-eastern elevation the linear footprint of the listed building would remain legible to some degree. This would particularly be the case within public views at ground level surrounding the site (as the majority of people would experience the building from the new public realm areas). Within longer range views, the historic elements of the building would be mostly screened from view. The buildings seen within the context of the site (particularly those modern buildings to the north and east) are taller than Downings Malthouse, not to the extent of the proposed New Build, but they are taller.
- 7.13 The concrete silo that was in place until 2020 was also a taller feature with a much larger massing than the northern section of the listed building. It essentially blocked any views of the historic Downings Malthouse from the south. The extant scheme, by restoring a smaller-scale modern southern range would have opened up views of the historic northern range improving its appreciation. This would have been an element of the scheme accepted as an enhancement. Clearly, the New Build now proposed would not achieve this and, by being taller than the former silo (albeit on a smaller footprint) and of a modern design and form, I must accept there would be some harm to the significance of the listed building and how it is appreciated. However, I consider this limited to a local level and would not affect how the building has been appreciated within the wider townscape (over and above the existing situation).

- 7.14 I accept that severing the physical links between the High Orchard Street Kiln wall and the other historic structures would be harmful to the significance of the remaining listed building. This is an undesirable aspect of the design and the retention of the historic walls as unbroken features would be preferred. However, the removal of this section of the wall serves other competing elements of the overall design (the need to ensure natural light can be accessed). It also opens up a better appreciation of the southern elevation of the former kiln, by separating the restored section of the historic building from the obviously modern addition of the New Build element.
- 7.15 There is also some historic justification to the proposal to sever part of the listed building as proposed. The Downings Malthouse was originally developed in two phases with the Malthouse and kiln No.1 built in the early 1890s and the addition of the northern range (malthouse and kiln no.2 – the more substantial section of the remaining listed building) constructed a few years later. The original southern range was mostly demolished in the 1950s and replaced by the concrete silo. Whilst the building had remained physically connected through the 1950s redevelopment, almost all of the historic architecture of the original range was lost, with only the High Orchard Street kiln wall remaining. That wall is to be retained but, with a different form of development replacing the concrete silo. The applicant has attempted to secure alternative designs reinstating the massing and form of the silo in a modern reinterpretation. Objections were made at pre-application stage (by both Historic England and the GCC-CO at the time) with general advice given that a separation of modern architecture from the historic architecture (rather than some form of pastiche incorporating both elements) was preferred. In my view, it is also reasonable to balance this harm against the enhancement that would arise from the reinstatement of the bridge link between the northern range and Malthouse Ext. Whilst the replacement bridge would be a modern design it would ensure the physical connection between these two buildings (and in terms of their future appreciation the historic, functional link) is reinstated.
- 7.16 Previous pre-application schemes that sought to remove the majority of the remaining southern elements of the historic building received objections and the applicant has reached the design in an attempt to balance the competing need to secure a viable development against the need to retain as much of the remaining listed building as possible.
- 7.17 I disagree with the GCC-CO's opinion that the retained section of wall (from the original C19th southern range) would be read as an add-on, rather my view is that the clearly modern New Build will be seen as an obviously later addition to the site. Retaining the wall allows some appreciation of the building that formerly occupied the site (the original C19th building not the 1950s silo), including its detailing and linear form. The context of this wall may appear somewhat confusing following its separation from the northern range but, the applicant has agreed to commission a number of information boards to be placed within the new public realm. Whilst not a formal record of the previous building the information boards can be placed at points that will help to explain what has been lost and what has been retained (to members of the public). Whilst not justifying the loss to the significance of the building the information can draw public attention to the lost significance of the building can go some way towards providing some understanding of the significance of the heritage asset in line with NPPF para. 205.
- 7.18 **'Less than substantial' or 'substantial' harm to the listed building?**
The matter of 'substantial' harm versus 'less than substantial' harm is not clearly defined by planning policies or guidance, other than being a high-bar test. HE's GPA2 guidance states that substantial harm is a high test which may not arise in many cases. The NPPG goes on to provide more detail:

Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

- 7.19 As above I have recognised that the restoration of the northern range of the listed building is a broad heritage benefit of the scheme. The loss of additional historic fabric to permit the creation of additional window and door openings along with other modern alterations are, in my view harmful, but essential to ensure the optimum viable use of the northern range can be secured. Conditions can be used to ensure that all works of repair/replacement including materials and building methods are secured and agreed prior to commencement. Specific conditions can also ensure that details relating to the restoration of specific architectural elements of the building (i.e. the ghost signage). I also note third-party concerns relating to the structure of the existing building and how this would be supported during the construction phase. My assumption is that the current scheme of scaffolding and support would remain in place until works had been completed to create the basement areas and provide support for the remaining structure. However, to ensure a precautionary approach to the protection of the remains of the building is taken I consider a suitably worded condition can secure full details of building protection measures to be adopted (to be agreed prior to commencement).
- 7.20 I accept that the height and form of the New Build contrast with the remains of the listed building and will result in some harm to its significance. However, the design of the New Build element, set predominantly within the area of the site formerly occupied by the 1950s silo, would allow the retention of some of the remaining walls of the original southern range of the listed building, whilst enabling the more sympathetic restoration of the northern range. The relatively small, triangular footprint of the New Build has been designed to ensure the existing original walls can be retained and stabilised. As such, the historic linear form of the listed building would remain partly legible and able to be appreciated and understood by the public into the future. I consider the appreciation of the remaining elements of the original building would not substantially change over and above that possible when the concrete silo was in place. I consider the public information boards proposed by the applicant would provide some better appreciation of the history of the southern range and why part of it has been retained.
- 7.21 The GCC-CO has stated that the New Build would change how the building was experienced, particularly within short-range views as it would be notably taller than the remains of the listed building, noting that the distinctly modern architecture set against the historic architecture would be jarring. However, I do not consider the modern architecture would be jarring to the point that it would result in 'substantial' harm to the significance of the building. As noted above, for a number of decades the southern section of Downings Malthouse was dominated by a concrete silo, a very stark piece of utilitarian architecture, that was taller than the northern section of the building. The former presence of the silo does not negate the harm from the taller development (the New Build is proposed to be taller than the silo, but smaller in footprint) but, I consider the New Build is of a much higher-quality of design that would temper the additional harm caused by the taller built form.
- 7.22 The extant planning permission recognised that the removal of the silo was a heritage

benefit of the scheme and the design of the 2016 permission, a reinstatement of a smaller-scale southern range would have been a broad enhancement to the appreciation of the overall listed building. The taller New Build will result in some harm (over and above that of the extant consent) but, would not go as far as reinstating the larger footprint, mass, bulk and poor architecture of the 1950s silo (that was in place at the time of listing). The design of the New Build, utilising larger areas of glazing within a modern reinterpretation of the adjacent historic warehouses, would create a more open, lighter-weight built form than those of the surrounding historic warehouses. I do not consider this would be as harmful as reinstating the former concrete silo, but accept that it would result in some harm over and above the extant planning permission.

7.23 Taking into account the above considerations I am of the view that the overall impact of the proposal on the significance of the listed building is 'less than substantial' harm at the higher end of the spectrum. In line with NPPF para. 202 the harm must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I will weigh the heritage benefits and harms together below, following further assessment the impacts of the proposal on heritage assets.

7.29 **Malthouse Extension**

As stated above, I consider the reinstatement of the bridge link between the Malthouse Ext. and restored northern range of Downings Malthouse would be a positive aspect of the development that would restore the physical link between the two buildings ensuring that the historic link between the buildings can be appreciated into the future. A condition to secure full details of how the bridge link will connect into the Malthouse Ext. is reasonable and necessary to ensure the works are acceptable.

7.30 **Conclusions**

Taking into account the views of Historic England, the GCC-CO, national amenity societies, the lawful fall-back position and the significance of the site (and how this would be changed) I conclude that a 'less than substantial' harm would be caused to the significance of the listed building at Downings Malthouse with a neutral impact on the Malthouse Ext. (subject to a condition to secure further details of the feature bridge). With regards to the harm to the listed building within the site I weigh this at the higher end of the scale but, for the reasons set out above, do not consider the proposal would cause substantial harm. With regards to other heritage assets (depending on their status) I weight this harm broadly at the moderate-to-lower level.

7.31 In line with the NPPF I have given great weight to the harm that would be caused to the listed building at Downings Malthouse, particularly to the harm that would arise from the New Build of the development.

I have also considered the range of public benefits that would arise from the scheme. The NPPF recognises that examples of heritage benefits may include:

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting;*
- *reducing or removing risks to a heritage asset;*
- *securing the optimum viable use of a heritage asset in support of its long term conservation.*

I am satisfied the proposal would secure the optimum viable use of the northern range of Downings Malthouse and the proposal would certainly result in the building being removed from the at risk register. Several heritage consultees including the GCC-CO,) do not dispute that some of the significance lost to the northern range would be broadly restored (despite some design criticisms) and this element of the scheme is noted as being much less controversial than the New Build. Subject to the use of conditions to secure full details

of the restoration works, repairs and replacement works I am of the conclusion that the works to restore the northern range are justified and would continue to allow appreciation of the special historic and architectural interest of the building into the future.

- 7.32 When viewed in isolation from the wider Bakers Quay site, the proposed New Build development goes beyond what could be considered to be the 'optimum viable use' of the Downings listed building. However, the site is part of the wider Bakers Quay regeneration and I consider it is reasonable to view the current proposal alongside its impacts on the listed buildings within Bakers Quay. This is particularly important when considering that the redesigned scheme would secure the optimum viable use of the grade II listed Malthouse Ext. which is a substantial listed building occupying an prominent canal-side location and the Transit Shed. The applicant confirms the Malthouse Ext. is still within a condition capable of being converted without significant rebuilding (unlike the Downings Malthouse). Completing the Bakers Quay regen scheme would ensure the optimum viable use of a group pf listed buildings was also secured.
- 7.43 The Malthouse Ext. could (in theory) be converted without the current development taking place. The listed building consent is extant. However, the applicant has been able to demonstrate that the Malthouse Ext. conversion is not viable without the current redesign of the Downings Malthouse redevelopment. Phase 1 of Bakers Quay has been built-out with minimal profit being returned to feed into Phase 2. Of the Phase 2 developments permitted, the options to redesign the scheme are somewhat limited to the former silo site within the Downings Malthouse site area. Other options have been explored through various designs and pre-application discussions with the council and have been discounted with the current scheme presented as a balance between the heritage constraints of the site and the need to ensure the wider regen scheme can still be delivered.
- 7.44 In broad terms, the principle of the Bakers Quay regen scheme, as established in 2016, was a mixed-use scheme of heritage conversion/restoration works supported by profits to be secured by modern development. I am satisfied the applicant's viability assessment (and council's third-party review) has demonstrated that still remains the case and the quantum of development now proposed will enable the delivery of the site within the next few years. In the context of para. 204 of the NPPF that...

...local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred...

I consider the weight that should be given to the support this development would provide to the completion of the Bakers Quay regeneration scheme is significant. It would ensure the special architectural and historic interest of a range of listed buildings are preserved for future generations to appreciate. Subject to the recommended conditions I consider that, on balance, the scheme will comply with the aims of the NPPF, GCP policies A1, B4, D1 and D3 and JCS policy SD8.

Overall, taking into account all material considerations, I do not find the proposal conflicts with the requirements of Section 16 of the LBC Act. and listed building consent should be approved.

8.0 RECOMMENDATION

That listed building consent is **GRANTED** subject to the conditions laid out in the schedule below.

8.1 Conditions Schedule

- 1 The works hereby permitted shall be begun before the expiration of three 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 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2
- Except where these may be modified by any other conditions attached to this permission, 9959-PL01 – Site Location Plan;
 - 9959-PL02 – Proposed Site Layout;
 - 9959-PL03 – Existing Site Plan;
 - 9959-PL04 – Existing Block Plan;
 - 9959-PL05 – Proposed Block Plan;
 - 9959-PL10 – Proposed Lower Ground Floor Plan;
 - 9959-PL11 – Proposed Ground Floor Plan;
 - 9959-PL12 – Proposed First Floor Plan;
 - 9959-PL13 – Proposed Second Floor Plan;
 - 9959-PL14 – Proposed Third Floor Plan;
 - 9959-PL15 – Proposed Fourth Floor Plan;
 - 9959-PL16 – Proposed Fifth Floor Plan;
 - 9959-PL17 – Proposed Sixth Floor Plan;
 - 9959-PL18-Rev.F – Proposed Seventh Floor Plan;
 - 9959-PL19 – Proposed Eighth Floor Plan;
 - 9959-PL20 – Proposed Ninth Floor Plan;
 - 9959-PL21 – Proposed Roof Plan;
 - 9959-PL22-Rev.A – Proposed Elevations Downings Malthouse;
 - 9959-PL23 – Downings Tower Elevations D & B;
 - 9959-PL24 – Proposed Street Sections Sheet 01;
 - 9959-PL25 – Proposed Street Sections Sheet 02;
 - 9959-PL26 – Proposed Substation Plans and Elevations;
 - 9959-PL27 – Downings Tower Proposed Elevations C & A;
 - 9959-PL28 – Feature Bridge, Plans, Elevations and Section;
 - 9959-PL30 – Proposed Longitudinal Section Plan;
 - 9959-PL36 – Hard and Soft Landscape Plan;
 - 4301-Rev.C02 – The Downings Private Drainage Details;
 - 4106-Rev.C01 – The Downings Existing & Proposed Catchment Plans;
 - 4100-Rev.C02 – The Downings Levels & Drainage Layout;
 - 4106-Rev.C02 – Proposed Levels & Drainage Layout to Car Park;
 - 4731-Rev.C02 – Car Parking Strategy.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to the commencement of any works to any building/structure details of structural stabilisation work to the building or works in the interests of public safety shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed only in accordance with the approved details.

Reason: To preserve the special interest of the listed building in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).

- 4 No works shall commence on any existing building/structure other than structural stabilisation or non-invasive works to make it weathertight and secure or works in the interests of public safety until a structural and condition survey for the building has

been submitted to and approved in writing by the Local Planning Authority. This shall include information on structural alterations proposed and alternative options.

Reason: To preserve the special interest of the listed building in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).

- 5 Notwithstanding the submitted information, no works shall commence on any existing building/structure other than structural stabilisation or non-invasive works to make it weathertight and secure or works in the interests of public safety until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic environment work for that building in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme will provide for archaeological recording of significant elements of the historic built environment that are likely to face an impact from the proposed development and any proposed demolition, with the provision for appropriate archiving and public dissemination of the findings. A full recording schedule will be required itemising these features together with a photographic record and location reference by plan.

Reason: The proposed development site includes significant elements of the historic built environment. The Council requires that these elements will be recorded in advance of any redevelopment or demolition and their record be made publicly available. This accords with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policies D1 and D3 of the Gloucester City Plan (adopted January 2023).

- 6 Notwithstanding the submitted information, no works shall commence on any existing building/structure other than structural stabilisation or non-invasive works to make it weathertight and secure or works in the interests of public safety until plans and a schedule identifying architectural and or/historical features within that building (to include but not be limited to windows, doors, door shutters, hatches, storage bins, water storage tanks and chutes), and assessment of the significance of retained machinery or other operational equipment, and the identification of those proposed for retention or reuse elsewhere in the scheme (with details of the method of storage as applicable) have been submitted to and approved in writing by the Local Planning Authority. Works shall proceed only in accordance with the approved details.

Reason: The proposed development site includes significant elements of the historic built environment. The Council requires that these elements will be recorded in advance of any redevelopment or demolition and their record be made publicly available. This accords with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policies D1 and D3 of the Gloucester City Plan (adopted January 2023).

- 7 No works shall commence on the Downings Malthouse site other than structural stabilisation or non-invasive works to make it weathertight and secure or works in the interests of public safety until a contract for the carrying out of the works of redevelopment of this building has been let and proof of such has been provided to, and written confirmation of its acceptability has been given by, the Local Planning Authority.

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and

Conservation Areas) Act 1990.

- 8 No works shall commence to any building other than structural stabilisation or noninvasive works to make it weathertight and secure or works in the interests of public safety until a Demolition/Dismantling and Excavation Statement for that building has been submitted to and approved in writing by the Local Planning Authority. The Demolition/Dismantling and Excavation Statement shall identify the method of demolition or dismantling or excavation together with the necessary protection for the upstanding structures, detailed drawings identifying the specific areas to be demolished/dismantled/excavated both internally and externally and clarification of any building materials to be reused and storage details for them. Works shall proceed for each building only in accordance with the approved statement.

Reason: To preserve the special interest of the listed building in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).

- 9 No works shall commence to a building other than structural stabilisation or noninvasive works to make it weathertight and secure or works in the interests of public safety until a mechanical and electrical survey report has been submitted to and approved in writing by the Local Planning Authority. This report shall determine the most appropriate method for the introduction of modern services into the building. Works to that building shall proceed only in accordance with the approved details.

Reason: To preserve the special interest of the listed building in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).

- 10 No works shall commence to any building other than structural stabilisation or non-invasive works to make it weathertight and secure or works in the interests of public safety until the following have been submitted to and approved in writing by the Local Planning Authority:
- details and samples of all new external materials
 - details and samples of any new roofing materials
 - method statement for the refurbishment of any external historic signage to the building
 - method statement for works to the High Orchard Street Kiln Wall
 - method statement for repair of retained timber hoist structure
 - scaled drawings and method statements for all new interventions within the building including structural works, floors, partitions, ceilings, flooring, staircases, and vehicular access openings
 - details of internal finishes and fire/acoustic insulation measures
 - scaled drawings and sections of new or altered rooflights, windows and doors
 - scaled drawings and details of materials for any balconies
 - scaled drawings of routes for all new mechanical and electrical services including media provision, and scaled elevation drawings and product details identifying external flues, vents, extracts, meter boxes, media receiving equipment or other external plant or equipment
 - scaled drawings of any bat boxes
 - specification of guttering and downpipes
 - scaled drawings and sections of new/reconstructed eaves detail
 - details of materials, scaled drawings and sections for new dormers
 - details of materials, scaled drawings and sections for new hoist structure

- details including materials, scaled drawings and sections of louvred vent
- details of materials, scaled drawings and sections for bridge, including feature details

Works to that building shall proceed only in accordance with the approved details.

Reason: To preserve the special interest of the listed building in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).

- 11 Any new or (reconstructed) walling shall be constructed in strict accordance with details of bonding, pointing and materials which have first been submitted to and approved in writing by the Local Planning Authority and such details shall be demonstrated by the prior construction of a sample panel. The panel shall be retained on site until the completion of the walling.

Reason: To preserve the special interest of the listed building in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).

- 12 No works shall commence to the Downings Malthouse site other than structural stabilisation or non-invasive works to make it weathertight and secure or works in the interests of public safety until a Repair and Restoration Method Statement for the refurbishment works for that building has been submitted to and approved in writing by the Local Planning Authority. This shall include a schedule and the identification of areas for repair and restoration and address rainwater goods, brick cleaning, stone and brick repair methodologies and materials. Works to that building shall proceed only in accordance with the approved Method Statement.

Reason: To preserve the special interest of the listed building in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).

- 13 Prior to the commencement of any works to the kiln arches at basement/ground floor within Downings Malthouse, details of their retention, exposing of the lower remains and interpretation in the finish of the building shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed only in accordance with the approved details.

Reason: To preserve the special interest of the listed building in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).

- 14 Prior to the commencement of any works to Downing Malthouse other than structural stabilisation or non-invasive works to make the buildings weathertight and secure or works in the interests of public safety, an assessment of options for the structural proposals for the retained building elements along with scaled plans and sections of the proposed structural solution, shall be submitted to and approved in writing by the Local Planning Authority. The works shall proceed only in accordance with the approved details.

Reason: To preserve the special interest of the listed building in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and

15 **Downings Tower**

Any new walling shall be constructed in strict accordance with details of bonding, pointing and materials which have first been submitted to and approved in writing by the Local Planning Authority and such details shall be demonstrated by the prior construction of a sample panel. The panel shall be retained on site until the completion of the walling.

Reason: To preserve the special interest of the listed building and setting of a number of designated heritage assets (listed buildings and conservation area) in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).

16 Notwithstanding the submitted information the following elements of the scheme shall not be installed unless in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

- Rooflights;
- Windows;
- Balconies;
- External doors;
- Signage;
- Steps;
- Rainwater goods;
- Clock.

The details of the above shall include the following:

- Materials, finishes and colour;
- Elevations and section drawings to include moulding cross sections, where mouldings are used.

Reason: To preserve the special interest of the listed building and setting of a number of designated heritage assets (listed buildings and conservation area) in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).

17 No work to the Downings Tower shall commence until samples of the salmon brick, white brick, sage metal cladding, bronze metal cladding, standing seam metal roof and surface paving proposed to be used 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.

Reason: To preserve the special interest of the listed building and setting of a number of designated heritage assets (listed buildings and conservation area) in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).

Notes

- 1 This permission is for listed building consent and should be read in conjunction with the planning permission issued by the local planning authority (Gloucester City Council) under

application ref: 22/00563/FUL.

2. 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 Gloucestershire Building Control Partnership on 01453 754871 for further information.

Any alterations to the submitted and approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the local planning authority and, if necessary may require a new application for listed building consent.

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 1996. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DCLG publication Preventing and resolving disputes in relation to party walls – explanatory booklet.

4. 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.

David Millinship

24th March 2023

DECISION: GRANT

Signed:

Dated: