

Item No 09:-

16/03332/FUL (CT.9170/B)

**50 Gloucester Street
Cirencester
Gloucestershire
GL7 2DH**

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Partially demolish existing boundary wall and create off-street parking for 50, 52 and 54 Gloucester Street at 50 Gloucester Street Cirencester Gloucestershire GL7 2DH

Full Application 16/03332/FUL (CT.9170/B)	
Applicant:	Keith Angus Chartered Architect
Agent:	Keith Angus Chartered Architect
Case Officer:	Katherine Brommage
Ward Member(s):	Councillor Mark Harris
Committee Date:	9th November 2016
RECOMMENDATION:	REFUSE

Main Issues:

- (a) Principle of Development
- (b) Impact on Designated Heritage Assets
- (c) Access
- (d) Arboriculture Impact
- (e) Other Matters

Reasons for Referral:

The Ward Member, Councillor M Harris, has called the application to Planning Committee as he does not feel able to delegate authority for refusal due to his position as Chairman of the Cirencester Parking Board but requests, notwithstanding that conflict, that Planning Committee are given the opportunity to consider the benefit of the creation of off-street parking in this case, albeit a small amount.

1. Site Description:

50, 52 and 54 Gloucester Street form a terrace of three matching properties, built in 1902 for the Bathurst Estate. The properties are in a C17th style, with ashlar masonry to the front and rear elevation and wings in brick. The rear boundaries of the properties front Trafalgar Road and are contained by a dry stone retaining wall. 50, 52 and 54 Gloucester Street are all Grade II listed. The properties are also located within the Cirencester Conservation Area (Character Area 4) and Flood Zone 1, 2 and 3.

2. Relevant Planning History:

15/01939/FUL Partial demolition of rear boundary wall, felling of a silver birch, construction of a new retaining wall and formation of new vehicle access. Withdrawn 28.07.2015.

15/01940/LBC Partial demolition of rear boundary wall, felling of a silver birch, construction of a new retaining wall and formation of new vehicle access. Withdrawn 28.07.2015.

3. Planning Policies:

- LPR10 Trees, Woodlands and Hedgerows
- LPR15 Conservation Areas
- LPR18 Develop within Development Boundaries
- LPR38 Accessibility to & within New Develop

LPR39 Parking Provision
 LPR42 Cotswold Design Code
 LPR45 Landscaping in New Development
 LPR46 Privacy & Gardens in Residential Deve
 LPR49 Planning Obligations & Conditions
 NPPF National Planning Policy Framework

4. Observations of Consultees:

Conservation Officer: Recommends refusal (comments summarised in 'Officers Assessment').

Tree Officer: No objection subject to replacement planting, amendments (replacement tree planting scheme) required prior to determination (comments summarised in 'Officers Assessment').

County Archaeologist: No objection; subject to condition (comments summarised in 'Officers Assessment').

Drainage Officer: No objection; subject to condition (comments summarised in 'Officers Assessment').

5. View of Town/Parish Council:

'Members had no objection to the partial demolition of the existing boundary wall and the creation of off-street parking for 50, 52 and 54 Gloucester Street.'

6. Other Representations:

None received to date.

7. Applicant's Supporting Information:

Plans/Drawings
 Covering Letter
 Design and Access Statement

8. Officers Assessment:

(a) Principle of Development

The application site is located within the development boundary for Cirencester as adopted by the Cotswold District Local Plan 2001-2011. As such there is no objection in principle to the development proposals, subject to their degree of compliance with other policies contained in the Local Plan and the relevant provisions of national planning policy, namely the National Planning Policy Framework (NPPF).

(b) Impact on Designated Heritage Assets

Numbers 50, 52 and 54 Gloucester Street are Grade II Listed Buildings. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving these buildings, their settings, and any features of special architectural or historic interest they may possess, in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Numbers 50, 52 and 54 Gloucester also lie within the Cirencester Conservation Area (Character Area 4), wherein the Local Planning Authority is statutorily obliged to pay special attention to the

desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Section 7 of the NPPF requires good design. Paragraph 58 states that decisions should ensure that developments: function well in the long term and add to the overall quality of an area; establish a strong sense of place, creating attractive and comfortable places; and respond to local character and history, reflecting the identity of the surroundings and materials, whilst not stifling innovation. Paragraph 60 states that local distinctiveness should be promoted or reinforced and Paragraph 61 that connections between people and places, with the integration of new development into the built and historic environment.

Section 12 of the NPPF asks that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 132 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also states that significance can be harmed through alteration or development within the setting. Paragraph 134 states that where proposals will cause harm to the significance of a designated heritage asset that is less than substantial harm, that harm is weighed against the public benefits of those works.

Local Plan Policy 15 of the Cotswold District Local Plan states that development within or affecting a Conservation Area must preserve or enhance the character or appearance of the area as a whole, or any part of that area. It states that development will be permitted unless: it involves the demolition of a building, wall or other structure that makes a positive contribution; new or altered buildings are out-of-keeping with the special character or appearance of the area in general or in a particular location (in siting, scale, form, proportions, design or materials); or there would be the loss of open spaces that make a valuable contribution or allow important views into or out of the Conservation Area.

Policy 42 of the Local Plan requires that development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of the Cotswold District with regard to style, setting, harmony, street scene, proportion, simplicity, materials and craftsmanship.

50, 52 and 54 Gloucester Street form a terrace of three matching properties, built in 1902 for the Bathurst Estate. The properties are in a C17th style, with ashlar masonry to the front and rear elevation and wings in brick.

The rear boundaries of the properties front Trafalgar Road and are contained by a dry stone retaining wall. The proposal is to create an opening in this wall across the three properties to form three new private parking spaces, one for each property. The opening will be 10.5m in width with 1m ribs of the dry stone retaining wall retained at each end. The rear sections of the gardens will be lowered by approximately 1m to form parking spaces level with Trafalgar Road. A stone faced retaining wall will be constructed to the rear of the parking spaces with black painted railings and steps up to the remaining gardens.

A previous application for the removal of a section of this wall to provide parking to number 54 Gloucester Street (Ref: 15/01940/LBC) was recommended for refusal in July 2015 due to its impact on the historic boundary feature of the listed building and on the character and appearance of the Conservation Area. The application was subsequently withdrawn.

It is noted that parking is permitted directly adjacent to the rear wall between 6:30pm and 8am and that two public parking spaces here will be lost as part of the proposals.

The stone retaining wall facing Trafalgar Road appears to represent part of the integral historic boundary feature of the listed buildings and is a notable positive feature of the character of this particular part of the Conservation Area.

The Conservation Officer has raised substantial concerns regarding the extensive changes to the appearance of this retaining wall. The appearance of the boundary would change considerably, being replaced by a large open parking area. The proposals will result in the demolition of almost the entire length of this wall. Retaining small nibs of this wall at either end is not considered to mitigate the extensive loss of historic fabric, removal of the historic boundary of the property or harm to the character and appearance of the Conservation Area and/or setting of the listed buildings.

The prevailing character along this part of Trafalgar Road is stone walls with occasional vehicular access. The neighbouring properties (Nos 56-58) have created a large open parking bay. It is not clear when this work was carried out and whether it was authorised, however the result is visually undesirable and does not represent a precedent for further dilution of the character of the area.

The adopted Conservation Area Appraisal (CA2: Part 1: Section 3.9, p70) assesses the negative features and issues affecting Character Area 1 (Gloucester Street). One specific issue identified is: 'The occasional off-street parking area involving the loss of traditional boundary walls'. This proposal clearly falls into this category as a potential negative feature in respect of the Conservation Area but equally affecting the setting of the aforementioned listed buildings.

If the application were permitted it would likely be difficult to resist further applications for removal of other boundary walls in the area.

It is considered that the proposals are likely to fall into the category of 'less than substantial harm' in respect of the Conservation Area and listed buildings with regard to the relevant sections of the NPPF and therefore Paragraph 134 is relevant. Although considered 'less than substantial' under the terms of the NPPF; the harm identified is still regarded as considerable and in line with Paragraph 132 and Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 should be given great weight.

It is considered that the extent of harm caused by the proposals would not be outweighed by the public benefits in this case. The benefit of the proposals is limited to the provision of three off-street private spaces. Whilst this may have the potential to 'free up' public spaces elsewhere the public benefit that can be attached to such provision is limited; particularly when one considers that two public roadside spaces (although time limited spaces) will be lost as a result of the proposals, thereby decreasing the weight attached to such benefit.

Officers are appreciative of the local concern with regard to lack of parking within the town centre and the Council's priority to improve parking facilities but, notwithstanding this, it is considered that, on balance, the application proposals are without public benefits sufficient to outweigh the harm identified. Harm which is to be accorded great weight.

It is therefore recommended that the application is refused in accordance with the aforementioned policies and Section 12 of the NPPF.

(c) Access

The proposals have been submitted as a householder application. Since the proposals relate to three dwellings then Gloucestershire County Highway's Standing Advice applies.

It is noted from the submitted plans that no turning space is indicated. The parking proposed is arranged effectively as 'bay parking' which would presumably require vehicles to be reversed into and/or out of the proposed parking spaces. Whilst not the most ideal arrangement, it does appear to one reflected in the vicinity of the application site.

Trafalgar Road is not classified and, at the time of the case officer's site visit, appeared to be a relatively low trafficked road. Ordinarily creation of new residential accesses onto such roads tend to fall under permitted development, but they do not in this case since the removal of the boundary wall requires planning permission.

In any event, the impact of the proposals are not considered to be severe in the context of paragraph 32 of the NPPF which makes clear that 'Development should only be prevented or refused on transport ground where the residual cumulative impacts of the development are severe'.

On balance, it is considered unreasonable to refuse the application on grounds of highway safety since the proposals would appear to accord with the NPPF in this regard. Whilst not relied upon, it is noted that there are no third party objections to the proposals.

(d) Arboricultural Impact

The proposals as currently submitted will result in the loss of an existing silver birch tree. This tree is protected by virtue of its location in the Conservation Area in accordance with Local Plan Policy 10 and 45. The NPPF provides that planning policies and decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping (Section 7, paragraph 58).

Council's Tree Officer has been consulted on the application. It has been advised that the tree is a relatively young (15 year) silver birch. Whilst it appears to be in reasonable condition and fairly prominent it is replaceable within a 10 year period and therefore, on balance, it is not considered to be of overriding importance as long as it can be replaced in any landscaping for the site. This is consistent with the advice given in respect of application ref: 15/01939/FUL (withdrawn in 2015).

Notwithstanding this, officers are concerned about the ability to secure an adequate replacement within the application site given the extent of hard surfacing etc. proposed. Whilst there may well be a solution this needs to be demonstrated by the applicant and shown on the submitted plans before the application can be recommended for approval in accordance with Local Plan Policy 45.

Officers have contacted the agent of the application to advise them in respect of the above concerns and have offered opportunity to consider whether replacement planting can be accommodated within the scheme and shown on amended plans (so as to avoid the need to include an arboricultural reason for refusal). At the time of writing, no response has been received, it is therefore recommended that the failure to demonstrate the ability to provide suitable and appropriate replacement tree planting is included as a reason for refusal.

(e) Other Matters

Archaeology

The County Archaeologist has been consulted on the application given the extent of ground works proposed and their location within Cirencester which is known to be archaeologically sensitive.

The County Archaeologist has confirmed that the application site is archaeologically sensitive, since it is located within Cirencester's medieval settlement area. Ground works required for development in this locality may therefore have an adverse impact on archaeological remains.

The County Archaeologist notes that this development relates to land well to the rear of the frontage of Gloucester Street, where it can be assumed that any medieval settlement remains will be sparsely represented. It is therefore recommended that no archaeological assessment or evaluation should be undertaken in advance of the determination of the planning application.

However, in view of the large amount of ground works required for the proposed development it is recommended that it would be prudent to make provision for archaeological monitoring during construction, so that any medieval remains may be recorded, to be controlled by condition. Such a condition is considered to be necessary, reasonable and proportionate to the works proposed in accordance with the NPPF.

Flood Risk and Drainage

Paragraph 103 states that 'When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including a safe access and escape routes where required.'

The application site is located partly in Flood Zone 1 and partly within Flood Zone 2/3. Whilst the application is a householder application no additional residential floorspace or extension is proposed, as such there is considered to be no requirement to consult the Environment Agency or undertake an assessment in accordance with the Environment Agency's Standing Advice. Nonetheless, the requirement for local planning authorities to be satisfied that the proposals will not cause an increase of flood risk elsewhere remains.

To this end, the Council's Drainage Engineers have been consulted on the application. The Drainage Engineer has requested submission of a construction detail for proposed hard standings, with drainage channel incorporated. Such information is not however, a requirement prior to determination and can be conditioned, as recommended by the Drainage Engineer.

Considering the conservation comments above, officers consider the latter to be the better option in this case so as to reduce the applicant's costs at the application stage in the event that the application is refused.

Subject to condition therefore (requiring submission and approval of a surface water drainage scheme prior to commencement) officers are satisfied that the proposals will not result in an increase of flood risk elsewhere and accordingly, comply with the relevant provisions of the NPPF.

Residential Amenity

Given the distance between properties fronting Gloucester Street and Trafalgar Road there are considered to be no issues with regard to the loss of the rear boundary walls in respect of loss of privacy or residential amenity.

The rear of No. 50, 52 and 54 will become more visible from Trafalgar Road but given the length of the existing gardens and provision of new boundary features adequate residential amenity appears to be maintained.

The resultant garden areas remain an acceptable size for the size and function of the properties.

The proposals therefore accord with the provisions of Local Plan Policy 46 and the relevant provisions (Section 7) of the NPPF.

Conclusion

Numbers 50, 52 and 54 Gloucester Street are listed as being of special architectural or historic interest and the Local Planning Authority is statutorily required to have special regard to the desirability of preserving these buildings or their settings or any features of special architectural or historic interest they possess.

The site is located within the Cirencester Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the locality.

The proposals entail the removal of almost the entire length of this wall, resulting in extensive loss of historic fabric and removal of the historic boundaries of the properties. The loss of the wall, which makes a positive contribution to the Conservation Area, and its replacement with a large open parking area would also detract from the character and special interest of the listed buildings and the Conservation Area. For these reasons the proposals would fail to preserve the listed building. The proposals would also fail to preserve the character or appearance of the Cirencester Conservation Area. The significance of the designated heritage assets would be diminished.

Officers acknowledge that the proposals will result in the provision of off-street parking where availability of parking is constrained but the parking spaces to be provided are for private use only. Whilst this may have the potential to 'free up' public spaces elsewhere the public benefit that can be attached to such provision is limited; particularly when one considers that two public roadside spaces (although time limited spaces) will be lost as a result of the proposals, thereby decreasing the weight attached to such benefit. The resultant 'benefit' of the proposals is therefore essentially one additional private parking space.

Officers are appreciative of the local concern with regard to lack of parking within the town centre and recognise that it is a Council priority to improve parking facilities within the town but, notwithstanding this, it is considered that, on balance, the application proposals are without public benefits sufficient to outweigh the harm identified.

Paragraph 134 states that where proposals will cause harm to the significance of a designated heritage asset that is less than substantial harm, that harm is weighed against the public benefits of those works.

It is the view of officers, in the particular circumstances of this case, that the provision of additional private parking spaces do not outweigh the harm identified. Particularly since one must accord great/considerable weight to such harm. The proposals are therefore considered to be contrary to Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12 of the NPPF, and Policies 15 & 42 of the adopted Cotswold District Local Plan 2006.

There has also been a failure to demonstrate that suitable and appropriate replacement tree planting can be provided as part of the proposals to mitigate the loss of the existing silver birch in accordance with Local Plan Policy 45 and the NPPF.

It is therefore recommended that the application is refused.

10. Reasons for Refusal:

1. Numbers 50, 52 and 54 Gloucester Street are listed as being of special architectural or historic interest and the Local Planning Authority is statutorily required to have special regard to the desirability of preserving these buildings or their settings or any features of special architectural or historic interest they possess. The site is located within the Cirencester Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the locality. The proposal involves the creation of a 10.5 m wide opening in the dry stone retaining wall forming the rear boundary of the properties, retaining 1m nibs of the wall at either end. The works also involve lowering the last 6 metres of the three gardens by approximately 1m to road level, in order to form three private parking spaces. The prevailing character along this part of Trafalgar Road is stone walls with occasional vehicular access.

The stone retaining wall facing Trafalgar Road appears to represent part of the integral historic boundary feature of the listed buildings and is a notable positive feature of the character of this particular part of the conservation area. The proposals entail the removal of almost the entire length of this wall, resulting in extensive loss of historic fabric and removal of the historic boundaries of the properties. The loss of the wall, which makes a positive contribution to the conservation area, and its replacement with a large open parking area would also detract from the character and special interest of the listed buildings and the Conservation Area. For these reasons the proposals would fail to preserve the listed building. The proposals would also fail to preserve the character or appearance of the Cirencester Conservation area. The significance of the designated heritage assets would be diminished, and without public benefits in this case to outweigh that harm. The proposals are therefore contrary to Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 12 of the NPPF, and Policies 15 & 42 of the adopted Cotswold District Local Plan 2006.

2. Failure to demonstrate that suitable and appropriate replacement tree planting can be provided as part of the proposals to mitigate the loss of the existing silver birch in accordance with Local Plan Policy 45 and the NPPF.