

Item No 11:-

19/02969/FUL

**Abberley House
Park Street
Cirencester
Gloucestershire
GL7 2BX**

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Installation of A/C condenser to roof at Abberley House Park Street Cirencester Gloucestershire GL7 2BX

Full Application 19/02969/FUL	
Applicant:	Cotswold District Council
Agent:	
Case Officer:	Fern Lynch
Ward Member(s):	Councillor Mark Harris
Committee Date:	13th November 2019
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Design and Impact on the Listed Building
- (b) Impact on the Conservation Area
- (c) Residential Amenity Impact
- (d) CIL

Reasons for Referral:

The application has been brought before the Planning and Licensing Committee as required by the adopted scheme of delegation as the applicant is Cotswold District Council.

1. Site Description:

Abberley House is a designated heritage asset, being a Grade II Listed Building (on the statutory listing this is known as the Corinium Museum). The building is located within Cirencester Town Conservation Area and within the towns Development Boundary. The site is also within the Town's primary shopping area.

2. Relevant Planning History:

19/02864/LBC- Installation of A/C condenser to roof, PENDING DETERMINATION Nov 2019, this LBC application accompanies the FUL submission.
There are no other planning history entries of relevance.

3. Planning Policies:

NPPF National Planning Policy Framework
EN1 Built, Natural & Historic Environment
EN2 Design of Built & Natural Environment
EN10 HE: Designated Heritage Assets
EN11 HE: DHA - Conservation Areas
S3 S3 - Cirencester Central Area

4. Observations of Consultees:

CDC Environmental Regulatory Services (Pollution and Noise Officer): No objections and no additional conditions suggested.

5. View of Town Council:

No Objection: 'Members had no objection to the relocation of the a/c condenser from the café atrium to the flat roof at the rear of Abberley House. However, they have concerns relating to the potential noise level having an impact on neighbouring properties and whether the a/c condenser would be switched off at night.' The Town Council clerk has since been contacted to clarify that the proposal is for installation of an additional A/C unit externally and that it would be switched off outside of the cafe opening hours.

6. Other Representations:

Three third party comments received from the occupants of 4, 5 and 7 Black Jack Mews and raising the following concerns:

- i) A potential for the new A/C unit to increase noise pollution for residents of Black Jack Mews, especially if the unit was allowed to operate outside of the cafe opening hours.
- ii) Ambiguity in the submission details

7. Applicant's Supporting Information:

Existing and proposed plans
Heritage Statement
Product Specification

8. Officer's Assessment:

The application seeks permission for the installation of one Air Conditioning (A/C) condenser unit on the roof of Abberley House which will service the atrium of Jacks Café in the adjoining building.

Sufficient justification has been provided which comprehensively explains why the proposed location has been chosen. The proposal has altered since its initial submission as it will now retain the existing A/C unit inside of the café atrium and that will be used in the winter months to heat the area. During the summer it will be switched over and the new unit located on the roof will be used to cool the atrium and kitchen. The new unit will be free standing on the roof and has been positioned to minimise visual and noise impact.

Policy Considerations

Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act, 1990, states that: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.'

The site is located within the Cirencester Central Area, Secondary Frontage. Policy S3 of the Cotswold District Local Plan sets out that within "secondary frontages, identified on the Policies Map Inset 2, Class A1 uses and other main town uses will be permitted where they complement and enhance the retailing offer of the Primary Shopping Area. The loss of main town centre uses in a Secondary Frontage will be resisted and, other than A1 uses, concentrations of single uses will not be permitted where it would adversely affect the vitality and viability of the primary shopping area or harm wider Town Centre investment, or cause amenity problems. The policies builds on section 7 of the NPPF which looks at ensuring the vitality of town centres and the balance planning judgement that must be struck between use, public benefit and any potential for harm.

Policy EN1 of the Cotswold District Local Plan states that new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by, amongst other things; ensuring the protection and enhancement of existing

natural and historic environmental assets and their settings in proportion with the significance of the asset; ensuring design standards that complement the character of the area and the sustainable use of the development.

Section 12 of the NPPF makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development. The Council's adopted Local Plan 2011-2031 is consistent with the NPPF and under Policy EN2 (The Built Environment) requires development to accord with the Cotswold Design Code. Proposals should be of design quality that respects the character and distinctive appearance of the locality

Policy EN10 states that great weight should be given to the conservation of heritage assets. It states that proposals that sustain the character, appearance and significance of designated assets will be permitted, but that proposals that would harm the significance of an asset or its setting would not be permitted unless outweighed by mitigating public benefit.

Policy EN11 states that proposals that affect conservation areas or their settings will be permitted providing that, amongst other things; it would preserve or where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, and materials.

The building is located within the Cirencester Town Centre 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. This duty is required in relation to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 16 of the National Planning Policy Framework requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 193 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 notes that significance can be harmed through alteration or development within the setting. Paragraph 194 states that any harm to or loss of the significance of a heritage asset should require clear and convincing justification. Paragraph 195 states that where a proposed development will lead to substantial harm applications should be refused unless it is demonstrated that that harm is necessary to achieve substantial public benefits, whilst Paragraph 196 states that where a development proposal 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.

(a) Design and Impact on the Listed Building

In considering the duty set out in Section 16 and 66 of the Listed Buildings Act (1990). The proposed position of the new condenser unit and its free standing nature will not harm the significance or historical interest of the Listed Building or its setting. The proposed works are considered to be necessary to enhance the internal enjoyment of the listed building for the public mainly through the condensers ability to cool the atrium area of the café during the summer months. The works will help to preserve the heritage asset for years to come facilitating continued enjoyment of the heritage asset in the modern day.

In considering paragraph 193 of the NPPF in which officers have a duty to assess if the proposed works will contribute to any harm, it is the opinion of officers that the proposed works will have a neutral effect on the heritage asset. In weighing up the public benefit that will derive from this installation, a further consideration for its acceptability is that it will enable the custodians of the Listed Building to continue to utilise and enjoy it, which in turn will continue to facilitate an economic benefit that the café brings to the local economy. The proposals will therefore also accord with Local Plan Policy S3 and section 7 of the NPPF

Whilst the condensers are obviously not original to the building, additions such as this have been previously approved on the same roof. They are generally accepted as necessary to enhance the internal enjoyment of the Listed Building. The Conservation Officer suggested that louvre covers could assist in mitigating against any visual impact of the condenser units both externally and internally, however the applicant is unwilling to agree to the need for these. This has led to an officer assessment of balancing the impact (if any) on the historic environment against the public benefit. On balance, the public benefit which the proposed will provide is considered to outweigh any slight visual harm caused by the units. Consequently on this occasion, the proposed is considered to comply with Cotswold District Local Plan Policies EN2 and EN10.

(b) Impact on the Conservation Area

As previously mentioned the proposed is located on the roof and is not visible from the street or by surrounding properties. In considering the duty set by s.72 of the Planning (Listed Building & Conservation Areas) Act 1990, the proposed is not considered to have a detrimental impact upon the character of the Conservation Area and it will preserve the appearance of the Conservation Area in line with paragraphs 193 and 196 of the NPPF and Local Plan Policy EN11.

(c) Impact on Residential Amenity

Three objection comments were received from the occupants of 4, 5 and 7 Black Jack Mews. Each raised a concern in relation to the potential for noise pollution arising from the new unit especially in addition to the existing two units already on the roof. The Environmental Health Officer reviewed this proposal in conjunction with the existing units and subsequently raised no objections or suggestions for additional conditions on the decision. The proposed new unit is located 16 metres away from the nearest objecting residential property and approximately 40 metres away from Coxwell Court, the other nearby collection of residential properties. This is a sufficient distance that will not impinge on the residential amenities of the neighbouring properties. The supporting condenser specification details show that the highest decibel that the new unit will emit is 65 dBa when in cooling operation; as this will only be in use during the summer months and only daytime opening hours it is acceptable. Thereafter, it is considered not to cause a detrimental impact the amenity of any neighbouring properties or of the occupants of the host building that would warrant a refusal. The proposal is considered to accord with the residential amenity considerations of Cotswold District Local Plan Policy EN2 and Section 12 of the NPPF.

(d) CIL

The CIL rate for this type of development is zero and therefore no CIL is payable.

9. Conclusion:

The proposed installation would not harm the special significance of the Grade II Listed Building and has been carefully positioned so as not to compromise its historic integrity or the setting and special character of the Conservation Area. Additionally the proposal would support the commercial viability of the business premises and the local economy. On that basis, regard has been given to the Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act, Section 16 of the NPPF and Local Plan Policies S3, EN1, EN2, EN10 and EN11 and is considered to comply. It is therefore recommended that Full planning permission be Approved.

10. Proposed conditions:

1. The development shall be started by 3 years from the date of this decision notice.

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

2. The development hereby approved shall be carried out in accordance with the following drawing number: 305 P. 101 P1 and the product specification provided within the submission.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. In the event that the outdoor air conditioning unit is deemed to be no longer required it shall be removed as soon as is reasonably practical.

Reason: To maintain the historic significance and integrity of the Listed Building and in the interest of amenity.

4. Noise from operations of the A/C condenser unit shall not exceed 60 dB(A) Leq (30 mins) as measured at the boundaries of the application site between the hours 0700 and 2000 Monday to Saturday; and 50 dB(A) Leq (30 mins) at any other time.

Reason: To ensure that the amenities of nearby residential properties are adequately protected.