

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

DELEGATED DECISION REPORT

APPLICATION NUMBER: 24/00251/FUL

Case Officer:	Richard Sakyi
Site Address:	58 Eastgate Street Gloucester GL1 1QN
Proposal:	Change of use of the ground floor of the Listed Building from commercial to residential.
Expiry Date:	24.06.2024
Extension of Time Date:	27.11.2024

SITE HISTORY

Application Number	Proposal	Decision	Decision Date
01/00448/COU	Change of Use of Ground Floor Office to Shop (Opticians)	GP	03.09.2001
03/00606/FUL	Rebuilding of boundary wall on Northwest side of the curtilage to Grade 2 Listed Building.	GSC	14.07.2003
03/00608/LBC	Rebuilding of a boundary wall on Northwest side of the curtilage to Grade 2 Listed Building.	GLB	14.07.2003
05/00163/LBC	Replacement of 3 windows and removal of external fire escape staircase	GLB	24.03.2005
16/00040/COU	Change of use of first and second floors to form 4 self-contained flats and associated works including removal of fire escape from south elevation, new down pipes to east and west elevation: repositioning of downpipe on east elevation	G3Y	01.06.2016
16/00041/LBC	Works to facilitate change of use of first and second floors to form 4 self-contained flats including internal alterations; removal of fire escape from south elevation; new down pipes to east and west elevation; repositioning of downpipe on east elevation	G3L	01.06.2016
24/00252/LBC	Listed building consent for change of use of ground floor from commercial to residential.		

PUBLICITY/CONSULTATIONS

	Date Sent	Date Expires	Comments Received			Reply Received Date
			Objection	No Objection	Other Comment	

Neighbours	29.04.2024	20.05.2024	0	0	0	N/A
CONKB	29.04.2024	20.05.2024	N/A	N/A	N/A	01.10.2024
HSTRAT	29.04.2024	20.05.2024	N/A	N/A	N/A	22.05.2024
HAUTH	29.04.2024	20.05.2024	N/A	N/A	N/A	23.05.2024

CONSULTATION / RESPONSES

Conservation Officer – No objection, considers the proposal to be a positive one and an enhancement overall.

The proposed scheme will rationalise the previous compartmentalisation of the ground floor and reinstate some of the more formal spaces, allowing the plan form of the original building to be read more easily. The proposed alterations to the fenestration on the rear elevation of the building will improve the visual impact of the south facing elevation returning a balance to the ground floor architecture. Improvements to the rear amenity space are also to be welcomed. In terms of the level of harm, since there is no loss of historic fabric and the changes relate to the removal or alteration of poor late 20thC alterations, I consider the proposal to be a positive one and an enhancement overall.

County Highway Authority – No objection, the proposed two one-bedroom flats would have less projected daily trips than the existing commercial use. The site is located within the city centre surrounded by multiple amenities and frequent public transport connections locally and nationally reducing reliance on private vehicle trips. The site proposes 10 car parking spaces which allows sufficient spaces for all the existing and proposed flats to the rear. There is no objection subject to conditions relating to bicycle parking and access gates.

Housing Projects Strategy Team – No objection, although the proposed sizes of the two new flats have not been specified, however, on balance recommends approval provided the two flats are in conformity with the NDSS and the office space for flat E being prevented from use as a bedroom.

REPRESENTATIONS

The application was advertised to the general public by way of letters, a site notice in accordance with the requirements of article 15(5) of the Development Management Procedure Order.

No representation received.

POLICIES AND GUIDANCE

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

National Guidance

National Planning Policy Framework and Planning Practice Guidance

Development Plan

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

Relevant policies from the JCS include:

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

SD9 – Biodiversity and geodiversity
SD14 – Health and Environmental Quality
INF1 – Transport network
INF2 – Flood risk management

Gloucester City Plan (Adopted January 2023)

The Gloucester City Plan (“City Plan”) delivers the JCS at the local level and provide policies addressing local issues and opportunities in the City.

Relevant policies from the Gloucester City Plan include:

A1 – Effective and efficient use of housing, land, and buildings
A6 – Accessible and Adaptable homes
C1 – Active Design and Accessibility
D1 – Historic environment
E2 – Biodiversity and geodiversity
E4 – Flooding, Sustainable Drainage and Wastewater
F1 - Materials and Finishes
F2 - Landscape and Planting
F6 – Nationally described space standards
G1 – Sustainable transport

Supplementary Planning Guidance/Documents

- Gloucester County Council: Manual for Gloucestershire Streets 2020 (MfGS).
- Gloucester County Council: Manual for Gloucestershire Streets — Addendum October 2021.
- Eastgate & St Michael's Conservation Area Appraisal (Conservation Area No. 4)

PLANNING OFFICERS APPRAISAL AND CONCLUSIONS

Site Description and Proposal

Number 58 Eastgate Street is situated on the south side of Eastgate Street just to the east of the main shopping area. It is a grade II listed building within the designated Eastgate Street and St Michael's Conservation Area (Conservation Area 4). The site comprises a three-storey detached building. The ground floor was previously occupied by an optician (Gloucester Medical Eye Centre) however it appears to be vacant. The upper floors are currently in residential use with four, one-bedroom flats.

The building has a frontage to Eastgate Street. There is a pedestrian alleyway running between the west flank boundary of the site, which links Eastgate Street and Hampden Way. To the east is a hot food takeaway with unknown use above. To the opposite side of Eastgate Street are a variety of commercial uses. At the rear of the building there is a large yard, which extends to Hampden Way to the southwest. The yard is used for parking. The area is characterised by mixed commercial and residential use.

Planning permission (and note for information a related listed building consent) is sought for the conversion of the existing ground floor to create two, 1-bedroom flats. The proposal seeks to create two flats comprising one bedsit flat and one large 1-bedroom flat. Minor alterations to the layout of the building would be carried out to facilitate the conversion. It is further proposed to re-establish the main entrance on Eastgate Street as the entrance for all the six flats within the building. As a result, the existing side entrance currently used by the flats on the upper floors (noted as Flats A, B, C and D) would be retained as service and fire escape access.

Other alterations proposed on the site include the introduction of original wrought iron railings to

spaces either side of the portico in order to define private ownership of the property. According to the applicant, the railings would recreate the building's historic appearance as well as prevent the public from loitering against the façade. It is also proposed to create amenity area for the new flats separate from the parking area at the rear.

The application is accompanied by a Design and Access and Environmental & Heritage Statement and Site photographs, which shows the existing and proposed floor plans. Further information has also been submitted by the applicant's agent to further address the issues raised by the development and officers during the course of the application.

Assessment of Proposal

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

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

The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan.

Main Issues

The main issues to consider in assessing this application are whether there is any conflict with Development Plan policies. If there is any conflict, whether the application can be considered to be in accordance with the Development Plan when taken as a whole. If the application is not in accordance with the Development Plan, whether there are any material considerations, including the NPPF (2023), which indicate that planning permission should be granted. With this in mind, the report addresses the principal, important and controversial issues, which are in this case:

The main issues with regards to this application are assessed via the Potential headings below:

- Principle
- Historic environment impacts
- Design, layout and landscaping
- Traffic and transport
- Residential amenity
- Drainage and flood risk
- Historic environment
- Ecology
- Economic considerations

Principle

The current position with respect to housing supply and delivery is crucial to determining whether policies for the provision of housing (i.e. in the Joint Core Strategy 2017 and Gloucester City Plan 2023) are to be considered out of date and consequently whether Paragraph 11d of the NPPF (the so called 'tilted balance') is to be engaged in the determination of an application for additional housing.

Footnote 8 to Paragraph 11 of the NPPF is clear that where a Local Planning Authority cannot demonstrate a 5 year supply of deliverable housing sites, or where the Housing Delivery Test (HDT) indicates that the delivery of housing has been substantially below (less than 85% of) the housing requirement over the previous three years, policies for the provision of housing are to be considered out of date.

With regards to the latest HDT results for Gloucester City these were published by the Government on 19 December 2023 and showed that Gloucester's delivery over the past three years was at 140%; so well above the 85% threshold. This means that there are no consequences for decision-taking in Gloucester City as a result of past housing delivery.

As the JCS is now more than five years old, the NPPF at Paragraph 77 requires the 5YHLS calculation to be based on the output of the Standard Method calculation as opposed to the Council's adopted annual housing requirement in the JCS.

The City Council has reviewed the 5 Year Housing Land Supply position for 2024 as part of the process of annual monitoring. As a result the current assessment of Land Supply for Gloucester City Council is within the Gloucester City Council Five Year Housing Land Supply Statement as of 31 March 2024. This indicates that the Council has 4.7 years supply. This published figure and evidence base will be used as a material consideration in determining planning applications.

The NPPF requires local planning authorities to demonstrate a 5 Year Housing Land Supply, with an appropriate buffer, against the relevant housing requirement. The JCS addresses housing supply and demand under Policies SP1 (The Need for New Development and SP2 (Distribution of New Development) as well as within Part 7 (Monitoring and Review).

Paragraph 11 of the NPPF sets out that there will be a presumption in favour of Sustainable Development.

For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

The NPPF (2023) clarifies that:

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

At the time of writing, as the Council is not able to demonstrate a 5 year housing land supply, for the purpose of this application and in the context of paragraph 11 of the NPPF, including footnote 8, the so called 'tilted balance' is engaged. For decision making this means approving development proposals *'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.'* The assessment of this and the wider balancing exercise is set out in the conclusion of the report. Significant weight is afforded to the positive contribution the proposed dwellings would make to the current shortfall in the Council's housing supply.

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

supply. Policies SP1 and SP2 together seek to direct new residential development to the most sustainable locations of the plan area (the urban areas of Cheltenham and Gloucester).

As the site is located within the built-up area of the city, the principle of development is considered acceptable in accordance with JCS Policy SD10, subject to assessment against other planning considerations in the remaining sections of this report.

Historic Environment Impacts

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that where an area is designated as a conservation area *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area'*.

Chapter 16 of the National Planning Policy Framework sets out the importance of protecting and enhancing the historic environment and conserving heritage assets in a manner appropriate to their significance. In particular, paragraph 197 states that in determining planning applications, local authorities should take account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Paragraph 199 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. The more important the asset, the greater the weight should be. Policy SD8 of the JCS similarly seeks to preserve and enhance heritage assets as appropriate to their significance.

No. 58 Eastgate Street is a Grade II Listed Building of some importance. The Conservation Officer upon consultation has indicated that there is no objection to the proposed change of use to residential. The application can be approved, as the overall scheme is considered to be an enhancement on the current condition of the building subject to the imposition of recommended conditions for additional details to be submitted prior to the commencement of the works proposed.

It is considered that the existing character of the building will thereby be retained, and the special interest or the significance of listing would not be undermined. The proposal would not cause harm to the setting and significance of any nearby designated heritage asset and would preserve the character of the area. The proposal therefore complies with Policy SD8 of the JCS and chapter 16 of the National Planning Policy Framework 2023.

Design, Layout and Landscaping

The NPPF states that new residential developments should be of high-quality design, create attractive places to live, and respond to local character integrating into the local environment. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design, Policy SD6 requires development to protect or enhance landscape character.

The immediate environment around the application site is a mixture of commercial buildings with similar heights and styles. The site is located within the Eastgate & St Michael's Conservation Area Appraisal (Conservation Area No. 4). The site is also within the settings of nearby listed buildings in the immediate area.

It is considered that the change of use of the ground floor of the building with only minor external alterations internally and externally would respond well to the local environment. In essence, the building would remain in its present form in this prominent location among a row of listed buildings. Furthermore, the existing character of the site would be retained, and the special interest of the CA preserved. The proposal would not cause harm to the setting of any nearby designated

heritage asset and would preserve the character of the conservation area. It is therefore considered that the proposal accords with policy SD4 and SD8 of the JCS (2017).

Traffic and transport

Paragraph 115 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts upon the road network would be severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network.

The County Highway Authority upon consultation has indicated that there is no objection to the proposal. The application proposes a total of 10 parking spaces accessed via the rear for the existing and the future occupiers. This is considered sufficient to cater for the proposed use within a highly sustainable location. Bicycle parking is indicated on the plan however, there is no actual provision or numbers. This can be conditioned as there is ample space on the site to accommodate at least 6 bicycles.

It is the Officer's view that the proposed change of use would not result in any significant increase in trips to and from the site. The site is in a sustainable location within the city centre and within walking and cycling distance to city amenities and frequent bus services into and out of the city centre where there are national rail connections and to other amenities through the city. Furthermore, there is ample space within the site to accommodate cycle parking and bin storage in the front garden and rear parking area and yard.

Overall, it is considered that the proposal is in accordance with policy INF1 of the JCS (2017).

Residential amenity

Paragraph 135 (f) of the NPPF provides that planning should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

The neighbours that would be most impacted by the development would be the existing occupiers of the first and second floors of the building. All other neighbouring properties are at such distance to the site that their amenities are not considered to be affected by this proposal. Whilst there would inevitably be an increase in use as residential, given the comings and goings of occupiers, it is not considered that this would be to an extent that would be harmful on the current level of amenity enjoyed by the existing occupiers on the upper floors.

Overall, the proposal is considered acceptable and in accordance with the objectives of Policy SD14 of the Gloucester, Cheltenham and Tewkesbury JCS.

Drainage and flood risk

The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems.

The application site lies within Flood Zone 1 as identified in the Environment Agency's Flood Risk Maps. As such, it is assumed that there is no significant risk of flooding from tidal and fluvial influences. Therefore, a flood risk assessment is not required. The applicant has indicated that surface water will be disposed of via the existing main sewer.

Overall, the proposal is considered acceptable and would not have any adverse impact on flood risk of the site. The proposal therefore complies with Policy INF2 of the JCS and the NPPF 2021.

Conclusion

This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of design, materials, highway safety implications, impact upon the amenity of any neighbours and the local area. The proposal would also have a positive impact on the Council's shortfall in housing supply and this is afforded significant positive weight in the planning balance. There are considered to be no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal and as such the proposal is considered to be acceptable and accordingly it is recommended that planning permission be granted.

Human Rights Act

In compiling the recommendation full consideration has been given to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to respect for private and family life, home and correspondence); Article 1 of the First Protocol (Right to the use and enjoyment of property) and the requirement to ensure that any interference with the right in this Article is both in accordance with the law and proportionate. A balance needs to be drawn between the right to develop land in accordance with planning permission and the rights under Article 8 and also Article 1 of the First Protocol of adjacent occupiers. On assessing the issues raised by the application no particular matters warrant any different action to that recommended.

RECOMMENDATION

Planning permission is **GRANTED** subject to the following conditions:

CONDITIONS AND REASONS

Condition 1 – Time Limit

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

Reason

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

Condition 2 – Approved Plans

The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers: Site Location Plan, 1 – Existing and Proposed Block Plan, 2 – Existing Floor Plans, 3 – Existing Roof Plan and Section, 4 – Existing East & North Elevation Plans, 5 – Existing West & South Elevation Plans, 6A – Proposed Ground Floor & Section Plan, 7 – Proposed East & North Elevation Plan, 7 – Proposed West & South Elevation Plan.

Except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

Condition 3 - Bicycle Parking

The development hereby approved shall not be occupied/be brought into use until sheltered, secure and accessible bicycle parking has been provided for each flat with circulation space according to LTN 1/20. The storage area shall be maintained for this purpose thereafter.

Reason: To promote sustainable travel and healthy communities according to INFI of the Core

Strategy Local Plan, PD 0.1 and 0.4 of the Local Transport Plan and paragraphs 114 and 116 of the National Planning Policy Framework 2023.

Condition 4 - Access gates

The development hereby approved shall not be occupied until the rear car park gates have been removed and any proposed access gates have been set back 5 metres from the adjoining carriageway edge and made to open inwards only.

Reason: In the interests of highway safety according to INF1 of the Core Strategy Local Plan, PD 0.1 and 0.4 of the Local Transport Plan and paragraphs 114 and 116 of the National Planning Policy Framework 2023.

Condition 5 - Repairs to match

All development comprising work of external repair, restoration and replacement shall exactly match the original features.

Reason: To safeguard the character and appearance of this building of special architectural or historical interest.

Condition 6 - Joinery: Windows and Doors

The development shall be carried out in accordance with detailed drawings of the proposed windows and doors, at a minimum scale of 1:5 with moulding profiles at full size, including elevations and sections, which shall first be submitted to and approved in writing by the Local Planning Authority and the fitted joinery shall be in accordance with the approved details.

Reason: To protect and maintain the character and appearance of the area in which this development is located.

Condition 7 - Railings

The development shall be carried out in accordance with detailed drawings of the proposed railings at a minimum scale of 1:5, including elevations and sections, which shall first be submitted to and approved in writing by the Local Planning Authority and the fitted railings shall be in accordance with the approved details.

Reason: To protect and maintain the character and appearance of the area in which this development is located.

Note 1

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 Gloucestershire Building Control Partnership (our shared service between Gloucester City Council and Stroud District Council) on 01453 766321 option 4,2 or building.control@stroud.gov.uk and www.gbcpartners.co.uk for further information or advice on your project.

Note 2

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 requirement 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. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 – explanatory booklet.

Note 3

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.

Richard Sakyi
Case Officer

Date: 26 November 2024

Signed off by:



Dated: 26.11.2024