

Application Number	21/00697/REM
Site Address	Citation House, 39 Foregate Street, Worcester WR1 1DJ
Description of Development	Variation to drawings listed as approved under Condition 2 of Listed Building Consent reference L18D0008 in order to enable use of ground and first floor as office accommodation, second and third floors as apartments, omission of fourth floor, internal and external alterations to elevations.
Expiry Date	26 October 2021 .An extension of time has been sought.
Applicant	Mr Edward Deacon
Agent	Mr Edward Deacon
Case Officer	Tom Gabriel
	thomas.gabriel@worcester.gov.uk
Ward Member(s)	Cathedral Ward
Reason for Referral to Committee	The original application went to committee and the case is a major application.
Key Issues	The principle of development and whether the amended proposal would be an acceptable form of development for the site.
Web link to application	Planning application: 21/00697/REM - Worcester City Council
Recommendation	The Corporate Director of Planning and Governance recommends that the Planning Committee grants listed building consent subject to:- i) the conditions as set out in section 9 of this report; and ii) the grant of a satisfactory planning permission

1. Background

- 1.1 The application was registered on 27 July 2021 and was due for a decision on 26 October 2021. An extension of time has been sought
- 1.2 The application has been referred to the Planning Committee as it is a major application.

2. The site and surrounding area

- 2.1 The application site is situated on the western side of Foregate Street, around 75m to the south of its junction with Castle Street and opposite the Worcester City Art Gallery and Museum.
- 2.2 The overriding palette of materials along the street is red brick with a mix of roof finishes.
- 2.3 The street scene comprises predominantly three storey buildings interspersed with the occasional two or four story building. There is a mix of Class E uses at ground floor level with residential and office uses on the upper floors.
- 2.4 The site is within the Foregate Street and The Tything Conservation Area and comprises a statutory Grade II listed building. The site is also within an archaeologically sensitive area.

Figure 1. Site location plan



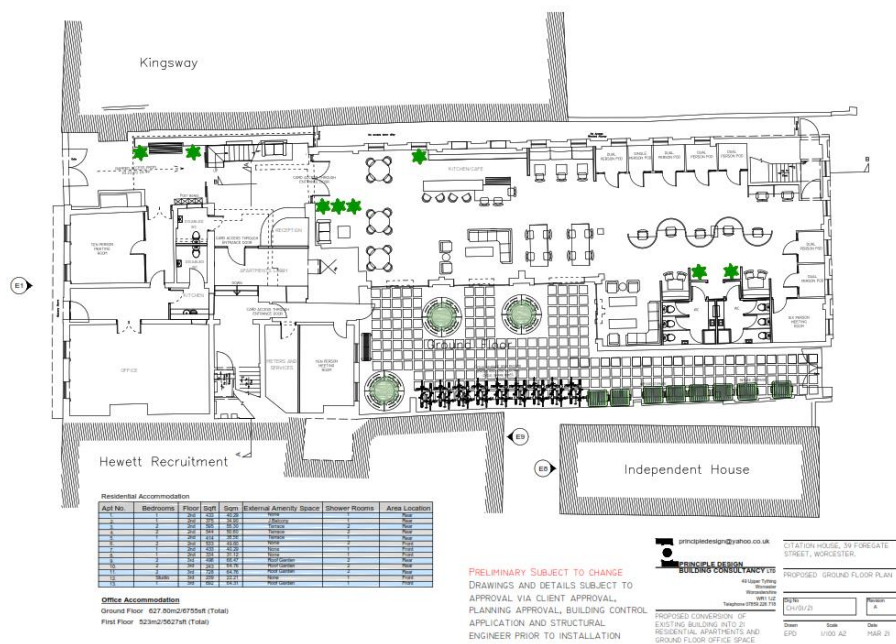
3. The proposals

- 3.1 Planning permission is sought for a variation to the drawings approved under condition 2 of listed building consent reference L18D0008 in order to enable the use of ground and first floors as office accommodation, the second and third floors as apartments, the omission of fourth floor and internal and external alterations to the elevations. The proposal is an amendment to listed building consent L18D0008 which was previously approved by the Planning Committee at the meeting on 24th August 2018.
- 3.2 The application has been amended in the following ways;
 - The removal of the 42 covered cycle parking spaces, the gym and the 4 flats at ground floor level and their replacement with open plan office accommodation, an additional meeting room, cycle parking for 18 bicycles and a kitchen/ café;

- The removal of the external stairwell in the courtyard;
- The replacement of 10 apartments at first floor level with both open and closed plan office accommodation and a kitchen/ café;
- The replacement of 10 apartments at second floor level with 8 apartments;
- The replacement of 8 apartments at third floor level with 5 apartments;
- The removal of the fourth floor from the proposed development;
- An overall change in the apartment provision from 30 x one bed, five x 2 bed and 3 studio flats to 6 x one bed, 6 x two bed and a studio apartment (a reduction from 38 to 13 flats).
- The removal of the green walls from the proposal and the provision of planting to the proposed terraces at third floor level.

3.3 The layout of the proposed site incorporates external cycle parking, bin storage and landscaping at ground floor level.

Figure 2. Proposed floor plans



Proposed Ground Floor

South Worcestershire Development Plan

4.3 The following policies of the SWDP are relevant to the proposal:

SWDP 6 Historic Environment
SWDP 24 Management of the Historic Environment

Material Considerations

1. National Planning Policy Framework

4.4 The National Planning Policy Framework (NPPF) has recently been revised and places a greater emphasis on design quality and beautiful places. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It constitutes guidance for local planning authorities and decision takers and is a material planning consideration in determining planning applications.

2. National Planning Practice Guidance

4.5 On 6th March 2014 the Government published the National Planning Practice Guidance (NPPG) that has also been recently updated and comprises, amongst other matters, sections about Design, Determining a Planning Application, Health and Wellbeing, Noise, and Use of Planning Conditions.

3. Supplementary Planning Documents

4.6 The following Supplementary Planning Documents (SPD) are relevant to the application proposals:-

- South Worcestershire Design SPD

The South Worcestershire Design SPD was adopted on 5 March 2018 and replaces the previous Supplementary Planning Guidance Note 3: Design (SPG3). Both documents encourage high standards of design for development proposals in accordance with the aims and interests that the NPPF seeks to protect and promote in this regard. The Design Quality SPD is consistent with the planning policies in the SWDP.

4. Relevant Legislation

4.7 The following legislation is also relevant and has been taken into account when considering this application: -

Town and Country Planning Act 1990 (as amended)
Planning Act 2008
Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

5. Planning History

5.1 The site has been the subject of the following planning applications:

5.2 21/00701/REM – Variation to drawings listed as approved under Condition 2 of full planning approval reference P18D0107 to enable use of ground and first floor as office accommodation, second and third floors as apartments, omission of fourth floor and alterations to elevations. Concurrent application.

- 5.3 P18D0107 – Conversion and extension of building to form 38 dwellings, office (B1) and ancillary assembly and leisure uses. Approved by the Planning Committee at the meeting on 24th August 2018 subject to the completion of a S106 Agreement.
- 5.4 L18D0008 – Extensions and alterations to facilitate conversion to form 38 dwellings, office (B1) and ancillary assembly and leisure uses. Approved by the Planning Committee on 24th August 2018.
- 5.5 Conditions 7 and 8 of P18D0107 relating to hard and soft landscaping works and a landscape management plan have been discharged.
- 5.6 While the current proposal is not the same as the approved scheme on the site and there has been some change to the policy framework surrounding the application, the planning history of the site is a significant material planning consideration in the assessment of this application.

6. Consultations

- 6.1 Formal consultation including the display of site notices, has been undertaken in respect of the application. The following comments from statutory and non-statutory consultees have been received in relation to the proposal and are summarised as follows:

Neighbours and other third party comments: No objections have been received.

Worcester City Council (Conservation Officer) – No objections.

Alterations to the principal listed building

The main house is clearly the most significant element of this site and there is no objection to the principle of mixed uses proposed for it. It is noted that the proposed alterations to the listed building are minimal and that the repair and reinstatement of historic features within the proposed scheme are considered to preserve and enhance some aspects of the listed building. The loss of a historic window within the context of the overall scheme is considered to be acceptable.

Alterations to the rear building

There is no objection to the principle of extending the rear building in order to address the impact of the building's vacancy and offer a viable and sustainable use for the site. This building is of no historic significance and is considered to currently to have a negative impact on the character and appearance of the Conservation Area. Opportunities for its enhancement are therefore welcomed.

The current proposal is for use of the ground and first floor as office accommodation, the second and third floors as apartments, and omission of a consented fourth floor, plus internal and external alterations to the consented elevations. Taking these in turn:

- Use of the ground and first floor as office accommodation – in overall effect this does not represent a change of use as this was the last use to which these parts of the application site were put to.
- Use of the second and third floors as apartments – again, this is not a deviation from the consented use, and the differences between this and the current proposals are mostly in detail not in extent or intent.
- Omission of a consented fourth floor – a lot of the opposition to the consented scheme focussed upon the height of the rear building. Adding two-stories to the existing three was considered by some to be too much for the rear of this site. Therefore, the reduction by one-storey proposed here is welcome. The changes proposed to the rear building impact upon Farrier Street, only half of which is within the Foregate Street & The Tything Conservation Area, this being the side including the application site.

Farrier Street's character developed piecemeal over time. Historic photographs show that it was essentially a service road, affording rear access to properties and businesses on Foregate Street, plus premises for other businesses, which included motor garages, ironmongers, agricultural suppliers, pubs, shops, etc. This describes its eastern side. In contrast, the western side was much more sparsely developed, and, at one time, even included artichoke fields! Such buildings as there were on the western side were cleared, possibly as part of a road widening scheme, and from the mid-1960s onwards a succession of multi-storey buildings was developed along both sides, including: -

- 1 Castle Street (east, on the corner – 4-storeys)
- Cameo House/Chamber Court (west, 4-storeys)
- Citation House (east, 3-storeys, an additional 2-storeys consented)
- Cleared site owned by Sanctuary Group (west, 5-storeys previously consented)
- Farrier House (west, 4-storeys)
- Sandwell House (east, 5-storeys)
- Vine House (west, 3-storeys)
- White Lodge (east, on the corner – tall 2-storeys)

All of these are 2-storeys or above in height. Therefore, an additional storey, to create a 4-storey building on the east side of Farrier Street, as proposed here, cannot said to be out of character, when that character is predominantly 4- to 5-storeys.

Overall, I welcome these amendments to the consented scheme. I would suggest a materials condition and, given materials shortages in the construction industry, that this be a 'before first use on site one'.

Historic England – No comments.

- 6.2 Members have been given the opportunity to read all representations that have been received in full. At the time of writing this report, no other consultation responses have been received. Any additional responses received will be reported to Members verbally or in the form of a late paper, subject to the date of receipt.

7. Planning Assessment

- 7.1 The proposal has been amended from the approved scheme on the site in the ways listed in paragraph 3.2 above. The application is submitted under Section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that allows an application to be made to change a condition associated with a listed building consent without re-opening the entire question of whether consent should have been granted.
- 7.2 Thus, it is possible to apply for conditions to be struck out, or for their modification or relaxation. However, to ensure decision making is robust, Local Planning Authorities should focus their attention on national and development plan policies, conditions attached to the existing permission and other material considerations which may have changed significantly since the original grant of permission. A successful application to amend conditions results in the issue of what is in effect a new planning permission but does not cancel the old permission.
- 7.3 The issues to be considered in an application under section 19 of the Act are:
- a) whether the condition/s proposed in the application could lawfully have been imposed upon the original planning permission, and;
 - b) whether the imposition of the proposed condition/s would bring about a fundamental alteration of the original proposal for which permission was granted.

- 7.4 Thus, it is possible to apply for conditions to be struck out, or for their modification or relaxation. However, in terms of decision making a section 73 application should be treated just like any other application, and in making their decisions Local planning authorities should focus their attention on national and development plan policies, conditions attached to the existing permission and other material considerations which may have changed significantly since the original grant of permission.
- 7.5 A successful application to amend conditions results in the issue of what is in effect a new listed building consent but does not cancel the old listed building consent.
- 7.6 The amended proposed scheme at Citation House is materially different to the approved scheme on the site. It is smaller than the approved scheme as a consequence of the removal of the fourth floor from the scheme. However, the amended design of the proposal would also be satisfactory and would have an acceptable impact upon the historic fabric of the building. The proposed alterations to the building are minimal and the repair and reinstatement of historic features within the proposed scheme are considered to preserve and enhance some aspects of the listed building. The loss of a historic window within the context of the overall scheme is considered to be acceptable. Overall, the proposed scheme would have an acceptable impact upon the listed building.

8. Conclusion

- 8.1 The amended scheme on the site would have an acceptable impact upon the listed building and would not have an adverse impact upon the setting of any of the nearby listed buildings.

9. Recommended Conditions

- 9.1 In the event that members resolve to approve the variation of the consent the following conditions are recommended:

1. The development hereby approved must be begun not later than 25 July 2022.

Reason: To conform with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby approved shall be carried out in complete accordance with the submitted plans, except where otherwise stipulated by conditions attached to this permission.

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with policy SWDP21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

3. No building operations hereby permitted shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include:-
type, colour, texture, size, coursing, finish, jointing and pointing of brickwork/stonework and the type, colour, texture, size and design of roofing materials. The development shall be carried out using the materials as approved.

Reason: To protect, conserve and enhance the significance of heritage assets and to ensure that the new materials are in keeping with the surroundings and/or represent

quality design in accordance with policies SWDP 6, SWDP21 and SWDP24 of the South Worcestershire Development Plan.

4. If during the course of the works hereby approved any of the following features of interest are uncovered, the Local Planning Authority shall be notified immediately and no works affecting such features shall take place until they have been inspected by persons authorised by the local planning authority and a scheme for their retention and/or treatment agreed in writing.

Schedule of features of interest:-

Archaeological remains of 17th century or earlier date

Reason: To allow the historical and archaeological potential of the site to be realised in accordance with policies SWDP6 and SWDP24 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

5. No development shall take place until a comprehensive photographic survey has been submitted to and approved in writing by the Local Planning Authority.

Reason: To allow the historical and archaeological interest of the building to be recorded in accordance with policies SWDP6 and SWDP24 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

6. No development shall take place until a written scheme of investigation (WSI) for an archaeological watching brief has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works, the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI. The above condition to be confirmed with the applicant if required by planning regulations.

Reason: To allow the historical and archaeological interest of the building to be recorded in accordance with policies SWDP6 and SWDP24 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

7. Notwithstanding any details shown on the submitted plans groundworks and foundations shall be constructed in accordance with details to be agreed in writing by the Local Planning Authority before ground disturbance commences.

Reason: To preserve the archaeological interest of the site in accordance with policies SWDP6 and SWDP24 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

INFORMATIVE

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.