

## Application for a Non-Material Amendment Following a Grant of Planning Permission

### Town and Country Planning Act 1990 (as amended)

#### Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

### Site Location

**Disclaimer:** We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)  Northing (y)

Description

## Applicant Details

### Name/Company

Title

First name

Surname

Company Name

### Address

Address line 1

Address line 2

Address line 3

Town/City

Country

Postcode

Are you an agent acting on behalf of the applicant?

Yes

No

### Contact Details

Primary number

Secondary number

Fax number

Email address

## Agent Details

Name/Company

Title

First name

Surname

Company Name

## Address

Address line 1

Address line 2

Address line 3

Town/City

Country

Postcode

## Contact Details

Primary number

Secondary number

Fax number

Email address

\*\*\*\*\* REDACTED \*\*\*\*\*

## Eligibility

Does the applicant have an interest in the part of the land to which this amendment relates?

- Yes  
 No

If the applicant is not the sole owner, has notification under Article 10 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) been given?

- Yes  
 No  
 Not applicable

## Description of Your Proposal

Please provide the description of the approved development as shown on the decision letter

The existing external wall separating Claremont House and the Edward Jenner School both Grade II listed buildings is in serious disrepair with extensive cracking, spalling, missing mortar and is currently leaning into the neighbouring property due to the tree roots of the three sycamore trees which are located directly next to the wall.

The proposed works are as follows, with due consideration that the proposed works are complicated by the potential for archaeological findings as well as the positioning of three existing trees which are in close proximity to the wall.

The first stage is to remove the existing 16m of the wall to a point where it is considered structurally sound; to ensure as much of the existing brickwork can be reused as possible the wall removal will be conducted in a careful, considered manner. During the removal of the wall's foundations an archaeological watching brief will be conducted during the works to monitor the works until they are complete.

The three trees would then be removed for which a method statement will be provided to remove the possibility of potential root action impacting on the new wall. New foundations will then be excavated after development of a method statement with a contractor for the replacement wall with screw piles being installed at approximately 2m centres to minimise the required excavation. A 500x400mm reinforced concrete ground beam will then be installed in-situ to span between the screw piles below ground level, again an archaeological watching brief will be conducted to monitor the works until they are complete.

The new wall will then be constructed on the new foundations using the reused brickwork from the original wall as much as possible, any new bricks will be selected to be sympathetic to the original construction matching the existing as best as possible and will be made available on site for inspection by the local authority conservation officer. The new wall shall be constructed using traditional building methods using lime mortar which shall also be available on site for inspection and will utilise a Sussex bond method. A method statement will be developed.

Two new trees will then be planted, this will be guaranteed as part of the works following discussions with the Gloucestershire City Council appointed Arboriculturist as a condition for removing the existing three Sycamore trees.

The works shall be completed with reference to the conditions set out in the listed building consent application response No:20/00829/LBC.

Reference number

PP-9512876

Date of decision

21/04/2021

What was the original application type?

Full planning & demolition in a conservation area

For the purpose of calculating fees, which of the following best describes the original development type?

- Householder development:** Development to an existing dwelling-house or development within its curtilage
- Other:** Anything not covered by the above category

## Non-Material Amendment(s) Sought

Please describe the non-material amendment(s) you are seeking to make

The required amendment to the application is to increase the length of wall to be removed and replaced from 16m to 21m.

Please state why you wish to make this amendment

Following the removal of vegetation on the side of the wall a vertical joint was discovered in the wall. For the interest of structural integrity the wall will now be removed and replaced up to this joint.

Are you intending to substitute amended plans or drawings?

- Yes
- No

If yes, please complete the following details

Old plan/drawing numbers

5009133-RDG-XX-00-DT-S-0100 -

New plan/drawing numbers

5009133-RDG-XX-00-DT-S-0100 - A

## Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- Yes
- No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
- The applicant
- Other person

## Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- Yes
- No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

First Name

Surname

Reference

Date (must be pre-application submission)

Details of the pre-application advice received

## Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- Yes  
 No

## Declaration

I / We hereby apply for Non-Material Amendment as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

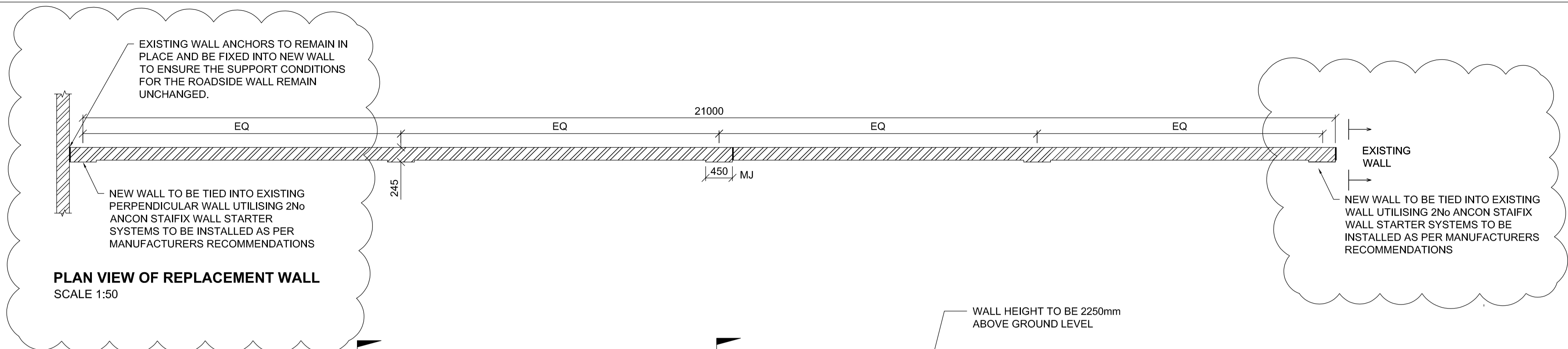
I / We agree to the outlined declaration

Signed

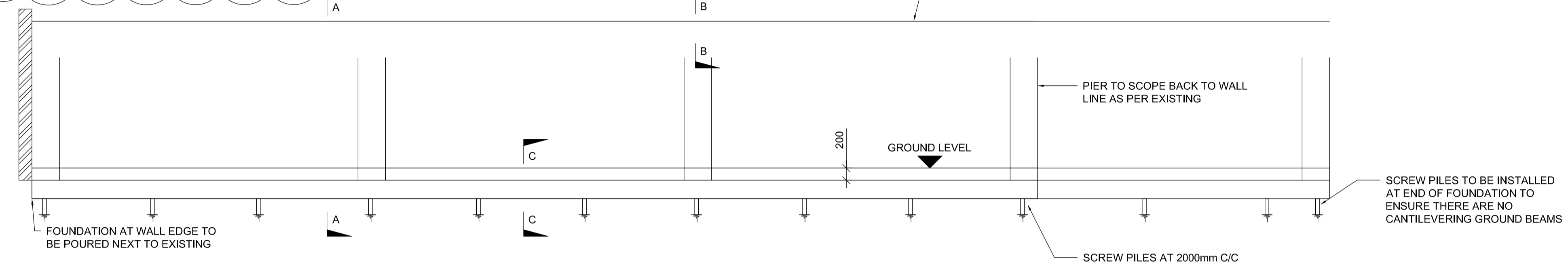
Ted Holmes

Date

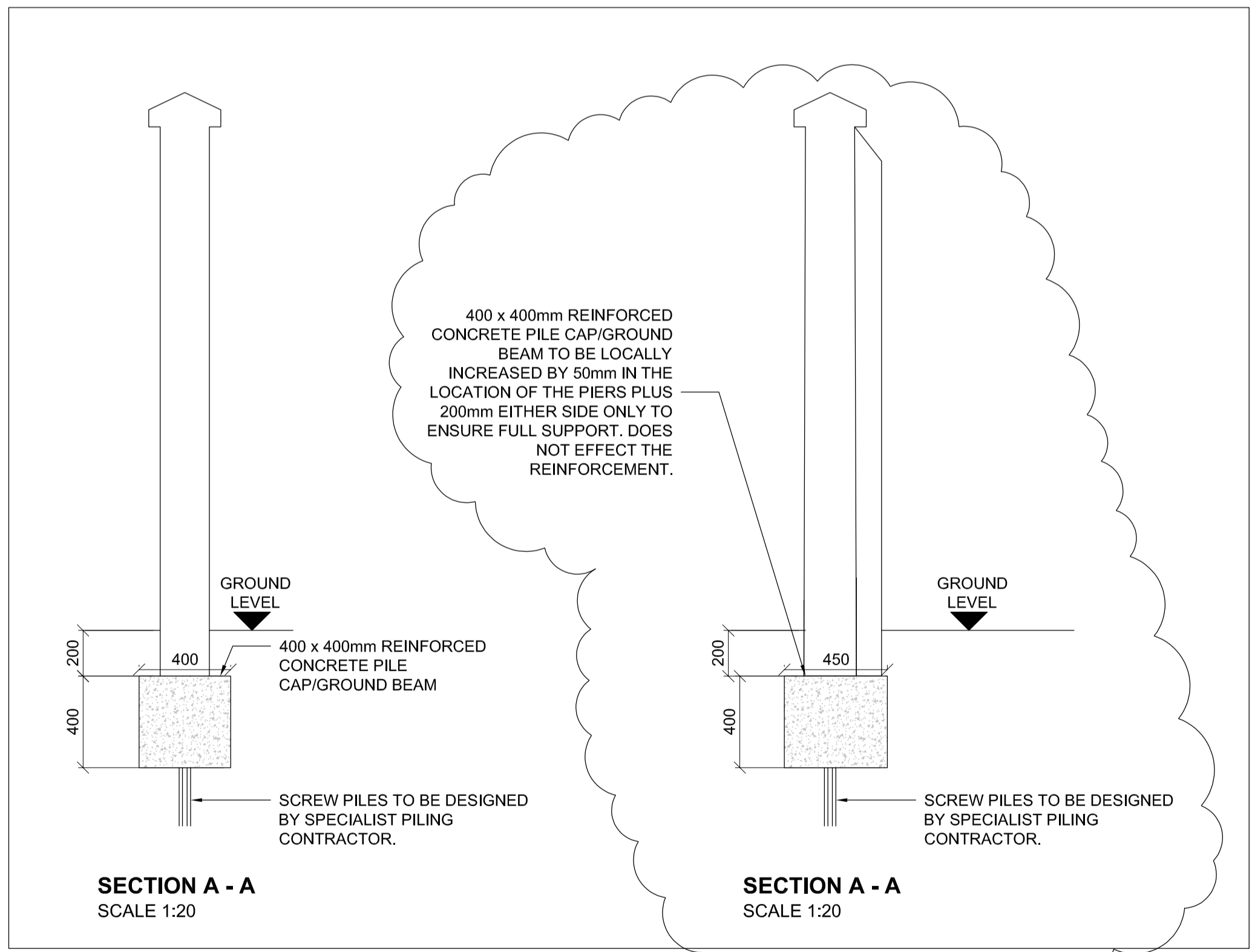
08/03/2022



**PLAN VIEW OF REPLACEMENT WALL**  
SCALE 1:50

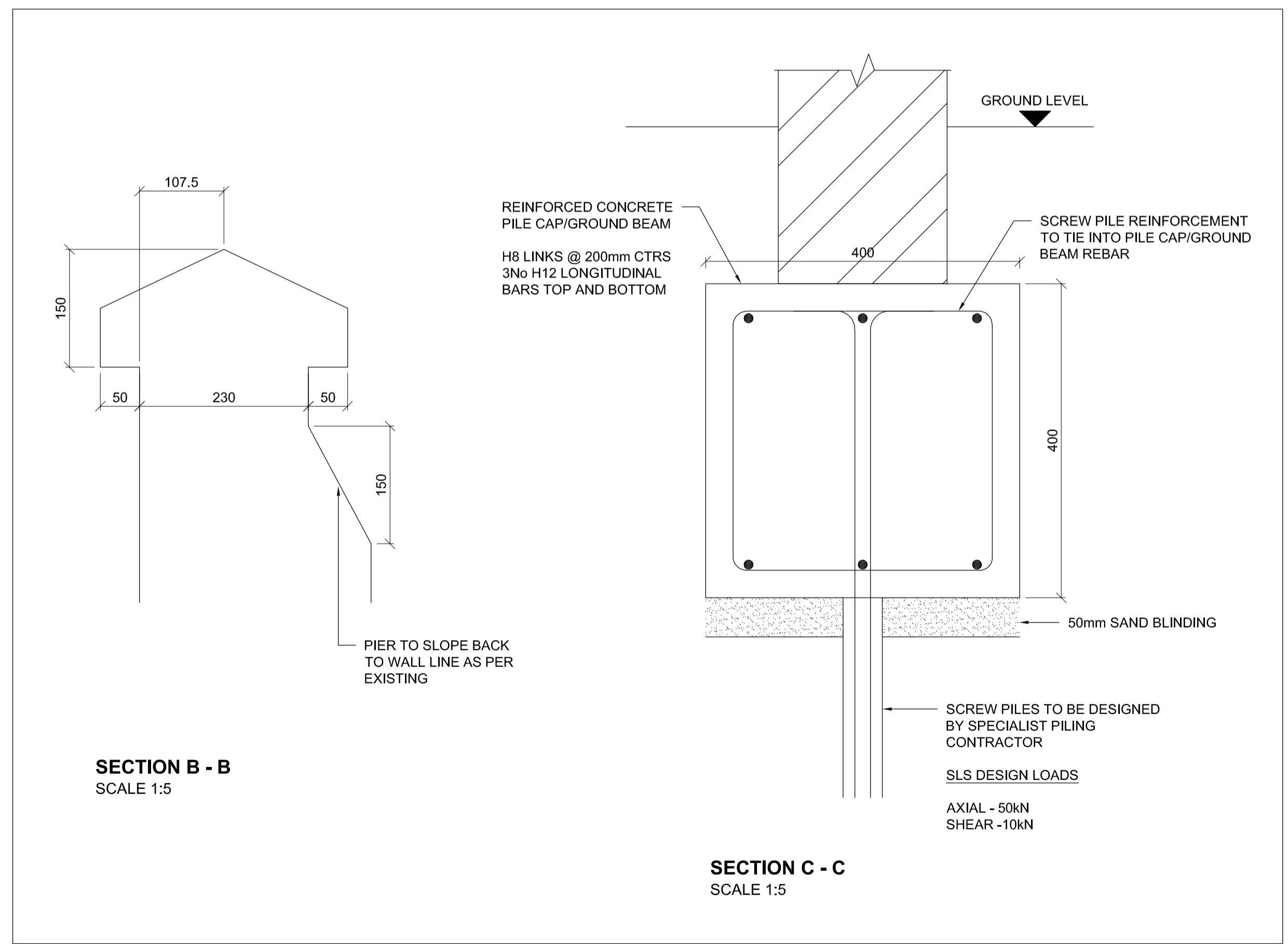


**ELEVATION OF REPLACEMENT WALL**  
SCALE 1:50



**SECTION A - A**  
SCALE 1:20

**SECTION A - A**  
SCALE 1:20



**SECTION B - B**  
SCALE 1:5

**SECTION C - C**  
SCALE 1:5

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**DRAWING NOTES:**

CDM REGULATIONS 2015  
SIGNIFICANT OR NON-OBSVIOUS RISKS AND RISKS WHICH ARE DIFFICULT TO MANAGE ARE IDENTIFIED ON THIS DRAWING USING THE FOLLOWING SYMBOL IDENTIFIED TO THE RIGHT WITH BRIEF ACCOMPANYING TEXT. FOR FURTHER DETAILS OF THE RISKS IDENTIFIED BY DESIGNERS, REFERENCE SHOULD BE MADE TO CDM HAZARD REGISTER.

**NOTES:**

- SUSSEX BOND BRICKWORK PATTERN TO BE USED TO MATCH THE EXISTING.
- EXISTING BRICKS TO BE REUSED WHOLE WHERE POSSIBLE, NEW BRICK WILL BE CHOSEN TO BE SYMPATHETIC TO THE EXISTING WALL, TO MATCH AS CLOSELY AS POSSIBLE.
- LIME MORTAR AND TRADITIONAL BUILDING METHODS TO BE USED.
- LIME MORTAR TO HAVE COMPRESSIVE STRENGTH OF 4N/mm<sup>2</sup>.
- WALL CAPPING DETAIL APPEARS TO BE IN GOOD CONDITION AND WILL THEREFORE BE REUSED AS MUCH AS POSSIBLE.
- REINFORCED CONCRETE PILE CAP/GROUND BEAM TO BE C28/35 GRADE CONCRETE.
- 20mm MAXIMUM AGGREGATE SIZE.
- REINFORCEMENT GRADE TO BE B500A.
- 50mm COVER TO REINFORCEMENT.
- SCREW PILES TO BE DESIGNED BY SPECIALISTS.
- SCREW PILES TO BE DESIGNED TO ACCOUNT FOR THE NEW ADJACENT TREES.
- GROUND LEVEL TO REMAIN UNCHANGED.
- DRAWING TO BE REVIEWED IN CONJUNCTION WITH THE FULL TENDER PACK.
- WALL MEASUREMENTS TBC ON SITE.
- MJ - MOVEMENT JOINT.
- MOVEMENT JOINTS AT 5-6m CENTERS TO HAVE 250mm PPS ANCON TIES AT 225mm VERTICAL CTRS WITH A DEBONDING SLEEVE ON ONE SIDE.
- MOVEMENT JOINTS TO BE 10mm WIDE, TO HAVE COMPRESSIBLE FILLER AND TO BE SEALED WITH APPROVED POLYSULFIDE SEALANT TO MATCH EXISTING.

PROPOSED WALL DIMENSIONS, ELEVATIONS, SECTIONS, AND PLANS ALL MATCH EXISTING.

B	REISSUED WITH FIXING INFORMATION	21.03.22	AX	TH
A	REISSUED WITH AMENDED LENGTH	15.03.22	AX	TH
-	ISSUED FOR TENDER	31.08.21	AX	TH
REV	DESCRIPTION	DATE	BY	CHKD

ORIGINATOR:

**RIDGE**  
PROPERTY & CONSTRUCTION CONSULTANTS

THE COWYARDS  
BLENHEIM PARK  
OXFORD ROAD  
WOODSTOCK, OX20 1QR  
WWW.RIDGE.CO.UK

CLIENT:

IN ASSOCIATION WITH:

PROJECT:  
**RIVERSIDE GROUP  
CLAREMONT HOUSE**

TITLE:  
**PROPOSED REPLACEMENT  
WALL DETAILS**

DRAWN BY: AX  
SCALE: AS SHOWN @ A1  
CHECKED BY: TH  
DATE: 31.08.2021

STATUS:  
**PRELIMINARY**

DRAWING No:  
PROJECT: 5009133 ORG: RDG ZONE: XX LEVEL: 00 TYPE: DT ROLE: S NUMBER: 0100 REV: B



Dear Ted

**BY EMAIL ONLY**

**Our Reference: 20/00183/Preapp**

**Location: Claremont, London Road**

**Proposal: Removal of Sycamore Trees and demolition and Rebuild of Wall**

I refer to your pre-application enquiry concerning the above site which included the following information:

- Pre-Application form
- Site Plan
- Covering letter
- Tree information

This response is based on the information that has been provided and our meeting Thursday the 5<sup>th</sup> of March 2020.

**Heritage Context and Legal considerations**

Claremont is a designated heritage asset Grade II listed on the 23 January 1952 and is identified as being of special architectural or historic interest. It is adjacent to the Elms also Grade II listed. The wall that is subject of this application divides the curtilage of the two buildings. As such the Local Planning Authority is statutorily required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. This duty is required in relation to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the National Planning Policy Framework.

The property is located within the London Road 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 area. This duty is required in relation to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**National Planning Policy Framework (NPPF)**

Section 16 of the NPPF requires Local Planning Authorities to take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 192 states that in determining planning applications, local planning 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;
-

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

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 provides 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 less than substantial harm, that harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

### **Development Plan Policies**

#### **Gloucester, Cheltenham and Tewkesbury Joint Core Strategy**

The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) was adopted December 2017 and therefore provides the up to date development plan for the City. Policy SD8 relates to the historic environment.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise. Although this legal requirement does not apply to the consideration of listed building consent applications, the planning objectives set out in JCS Policy SD8 will be relevant to the consideration of an application for listed building consent.

### **Assessment of the Proposal**

The wall that is subject of this application is approximately 3m high and separates Claremont and the Elms. The wall is precarious due to significant rotation as a result of the growth of three sycamore trees on the Claremont side of the wall. The wall is destabilised as a result.

The wall is part of the curtilage of Clairemont so is considered to be part of the grade II listing, it separates Clairmont from The Elms.

The proposal to remove the wall and the trees and rebuild a new wall on new cement foundations without sufficient justification should be avoided and is unlikely to gain consent, without evidence to demonstrate that alternative, less intrusive schemes, are not viable. The applicant should investigate the bridging over of the root plates (subject to trimming the roots,) of the trees in-situ and rebuilding off the existing foundations, reusing the original bricks bedded in a lime mortar. A cement foundation and mortar would not tolerate any further movement from the trees, whilst a lime mortar would allow the wall to flex rather than crack. An application for listed building

consent will be required and should provide a full Heritage Impact Statement to support the proposal and evidence why repair or a less intrusive scheme is not viable. The height of the new wall could be reduced by 2-3 courses.

Any excavation for a new concrete footing would be likely to encounter archaeology and should be avoided, see comments from the City Archaeologist below. London Road has significant and well-preserved Archaeology, particularly the surface of the original London Road and the Roman cemeteries either side. Archaeology is close to the surface on the eastern side of the road.

The Trees are considered to contribute value to the Conservation Area, therefore any attempt to fell these would be resisted and a tree preservation order would be applied. However, there is scope for the replanting of new trees should it not be possible to bridge over the roots.

Any approval for a listed building consent application would be conditioned for an archaeology watching brief, trees and the specification for the wall, unless fully detailed within the application.

### **Archaeology**

*This site is situated immediately adjacent to a Roman road (following the line of modern day London Road). Archaeological remains of Roman date – indicating settlement activity – have been found previously in adjacent sites at between 0.9 and 1.3m bgl. Excavations for a new foundation would likely need archaeological monitoring – for which I would have to recommend an archaeological condition be attached to any permission. My advice is that the applicant either build off the existing foundations or limit the depth of their groundworks if at all possible.*

### **Trees**

*Pollarding would decrease the amenity value of the trees slightly but sycamore trees should recover rapidly and the canopy would return to a significant size within years. An email confirming you are removing the notice would suffice.*

*As agreed I would not put a TPO on them at this stage as removing the notice would mean they are still “protected” as they are located in a conservation area and in a willingness to try and work with you to achieve a satisfactory solution for all.*

*I would have no objections to the middle tree being removed (T2 as per Jim’s report). You would need to submit a notice for the removal of this tree however.*

*We would need to establish how many roots/the proportion of the rootplate that may need to be cut before I could give an opinion on how this could affect tree health and stability. As discussed on site we would look to bridge over/lintel as many roots and possible, certainly any substantial roots.*

*We have some example over repairing/rebuilding historic walls in Gloucester in close proximity to trees and roots have been bridge over.*

*Finally, I would, perhaps be willing to allow these trees to be removed if there was a way of guaranteeing 2 substantial replacement trees. Kate could this be achieved through a condition attached to listed building consent? Can you even do this, sorry I’m not at all familiar with LBC. The problem I have is that I cannot guarantee replacement planting unless a TPO is made. Under TPO legislation if consent is granted to fell, a replacement condition*

can be attached but unfortunately you cannot make conditions in relation to conservation area notices to fell trees.

## **Information required in support of a Listed Building Consent Application**

*The City Council's Adopted Local List*

<https://www.gloucester.gov.uk/media/2428/type-13-application-for-listed-building-consent.pdf>, identifies the information requirements for listed building consent applications.

The validation requirements for your proposed application for listed building consent are likely to be as follows:

- Completed "Listed Building Consent" application form;
- Site location plan (scale of 1:250, identifying the application site outlined in red and showing the direction of north);
- A historical appraisal and an assessment of the significance which identifies what architectural and historical features are present for the property. It is recommended that this assessment is undertaken to inform the impact of this application and to ensure that any works do not have an adverse and negative impact on any of the remaining architectural features and character of the asset.

The standalone document should be completed in accordance with Conservation Principles, Policy & Guidance <https://historicengland.org.uk/images-books/publications/conservation-principlessustainable-management-historic-environment/> and Historic England Guidance - Good Practice Advice (GPA) GPA 2: Managing Significance in Decision-Taking in the Historic Environment Historic Environment Good Practice Advice in Planning <https://historicengland.org.uk/imagesbooks/publications/gpa2-managing-significance-in-decision-taking/>

It is important that statements are a balanced; evidence based assessment of the potential impacts of the proposed development, and should not simply express a personal view on whether the works should be approved.

- A schedule of works and contractor's method statement will be required for any repairs
  - Structural survey for any opening up works
  - Details scaled drawings

This advice is based on the information submitted and is offered without prejudice to the City Council's decision on this or any subsequent application.

Other issues may arise following the receipt of further detailed information and the publicity provided for any future application.

Your attention is drawn to the requirements of the Building Regulations, which may be required to be obtained as a separate consent to any future listed building

consent application. You are advised to contact the Gloucestershire Building Control Partnership on 01453 754871 for further information.

Yours sincerely

Kate Biggs

Conservation Officer