

SUPPLEMENTARY REPORT OF THE ASSISTANT DIRECTOR - DEVELOPMENT

The application for listed building consent should be considered as in the main report. By statute, it is an application that has to be to the Secretary of State and the Local Planning Authority's role is limited to forwarding it with such comments as it feels appropriate. In practice, this normally means with a statement of support, although if the LPA felt unable to give such it would still have to be forwarded.

A DEVELOPMENT BY THE CITY COUNCIL (cont'd)

4 Code No: DER/1105/1883
DER/704/1380

The position on the amendments is quite different. Whilst not formally referred, the Secretary of State was aware of them and was supplied with a copy of the main report when published. These amendments no longer have to be forwarded formally, although I would send them for completeness so that GOEM have the same documents that the City Council is using as part of the CPO procedure.

7. Representations

I have today received objections as follows:

- (a) from Dr Joan D'Arcy in relation to the listed building application. It is generally in line with the views expressed by the CAAC as set out below but also objects to consideration of this matter before the publicity period has expired.
- (b) from Mr Richard Butler, separate letters relating to the wall demolition and the amendments to the scheme.
- (c) from Ms Louise During, also separate letters relating to the wall demolition and to the amendments to the scheme.

All of these will be made available at the meeting.

8. Consultations

CAAC has no objection to demolition and re-erection on whatever alignment is appropriate but that rebuilding should be to the full height of around 2.1m with use of the same bond etc. CAAC also asked for recording before demolition, which is no problem, and for the demolition and re-erection to be undertaken as a single operation.

English Heritage has now responded confirming that it wishes to see the Stafford Street wall rebuilt to its full height, materials and architectural arrangement. It is unconvinced of the arguments for reducing the rebuilt height and considers that the application should be withdrawn. If not withdrawn, it should be refused.

10. Officer Opinion

Listed Building application DER/1105/1883

My advice is unaltered. I do not think that any prospective objector will be materially disadvantaged by Members considering the matter tonight. Members have already accepted the principle of demolition and, effectively, the aspect for consideration is whether the rebuilding specification which the City Council, as Highway Authority, has put forward should be supported, or whether the City Council, as LPA, wishes to suggest to the Secretary of State that some alternative rebuilding specification is imposed through the mechanism of the S of S' decision.

A DEVELOPMENT BY THE CITY COUNCIL (cont'd)

**4 Code No: DER/1105/1883
DER/704/1380**

The options are very thoroughly set out in the main report. I am quite convinced that the sensible way to get the Stafford Street walls aspect before the Secretary of State is to endorse the current rebuilding specification and let the S of S decide, either on the basis of written representations as he has at Ford Street, or alternatively after a public inquiry. This latter course is one that he may choose for the Seven Stars and Five Lamps applications.

The views of English Heritage will be taken into account by the Secretary of State in his consideration of the appropriate way to deal with this and the other LBCA Act applications. I could not recommend Members to support a form of reconstruction that is, in my view, inappropriate to the future function of the Friar Gate Goods Yard land.

Planning application amendments DER/704/1380

As determination is now a matter for the LPA, I shall need to spend some time in devising both appropriate conditions and reasons for the decision. The former will need to strike the right balance between what is necessarily controllable by the LPA and what should properly be left to the Highway Authority. The reasons for the decision will need to be in the form that best protects the LPA from challenge in the courts.

Instead of this work being part of the preparations for a public inquiry, I now consider that it would be appropriate for me to report to a future meeting of this Committee on those reasons (for the decision) and conditions. At that stage any representations made *in respect of the amendments* could be considered.

11. Revised recommended decision and summary of reasons:

- 11.1 DER/1105/1883 - Subject to no additional representations being received, **to forward** the application with all background documents and representations to the Secretary of State with a statement of support requesting that the Secretary of State grants listed building consent for the demolition works.

In the case where additional representations are received, to delegate to the Assistant Director in consultation with the Chair and Vice Chair the consideration of those representations, and in view of those representations, the decision as to whether such a statement of support should be submitted to the Secretary of State.

A DEVELOPMENT BY THE CITY COUNCIL (cont'd)

4 Code No: DER/1105/1883
DER/704/1380

DER/704/1380 - **To note** the amended details and to instruct the Assistant Director – Development to report to a future meeting the final recommended conditions and reasons for the decision, at which time any further representations on the amendments will be considered.

11.2 Summary of reasons:

DER/1105/1883 - As a decision to be made by the Secretary of State, the reasons will be as thought fit by him. However, for the supporting statement I would incorporate the following: “Whilst the demolition is not desirable in relation to the duties in Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to the advice in PPG15, the overall benefits and policy considerations above are sufficient to justify the areas of harm to the historic environment.”

DER/704/1380 – To be reported to a future meeting.

Conditions

DER/1105/1883 - A way will need to be found to ensure that the wall is rebuilt to an appropriate height, on an alignment that meets both road and redevelopment requirements and to a timescale that avoids abortive work but does not allow the situation to drift in the event of redevelopment being delayed.

DER/704/1380 – To be reported to a future meeting.

Reasons for conditions – To be reported to a future meeting.