

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **5<sup>TH</sup> APRIL 2011**

**ADDRESS/LOCATION** : **UNIT 54: 35 KINGS WALK SHOPPING CENTRE**

**APPLICATION NO. & WARD** : **10/01236/CON WESTGATE**

**EXPIRY DATE** : **18.04.2011**

**APPLICANT** : **AVIVA LIFE & PENSIONS (UK) LTD**

**PROPOSAL** : **DEMOLITION OF BUILDING AND HIGH LEVEL BRIDGE LINK AND ASSOCIATED WORKS.**

**REPORT BY** : **MIKE GETHIN**

**NO. OF APPENDICES/ OBJECTIONS** : **SITE PLAN**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This application relates to the two storey retail unit and first floor corridor linkage to the main King's Walk shopping complex located within the southern corner of King's Square. The building, formerly known as "The Golden Egg" restaurant was constructed in the early 1970's as part of the King's Walk redevelopment scheme. The site is situated within the City Centre Conservation Area where there are no listed buildings or designated Scheduled Monuments within this locality.
- 1.2 The application involves the demolition of the building down to slab level, with limited excavation to accommodate the laying of new paving slabs and the installation of new matching handrails.
- 1.3 The building is of concrete framed construction, with rendered/concrete outer wall panels with some masonry walling and partial glazed frontage on all facades. The main entrance is accessed via a number of steps and a ramp. There is a covered walkway linking "the Golden Egg" to the Kings Walk Shopping centre on the south- western elevation at first floor level.
- 1.4 In recent years the building has had a number of short term leases to retail tenants; however the unit is now vacant.

## **2.0 RELEVANT PLANNING HISTORY**

2.1 4.3.1968 & 25.6.1969: Permissions P/132/68 & P/132B/68/69 for the redevelopment – erection of shops, offices, public house, restaurant, multi storey car park and associated servicing facilities

25.6.1969: Deemed Consent: Layout of King's Square

11.12.1984: Permission 41608/01: Change of use of restaurant into a shop.

5.3.1996: Permission 95/00613/COU granted for external alterations to building and change of use from shop (A1) to A3 [not implemented].

## **3.0 PLANNING POLICIES**

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

### Central Government Guidance

#### Planning Policy Statement 1 - Delivering sustainable development

This contains the Government's latest guidance and advice on national planning policy and sets the overarching framework for the planning system. As well as establishing some key principles it raises the importance on the requirements for 'good design' to a level not previously established in national guidance and states that good design is indivisible from good planning.

#### Planning Policy Statement 5 - Planning for the historic environment

This is the updated Government Policy on the historic environment, replacing both PPG15 Planning and the Historic Environment and PPG16 Archaeology and Planning. Its thrust is not dissimilar, emphasising the importance of the historic environment and its contribution to cultural, social and economic life and there is a presumption in favour of the conservation of designated heritage assets. It obliges applicants to supply sufficient information to enable an assessment of the impact of a proposal on the significance of any heritage asset affected. With regard to the existing level of significance, Authorities should look to the desirability of sustaining and enhancing the significance of heritage assets.

### 3.2 The Development Plan

The Development Plan policy framework comprises of the following documents:

- Structure plan:  
Gloucestershire Structure Plan Second Review (Adopted November 1999 and 'saved').

### Policy NHE6

Sets out that the distinctive historic environment of the County will be conserved and enhanced. Scheduled Ancient Monuments, Listed Buildings, Conservation Areas, and their settings will be preserved. Historic settlements and landscape, historic parks and gardens, and sites of archaeological importance will be protected from the adverse effects of development.

- Local Plan:  
The statutory development plan for Gloucester remains the City of Gloucester Local Plan (Adopted 1983 and partially saved until the Local Development Framework is adopted).
- Subsequent to the 1983 plan there has also been the City of Gloucester (Pre-1991 Boundary Extension) Interim Adoption Copy October 1996).
- The Second Stage City of Gloucester Draft Local Plan 2002 has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes.

### 3.3 The relevant policies within the City of Gloucester Second Deposit Local Plan (2002) are:-

#### BE.29 – Development within Conservation Areas

Sets out requirements for proposals within Conservation Areas, notably to preserve or enhance its character or appearance; retain the character of spaces; be of a scale, form, layout and overall character that harmonises with those buildings and features that contribute positively to the character of the Conservation Area; and ensure important views into and out of the Conservation Area are retained or enhanced.

#### BE.30 – Demolition of non-listed buildings in Conservation Areas

Establishes a presumption in favour of retaining buildings and substantial parts of buildings which make a positive contribution to the character or appearance of a Conservation Area. Four criteria are set out for the consideration of demolition proposals in Conservation Areas:

1. The part played by the building in the architectural or historic interest of the area;
2. The condition of the building and the viability of its retention and continued occupation;
3. The wider effects of demolition on the surroundings and on the Conservation Area as a whole; and
4. Whether the replacement scheme will make a positive contribution to the appearance or character of the area, or bring other substantial benefits to the community that outweigh the harm caused by the loss of the buildings.

#### BE.30a – Control of redevelopment within Conservation Areas

Sets out that planning permission for development involving the demolition of buildings within Conservation Areas will be subject to the imposition of conditions or the negotiation of an obligation to provide that demolition should

not take place until a binding contract for the carrying out of redevelopment has been entered into.

BE.31, BE.34, BE.35, BE.36 and BE.37 – Archaeological heritage

### 3.4 Supplementary Documents

Central Area Action Plan Preferred Options document : August 2006

Policy CA20 of the 'Central Area Action Plan' identifies the demolition of the "Golden Egg" building as one of the site specific obligations required as part of the King's Square and Bus Station redevelopment.

The 'City Centre Conservation Area (Conservation Area 5) Appraisal and Management Proposals' is adopted as interim planning guidance. It reflects the statutory duty on authorities to formulate and publish proposals for the preservation and enhancement of Conservation Areas and to assist with determining applications that affect them. It identifies key characteristics of the area and issues for resolution via 'management proposals', including notably for this application, the Square is cited as being a negative open space that is proposed for enhancement.

- 3.5 All policies can be viewed at the relevant website address - Gloucester Local Plan policies – [www.gloucester.gov.uk/planning](http://www.gloucester.gov.uk/planning); Gloucestershire Structure Plan policies – [www.gloucestershire.gov.uk/index.cfm?articleid=2112](http://www.gloucestershire.gov.uk/index.cfm?articleid=2112) and Department of Community and Local Government planning policies - [www.communities.gov.uk/planningandbuilding/planning/](http://www.communities.gov.uk/planningandbuilding/planning/).

## 4.0 CONSULTATIONS

External consultations

- 4.1 **English Heritage** makes no comment.

- 4.2 **The Council of Management of the Gloucester Civic Trust** comment that it does not usually approve any demolition works in Conservation Areas without first seeing what is to take its place, however in this case it makes an exception and raises no objection.

Internal consultations

- 4.3 **The Principal Conservation and Design Officer** raises no objection subject to a condition.
- 4.4 The **Heritage Service Manager** raises no objection subject to a condition.

## 5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The application has been publicised in the local press and two site notices have been posted on and near the building. No representations have been received as a result of this publicity.

- 5.2 The full content of all correspondence on this application can be inspected at the 4<sup>th</sup> floor reception, Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

## **6.0 OFFICER OPINION**

- 6.1 I consider that the main issues with regard to this application relates to the impact of the proposal on the character or appearance of the conservation area and on the archaeological heritage within the city centre area.

### **6.2 Impact of the proposal on the character or appearance of the conservation area**

The 'City Centre Conservation Area (Conservation Area 5) Appraisal and Management Proposals' document identifies Kings Square as forming part of the 'Eastgate Street, Northgate Street, and Post-war development' character area. The area is noted to have been "adversely affected by 20th century development including the construction of two shopping malls (the Eastgate Shopping Centre and Kings Square)". This is recognised to have resulted in the loss of the historic grain of the medieval city.

- 6.3 King's Square was designed as a large public space during 1969-1972 and this appendage was built in 1972 as part of the King's walk redevelopment. The building is clad with shaped concrete panels projecting forward of purple/blue brick cladding and glazed curtain walling. The townscape analysis included within the conservation area appraisal identifies the "Golden Egg" building as forming part of a wider area (encompassing Kings Square) which is identified as 'negative open space'. It is recommended in this document that the Council should particularly encourage the redevelopment of sites which make a negative contribution to the character or appearance of the City Centre Conservation Area and Policy CA20 specifically lists the demolition of the "Golden Egg" building as one of the site specific obligations required as part of the King's Square and Bus Station redevelopment.

- 6.4 Consequently this building is considered to be historically and architecturally insignificant and there is strong support for its demolition, because it is under-used and is regarded as a visual intrusion into the square.

### **6.5 Impact of archaeological heritage**

The site is located within a wider area of principal archaeological interest.

The proposal would include very limited excavation to the raised podium, to a maximum of 300 millimetres deep, in order to accommodate new paving slabs. This depth is not expected to have any adverse impact on the potential archaeological remains. Although the building has a negative impact on the conservation area, it can still be regarded as a heritage asset and therefore should be recorded as part of the most recent period of redevelopment in this quarter of the city centre.

## **7.0 CONCLUSION**

- 7.1 The application has been carefully assessed and it is considered that the appearance of the building does not provide any positive benefit to the ambience of Kings Square and that the reinstatement works would be welcomed in advance of the holistic redesign of the locality. The demolition proposal has been carefully considered against Policies BE.29, BE.30, BE.30a, BE.31, BE.34, BE.35, BE.36 and BE.37 of the City of Gloucester Second Deposit Local Plan 2002, Policy NHE6 of the Gloucestershire Structure Plan 1999, relevant supplementary planning documents: Central Area Action Plan Preferred Options document, City Centre Conservation Area Appraisal and Management Proposals, national Planning Policy Statements 1 and 5. There is strong support for the demolition of this building because it is considered to be historically or architecturally insignificant, it is under-used and is regarded as a visual intrusion into King's Square.

## **8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER**

- 8.1 That the Committee resolves to grant Conservation Area Consent under reference 10/01236/CON subject to the following conditions:-

### Condition 1

The demolition works shall be begun before the expiration of three years from the date of this consent.

### Reason

In order to comply with the provisions of 18(1) the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### Condition 2

The surfacing reinstatement works shall be undertaken in accordance with the detail indicated on the submitted drawing no. B.1249 002 revision A within one month of the completion of the demolition works, except where otherwise required by other conditions of this consent.

### Reason

To ensure that the works are carried out in accordance with the approved plan and in accordance with policies contained within Second Deposit City of Gloucester Local Plan (2002).

### Condition 3

Before the commencement of demolition works hereby permitted details of the method of reinstatement of the cladding to the current first floor walkway opening to the main building shall be submitted to and approved in writing by the local planning authority. The approved cladding work shall be undertaken and completed in conjunction with the surfacing reinstatement works.

Reason

To ensure that the remediation works are harmonious with the appearance of the adjoining building in the interests of the visual amenity of the area in accordance with Policy BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 4

No development or demolition shall take place within the proposed development site until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic environment work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme will provide for the rapid archaeological recording of the historic built environment that are to face an impact from the proposed demolition, with the provision for appropriate archiving and public dissemination of the findings.

Reason

The proposed demolition site includes significant elements of the historic built environment. The Council requires that these elements will be recorded in advance of any demolition and their record be made publicly available. This accords with Policies BE.31 and BE.37 of the 2002 City of Gloucester Second Deposit Local Plan and Policy BNE.9 of the Interim Adoption SPD of Gloucester City Council's 'Development Affecting Sites of Historic Environment (Archaeological) Interest' (2008).

Decision: .....

Notes: .....

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