

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **7<sup>TH</sup> APRIL 2015**

**ADDRESS/LOCATION** : **LAND AT THE DOCKS AND LLANTHONY ROAD**

**APPLICATION NO. & WARD** : **14/00415/FUL  
WESTGATE**

**EXPIRY DATE** : **4<sup>TH</sup> JUNE 2014**

**APPLICANT** : **GLOUCESTER QUAYS LLP**

**PROPOSAL** : **Construction of new public square, associated engineering works, canopy and hard landscaping (includes removal of existing structures, walls and railings), and works to Llanthony Road.**

**REPORT BY** : **ADAM SMITH**

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

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site comprises the 'square' of land currently used for car parking between The Waterways Museum and the Barge Arm East flat block, and also Llanthony Road up to its junction with Southgate Street.
- 1.2 The proposals seek to create a new public square, removing the car parking and two of the existing covered transit sheds, and extending the existing paving out along Llanthony Road.
- 1.3 In detail this comprises:
- Re-paving of the whole area between the Museum and existing path in front of the Barge Arm east flat block, down to Llanthony Road and up to the canal inlet;
  - Retention of the existing rail tracks;
  - Retention of the existing transit shed next to the canal inlet;
  - Removal of the existing wall/railing between the Docks and Llanthony Road;
  - Creation of a curved, stepped transition from Llanthony Road into the 'events space';
  - Creation of a new ramp and linear flight of steps at the west side of the square closest to the Brewery;
  - Relocation and lighting of the existing cranes and rail truck;

- New lighting and street furniture;
- New bin store on the block in front of the museum;
- New disabled parking next to canal inlet;
- Removal of the lay by in front of The Goat Inn;
- Extension of the granite sett paving on Llanthony Road eastwards up to the junction with Church Street and slightly further westwards towards the bridge;
- New pavement surfacing up to the Southgate Street junction and extended pavement width at the junction;
- New two-bay taxi rank in top of Church Street.

1.4 The plans were originally considered and put out to consultation in April 2014. Unusually, following what I understand were protracted negotiations between the applicant and the Canal and River Trust, amended plans were subsequently submitted only in late January, hence the somewhat disparate two periods of public consultation on the scheme. The changes in the revised scheme include the removal of the canopy previously proposed at the southern edge of the square and relocation of the crane to the former canopy location, changes in the materials, the illumination of several retained structures, alterations to the step/ramped access to Llanthony Road, and the relocation of the disabled parking, bin store, taxi rank, seating and the water trough.

1.5 The application is referred to the Planning Committee at the discretion of the Development Control Manager given its scale and prominent location.

## **2.0 RELEVANT PLANNING HISTORY**

### 98/00568/OUT

2.1 This was an outline planning application for the comprehensive redevelopment of the Docks for D2 leisure uses, A1 retail, A3 restaurants/bars and hotel development, refurbishment and conversion of warehouses for such uses including residential, office and cultural/entertainment uses, provision of public open space, landscaping and car parking, relating to the Docks area bounded by Commercial Road, Southgate Street and Llanthony Road. Permission was granted on appeal 9<sup>th</sup> February 2000.

### 04/00777/REM

2.2 This was an application for the Public Realm works 'Phase 1A', comprising the areas around Vinings, Albert and Double Reynolds Warehouses and the Mariners chapel. It was granted subject to conditions 3<sup>rd</sup> August 2004.

### 05/01022/FUL

2.3 This was an application for the Public Realm works 'Phase 1B', comprising the areas around Biddle and Shipton Warehouses, the Barge Arm flats and Albion Cottages. It was granted subject to conditions 8<sup>th</sup> November 2005.

### 09/00398/FUL

2.4 This was an application for 'Phase 2' of the Docks public realm works to the east and north of Victoria basin, including resurfacing, new terracing and

steps, erection of walls and screening structures, street furniture, lighting, planting and art features including the public art 'spear'. It was granted subject to conditions 28<sup>th</sup> July 2009.

### **3.0 PLANNING POLICIES**

#### Central Government Guidance - National Planning Policy Framework

- 3.1 This is the latest Government statement of planning policy and is a material consideration that should be given significant weight in determining this application.

#### *Decision-making*

The NPPF does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In assessing and determining applications, Authorities should apply the presumption in favour of sustainable development. For decision-making, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent, or relevant policies are out of date, granting planning permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
  - specific policies in the NPPF indicate development should be restricted.

Authorities should look for solutions rather than problems and decision-takers should seek to approve applications for sustainable development where possible.

#### *Core planning principles*

Planning should:

- Be genuinely plan-led;
- Be a creative exercise in ways to enhance and improve places;
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Secure high quality design and a good standard of amenity;
- Take account of the different roles and character of different areas;
- Support the transition to a low carbon future, take account of flood risk and encourage the use of renewable resources;
- Contribute to conserving and enhancing the natural environment and reducing pollution;
- Encourage the effective use of land by reusing brownfield land;
- Promote mixed use developments;
- Conserve heritage assets in a manner appropriate to their significance;

- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- Take account of and support local strategies to improve health, social and cultural wellbeing and deliver sufficient community and cultural facilities and services to meet local needs.

*Building a strong, competitive economy and Ensuring the vitality of town centres*

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

*Promoting sustainable transport*

Seeks to ensure developments generating significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Decisions should take account of whether;

- The opportunities for sustainable transport modes have been taken up;
- Safe and suitable access to the site can be achieved for all people;
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented on transport grounds whether the residual cumulative impacts of development are severe.

*Requiring good design*

Emphasis is retained on good design, seeking to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history while not discouraging innovation, ensure safe and accessible environments, and are visually attractive as a result of good architecture and appropriate landscaping. Permission should be refused for development of poor design that fails to take opportunities for improving areas.

*Promoting healthy communities*

Encourages the involvement of all sections of the community. Decisions should aim to achieve places which promote;

- Opportunities for meetings between members of the community who might not otherwise come into contact;
- Safe and accessible environments;
- Clear and legible routes, high quality public space that encourage use.

Decisions should also;

- Plan positively for shared space, community facilities and other local services;
- Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

*Conserving and enhancing the natural environment*

Sets out that the planning system should contribute to and enhance the natural and local environment by the prevention of unacceptable risks or adverse effects by pollution.

Developments should be prevented from contributing to or being put at unacceptable risk from soil, air, water or noise pollution, remediate and mitigate land where appropriate, and limit the impact of light pollution.

#### *Conserving and enhancing the historic environment*

Retains the general approach to protect and enhance heritage assets, and to require applicants to assess the significance of assets affected by development proposals, including any contribution made by their setting.

Authorities should identify and assess the particular significance of any heritage asset that may be affected taking account of the available evidence and expertise. In determining applications, 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;
- the desirability of new development making a positive contribution to local character and distinctiveness.

Great weight should be given to the asset's conservation. The more important the asset, the greater the weight. Significance can be harmed or lost through alteration or destruction of the asset or development within its setting. Any harm or loss should require clear and convincing justification.

Where substantial harm or total loss of significance of an asset would occur, applications should be refused unless it can be demonstrated that this is necessary to achieve substantial public benefits that outweigh that harm or loss or all of the following apply:

- the nature of the asset prevents all reasonable uses of the site; and
- no viable use of the asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Where a proposal will lead to less than substantial harm to the significance of a designated asset, this should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Authorities should look for opportunities for development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

#### *Planning obligations and conditions*

Planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development: and
- Fairly and reasonable related in scale and kind to the development.

Planning conditions should only be imposed where they are

- Necessary;
- Relevant to planning and to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

The National Planning Practice Guidance has also been published to accompany and in part expand on the National Planning Policy Framework.

#### The Development Plan

3.2 Section 38 of the Planning and Compulsory Purchase Act 2004 has established that - “The development plan is

(a) The regional spatial strategy for the region in which the area is situated, and

(b) The development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy that is contained in the last document to be adopted, approved or published (as the case may be). If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

#### Local Plan

3.3 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). Under the terms of the NPPF, weight can be given to these policies according to their degree of consistency with the NPPF.

3.4 Relevant saved 1983 Local Plan policies are as follows:

A2 – Particular regard will be given to the City’s heritage in terms of archaeological remains, listed buildings and conservation areas.

A5.a – The inclusion of tourist-orientated uses within the comprehensive redevelopment of the Docks area will be encouraged.

L3.c – The City Council will support the inclusion of leisure facilities within the Docks redevelopment.

3.5 Subsequent to the 1983 plan there has also been the City of Gloucester (Pre-1991 Boundary Extension) Interim Adoption Copy October 1996), and City of Gloucester First Stage Deposit Local Plan (June 2001).

3.6 Regard must also be had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. This cannot be saved as it is not a formally adopted plan, however with it being adopted for development control purposes it is still judged to be a material consideration. Appeal reference APP/U1620/A/07/2046996 dated 18<sup>th</sup> March 2008 confirms the degree of weight that may be afforded to the 2002 Revised Deposit Draft Local Plan. It is considered that particular weight may be afforded to those policies that attracted a limited number of, or no objections during the consultation stages. In his decision the Inspector stated the following;

“Although the local plan is not part of the development plan it has been adopted for development control purposes and I give considerable weight to it having regard to the amount of public consultation that it underwent...”

The following policies are of relevance:

Western Waterfront mixed use allocation

FRP.1a – Flood risk

FRP.6 – Surface water runoff

FRP.10 – Noise

FRP.11 – Pollution

BE.4 – Criteria for the layout, circulation and landscape of new development

BE.5 – Community safety

BE.6 – Access for all

BE.7 – Architectural design

BE.21 – Safeguarding of amenity

BE.23 – Development affecting the setting of a listed building

BE.29 – Development in Conservation Areas

BE.31 – Preserving sites of archaeological interest

BE.37 – Recording and preserving archaeology

TR.11 – Provision of parking for people with disabilities

TR.31 – Road safety

T.1 – Visitor attractions in the central area

#### Gloucester Docks Draft Planning Guidance January 2006

3.7 This document was adopted as interim planning guidance for the purposes of development control. It sets out a strategy for the continued development of the docks area following the initial phases of redevelopment. Principles include;

Preservation and enhancement of historic buildings and environment

Introducing a lively mix of uses with day round appeal

High quality architecture in an historic context

Creating a safe and attractive public realm

Improving linkages to and integration with the city centre and Gloucester Quays

Reducing the impact and use of cars

Improving pedestrian circulation and maintaining access to and along the waterside

Providing a new, high quality residential, tourism, leisure and working quarter for the city

Public realm development must take account of and respect all existing historic docks artefacts, use opportunities for interpretive materials, should be capable of hosting public art displays, and should be overlooked and well lit.

The application site area is proposed for a new public square and an enhanced approach to the museum, a hotel, residential, small business units and decked parking.

The document notes that car parking minimises development and detracts significantly from the character and amenity of the area. It should be kept to a minimum.

#### Gloucester Docks: Public realm strategy 2006

3.8 This sets out guidance to ensure a consistent, high quality approach, including the following;

- Use of Forest of Dean sandstone paving in untrafficked public areas between buildings away from the dock edge;
- Use of granite paving for trafficked areas;
- Use of resin bound aggregate for dock edges up to coping stones;
- Retention of historic features;
- Specified ranges of street furniture – seats, bins, lighting, signs;
- Requirement for public realm to be accessible for the disabled.

#### Emerging Plan

3.9 In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20<sup>th</sup> November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The weight to be attached to them is limited by the fact that the Plan has not yet been the subject of independent scrutiny and does not have development plan status. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to

- The stage of preparation of the emerging plan
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework

The following policies of the Submission JCS Document are of relevance:

SD1 – Presumption in favour of sustainable development

SD5 – Design requirements



SD9 – Historic environment  
SD15 – Health and environmental quality  
INF1 – Access to the transport network  
INF2 – Safety and efficiency of the transport network  
INF3 – Flood risk management

- 3.10 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**

- 4.1 The Civic Trust welcomes the proposals in principle and adds several further comments:
- The extension of the works to the Spa junction makes for a more comprehensive and satisfactory design;
  - The Llanthony Road railings must be preserved and every effort to re use them along with the iron pillars, stone troughs and Barge Arm coping stones and mooring rings;
  - There should be an archaeological watching brief;
  - The square should be distinguished from the Quays with different materials, York stone is not acceptable it should be Forest of Dean stone in terms of the historical connections;
  - The removal of the canopy is welcomed, but the square may be somewhat desolate in the winter months;
  - Lighting should be robust;
  - Revised coach parking is better;
  - Should not be any cars in the new square;
  - Regret that there is no footbridge over the Barge Arm, nor the toilets reopened.
- 4.2 The Highway Authority raises no objection.
- 4.3 The Canal & River Trust raises no objection to the revised scheme, although it is noted that the Trust may wish to discuss some minor elements of the proposal directly with the applicant in its role as landowner.
- 4.4 The Conservation Officer raises no objection subject to conditions to secure details of materials, street furniture, etc; the recording of the sheds and railings prior to removal; the storage and reinstatement of railings; details of parking controls, signage and bollards; treatment of historic features; and interpretation boards.
- 4.5 The Urban Design Officer raises no in-principle objection but makes several observations;
- The visual impact of a sea of cars changing to a public spaces will be positive;

- The boundary brick wall/railing divides two distinct areas – the Docks and Quays;
- While it is historically appropriate to mark the boundary, it is no longer necessary in functional terms, though some definition is useful;
- Neither the wall nor railings are historically associated with the use of the space but do have some local significance;
- The compensation for the removal of the Llanthony Road wall with benches and balustrade is not sufficient, but it does allow views through which is important;
- On balance the benefits of removing the physical barrier outweigh the negatives of losing this positive feature;
- Greater permeability would be created, with the area becoming more of an open space rather than a road;
- Surfacing materials need careful consideration in terms of linking to other resurfaced parts of the Docks or creating a new identity;
- The loss of parking spaces would affect the level of activity within the space – those who do would just pass through it;
- It may appear a very barren and hard landscape especially during the winter
- The extended new paving at Llanthony Road is welcome;
- The use of granite and Forest of Dean sandstone is welcome;
- The pole-mounted lights seem appropriate but their location and arrangement may need further thought;
- Ground based lighting will need to be robust in terms of vandalism and water ingress;
- The lack of a footbridge over the Barge Arm is a missed opportunity;
- Overall the scheme should provide a positive addition to the public realm and enhance the character of the area.

4.6 The Contaminated Land consultant raises no objection.

4.7 The Environmental Protection Officer raises no objection subject to conditions to limits times of construction, and to manage dust and noise.

4.8 The City Archaeologist raises no objection subject to a watching brief condition.

4.9 The Police Crime Prevention Design Advisor continues his concerns about the choice of materials and furniture in the scheme and makes several observations that he feels should be considered;

- Features to prevent skateboarders using benches;
- Features to prevent railings being misused given the 'run up' available;
- Seating and steps offer suitable features for skateboarding/BMXing;
- Railings/glazed screens should be impact resistant and quick to replace;
- Lighting levels should improve passive surveillance and reduce fear of crime;
- Diligent management and maintenance will be required;
- The glass insert under each bench should use a laminated layer in its manufacture to ensure lifespan;
- Relocating the crane could raise its profile and encourage climbing;
- New structures shouldn't inhibit CCTV use.

## 5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 131 neighbouring premises were notified, and site and press notices were published. Four representations have been received. Comments may be summarised as follows:

- Plans are exciting and the new square would benefit the area;
- Taxi rank at the end of Llanthony Road (\* *since relocated*) would affect amenity of flat at Mariners' Hall;
- Delivery route in front of Barge Arm could detract from the sense of a safe pedestrianised area;
- There is insufficient parking currently for the shops bordering Southgate Street and Llanthony Road – loss of parking will have a detrimental effect on businesses;
- Customers will not be able to get near shops during events;
- Additional parking must be made available in close proximity to local businesses;
- Parking for blue badge holders should be at the eastern end of the Barge Arm (not at the furthest point from the access);
- The ramp should move to the south east corner of the square for ease of use by wheelchair and mobility scooter users;
- Blue badge holders may be prevented accessing by the bollards – would they need special permit or manned attendance?;
- If provision for blue badge holders is needed, the re-instatement of the Quays shopmobility scheme would be appropriate;
- Dependency of the Museum on the parking outside;
- Support retention of the rail track;
- The railway wagon is a museum exhibit proposed for restoration, as are the cranes;
- The lack of public toilets is contentious;
- The post box in front of the Museum is the only one for a considerable distance;
- The removal of the Llanthony Road loading bay is unfortunate as it is often used by coaches for the Museum;
- Profitability of the Museum's boat jumble will be affected by the reduced working area of the square;
- Removal of the Llanthony Road wall/railing means it would have to be secured for paid entry events;
- No flagpoles are proposed;
- Blue badge holder spaces are not wide enough;
- Wheelchair users' desire lines through the square should be considered.

5.2 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, or via the following link, prior to the Committee meeting.

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=14/00415/FUL>

## 6.0 OFFICER OPINION

6.1 It is considered that the main issues with regard to this application are as follows:

- Design and conservation
- Economic considerations
- Traffic and transport
- Residential amenity
- Archaeology
- Flooding

### Environmental Impact Assessment

I have considered the characteristics and location of the development and the characteristics of the potential impacts and it is not considered that the proposal is EIA development and no environmental statement is required for determination.

### Design and conservation

6.2 The proposals, with the use of a good quality paving that relates well to the existing resurfacing, would improve the appearance of the area over and above the current sea of car parking, and would be more respectful to the surroundings buildings including the listed Waterways Museum building that fronts this area. Some alterations have been made following Officers' and the Civic Trust's comments about the materials (e.g. the use of Forest of Dean sandstone), however I recommend that approval of samples is conditioned, which should allow us to ensure a quality and suitable product is used.

6.3 However the scheme will, I fear, result in extended periods between events and particularly in winter months in being a rather open and 'windswept' space, which is a weakness of the earlier public realm works between the Barge Arm flats and Victoria Basin. This is similarly a concern of the Conservation Officer, who would prefer the retained equipment to be more central, and also of the Urban Design Officer and Civic Trust. Nevertheless this is a somewhat inevitable result of seeking to provide for an event space with flexibility for temporary structures and gatherings of large numbers of people in an unimpeded manner.

6.4 The sheds within the car park comprise of cast iron columns and wall plates, although the timber of the roof structure is relatively modern. The iron elements were moved here as part of the previous reworking of the square for the opening of the waterways museum in 1988; they were salvaged when the former timber yard was dismantled. The sheds do add character to the area, although they are not of great historic or architectural interest.

6.5 The removal of the sheds would lead to a loss of the industrial character, however one shed would be retained at the north edge, which mitigates the impact, and their removal would reveal views of other local historic buildings. There is no in-principle objection to the loss of two of the sheds from the Conservation Officer.

- 6.6 The demolition of the existing wall/railing at Llanthony Road would remove the historic boundary definition enclosing the Docks area and dividing it from Bakers Quay to the south. The railings here are also salvaged and it is widely held that they came from the site of the Gloucestershire Royal Infirmary on Southgate Street although historic photographs place this is some doubt. I agree however with the Urban Design Officer that the improvements in terms of permeability in a south westerly direction and during events would be of benefit, and outweigh the modest harm that would accrue to the Conservation Area, particularly where the definition of this boundary would be marked by new stone benches on that alignment on the one side, and balustrades on the other next to the ramp and steps. I consider this replacement is necessary to define what is a historic boundary between the square and road. There is no in-principle objection from the Conservation Officer under these terms.
- 6.7 As the railings and the cast iron shed supports were salvaged and are of some historic significance, a condition is recommended to require that they are removed carefully and kept for re-use.
- 6.8 The proposed street furniture appears from the supporting material to be of a good quality and while not the specific items referred to in the Docks public realm guidance, looks like it would blend well with the existing range, using a mix of timber and stone.
- 6.9 The area next to the dock edge would use a resin bound gravel in line with that suggested in the Council's public realm guidance, with the mooring rings, etc retained and moulded around. As an historic area an interpretation board has been requested however the applicant does not want to do this.
- 6.10 Concerns have been raised by the Police about misuse of the area. The area would effectively be operated as part of the Quays management arrangements and there is little evidence of such anti social behaviour in the existing area. The square would be well overlooked from residential and commercial premises. The applicant notes that the materials can be easily cleaned and designed to withstand potential damage. Blister paving would also likely deter some skateboarder use of the steps.
- 6.11 While the loss of the boundary wall would be of minor detriment, a number of other historic features including the rail tracks would be retained, and the overall result would be an enhancement of the appearance of the Conservation Area and it would also enhance the setting of the listed building and so accords with the duties under the Act.

#### Economic

- 6.12 The square provides the direct approach to the Waterways Museum, Gloucester Brewery and former Coots Bar (being renovated for JD Weatherspoon), as well as a route to the Quays leisure area and the Barge Arm café's frontage. The works are likely to make this approach more attractive and reveal the presence of these businesses more. The resulting public square would create a better environment for events and would likely have a beneficial effect in terms of economic development.

- 6.13 Concerns have been raised that the loss of the parking would adversely affect local businesses. While the relative ease of finding a car parking space closest to certain business might be slightly reduced, the analysis shows that there is capacity locally, and there are several alternative public car parks in the vicinity. The overall result of the proposals in economic terms is likely to be positive in my view.

#### Traffic and Transport

- 6.14 The proposal would result in the removal of the existing surface car parking provision of 120 spaces.
- 6.15 A survey of the approximately 5,520 off-street public car park spaces within the City Centre has been undertaken, which indicates that the site provides about 2.2% of the off street parking provision. The site, Southgate Moorings and Gloucester Quays car parks operate with spare capacity, with the latter two able to accommodate the 'loss' at the site. Spare capacity is also available further afield within the City Centre. Given the demand for parking by different people, there will be some degree of commuter parking during weekdays balancing with event visitor parking at weekends.
- 6.16 It is of note that the transport consultant observed that while the road network appeared stressed, there appeared to be no issue in terms of the displaced parking resulting from the Victorian Market in December 2013.
- 6.17 Vehicular access for servicing and emergencies will be from Southgate Street via a bollard entry system controlled by automatic number plate recognition and linked to the Quays management suite. Service vehicles for the Waterways Museum, Brewery and former Coots bar would approach via this route and then turn in front of those buildings to exit along the same route. This would involve reversing large vehicles within the public square and although the Highway Authority does not object given it does not impact directly on the highway, they highlight this as a significant risk of conflict. In the interests of public safety I recommend that a management plan is sought by condition.
- 6.18 Access to the square off Llanthony Road will be closed off although emergency access will still be possible by demounting bollards. The proposal does not directly affect the existing bus gate at Llanthony Road; the existing driving prohibitions will remain across the bridge. Vehicles using Merchants Road and High Orchard Street to the south will continue to turn right onto Llanthony Road and out onto Southgate Street.
- 6.19 The extended new paving along the highway is not objectionable in principle to the Highway Authority – indeed they consider that replacing the look of a formal carriageway and increase to pedestrian priority would introduce more caution and potentially reduce speeds. The road is anyway far less used now with the restrictions on access across the bridge.
- 6.20 The taxi rank has been relocated into the top of Church Street providing for two taxis. Outside the planning system there is a separate traffic regulation

order process for the taxi rank and there is no guarantee of its success. However the Highway Authority has confirmed that there is no highway objection to this new location and arrangement.

- 6.21 The Canal & River Trust was keen to retain disabled parking within the square close to the museum and this is achieved. Three disabled spaces are there currently; the scheme proposes four. The Highway Authority has confirmed that the dimensions comply with those outlined in Manual for Gloucestershire Streets
- 6.22 Overall no objection is raised in highways terms – the proposal would not lead to a severe residual impact on the highway.

#### Residential Amenity

- 6.23 The area is already used for sporadic events through the year and this would continue. The proposal is likely to reduce the number of vehicle movements in front of the flats, and the works ought to make a more pleasant environment in terms of their immediate surroundings.
- 6.24 The relocation of the taxi rank further away from the residential premises is beneficial in terms of amenity. No further objection has been received to the new location, which is what was suggested by the objector.
- 6.25 With suitable conditions to control times of construction, and noise and dust management, I do not consider that the works would have any significant adverse impact on the amenities of local residents.

#### Archaeology

- 6.26 This is an area of some archaeological potential. It is unlikely that pre 19<sup>th</sup> century archaeology would be present and if so truncated by more recent development. Furthermore the works are likely in the main to be fairly shallow. Nevertheless there is potential for encountering remains of importance, notably uncovering industrial remains - remnants of tramways and buildings, etc. Excavations have previously found a number of railway tracks beneath the current surfacing at in the vicinity. The imposition of the recommended watching brief condition is considered reasonable. With this, no objection is raised in archaeological terms.

#### Flooding

- 6.27 The flood zone around the Docks partially encroaches into the application site. However given the nature of the proposal I do not consider the sequential test to be of assistance here and do not consider there to be any overriding flood risk concerns. The Docks is a controlled body of water.

#### Phasing

- 6.28 With the Rugby World Cup approaching, the works are proposed to be phased with a first phase comprising the removal of the two sheds and any resultant making good of the surface. This would grant the space to allow for spectators, large screens, etc. After the World Cup the remainder of the works

would be implemented. Conditions are therefore drafted to allow for this eventuality.

### Human Rights

- 6.29 In compiling this recommendation we have given full consideration 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) 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 of adjacent occupiers. On assessing the issues raised by the application no particular matters, other than those referred to in this report, warrant any different action to that recommended.

## **7.0 CONCLUSION**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.2 The application would create a significant shift in the appearance of this area, changing from a part-covered surface car park to an open public space, with enhanced surfacing and less enclosure. While the removal of the sheds and Llanthony Road wall/railing would detract somewhat from the character and appearance of the Conservation Area, the overall effect is likely to be an enhancement. This is similarly the case with economic considerations. The loss of the parking spaces is shown to be tolerable in terms of alternative car parks. With suitable controls over the demolition/construction phase, no significant harm is likely to the amenities of local residents.

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

- 8.1 That planning permission is granted subject to the following conditions.

### Condition

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

### Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### Condition



The development hereby permitted shall be carried out in accordance with the approved plans referenced;

A CT OSG 00 GA 101 Rev. P14 – Proposed Plan – Orchard Square (rec. 26<sup>th</sup> February 2015)

A CT OSG 00 GA 102 Rev. P06 – Proposed Plan – Southgate St / Llanthony Rd junction (rec. 21<sup>st</sup> January 2015)

A CT OSG 00 21 107 Rev. P02 – Proposed disabled ramp plan and elevation (rec. 21<sup>st</sup> January 2015)

A CT OSG 99 21 101 Rev. P05 – Proposed Section A-A (rec. 21<sup>st</sup> January 2015)

A CT OSG 99 21 102 Rev. P04 – Proposed section B-B (rec. 21<sup>st</sup> January 2015)

A CT OSG 99 21 103 Rev. P04 – Proposed Section C-C (rec. 21<sup>st</sup> January 2015)

A CT OSG 99 21 106 Rev. P02 – Proposed section D-D (rec. 21<sup>st</sup> January 2015)

#### Reason

To ensure that the works are undertaken in accordance with the approved plans.

#### Condition

Surfacing materials shall be implemented only in accordance with details to be submitted to and approved in writing by the Local Planning Authority in advance of their installation.

#### Reason

To ensure that the materials are appropriate to their context and in the interests of protecting the character and appearance of the Conservation Area and the setting of listed buildings, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.10, BE.11, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

#### Condition

Items of street furniture (including benches, lighting [pole-mounted, uplighting and feature lighting], walls, bollards, balustrades, bin stores, signage associated with activities [taxi rank, disabled parking, etc]) shall be implemented only in accordance with details to be submitted to and approved in writing by the Local Planning Authority in advance of their installation. Details of the pole mounted lighting shall include a plan of their arrangement and resultant light levels across the site. Details of ground mounted lighting shall include details of their fixing and maintenance in respect of vandalism, water ingress or other damage.

#### Reason

In the interests of good design and protecting the character and appearance of the Conservation Area and the setting of listed buildings, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 58 and 131 of the National Planning Policy Framework and Policies BE.5, BE.17, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002) and the National Planning Policy Framework.

#### Condition

No works shall be undertaken to the railway tracks or any other retained features such as mooring rings until a Methodology for their retention/reinstatement (including provisions to make the track and adjoining materials resilient to vehicle movements and turning across them) has been submitted to and approved in writing by the Local Planning Authority. Works to the railway tracks and other retained features shall take place only in accordance with the approved Methodology.

#### Reason

In the interests of good design and protecting the character and appearance of the Conservation Area and the setting of listed buildings, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 58 and 131 of the National Planning Policy Framework and Policies BE.5, BE.17, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002) and the National Planning Policy Framework.

#### Condition

Prior to the removal of the sheds identified in blue on plan ref. A CT OSG 00 GA 101 Rev. P 13 (received by the Local Planning Authority on 6<sup>th</sup> March 2013) the applicant, or their agents or successors in title, shall undertake a photographic record of those sheds and provide that record to the City Council for appropriate archiving and public dissemination of the findings.

#### Reason

The proposed development site includes significant elements of the historic built environment. The Council requires that these elements will be recorded in advance of any development or demolition and their record be made publicly available. This accords with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraph 131 of the NPPF, Policy BE.31 of the Second Deposit City of Gloucester Local Plan (2002) and the Interim Adoption Supplementary Planning Document 'Development Affecting Sites of Historic Environment (Archaeological) Interest' (2008).

#### Condition

Prior to the removal of the wall and railings at Llanthony Road the applicant, or their agents or successors in title, shall undertake a photographic record of them and provide that record to the City Council for appropriate archiving and public dissemination of the findings.

#### Reason

The proposed development site includes significant elements of the historic built environment. The Council requires that these elements will be recorded in advance of any development or demolition and their record be made publicly available. This accords with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraph 131 of the NPPF, Policy BE.31 of the Second Deposit City of Gloucester Local Plan (2002) and the Interim Adoption Supplementary Planning Document 'Development Affecting Sites of Historic Environment (Archaeological) Interest' (2008).

#### Condition

Where proposed for removal, the iron columns of the existing sheds and the railings to the Llanthony Road boundary shall be carefully removed (by hand where necessary) to minimise damage and keep them intact, and shall be stored after removal in a secure location to be notified to the Local Planning Authority.

#### Reason

To provide for the reuse of heritage features to be lost in the proposals as proposed in the application, in the interests of good design and protecting the character and appearance of the Conservation Area and the setting of listed buildings, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 58 and 131 of the National Planning Policy Framework and Policies BE.5, BE.17, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002) and the National Planning Policy Framework.

#### Condition

The date of commencement of development shall be notified to the Local Planning Authority in writing. The two relocated cranes (proposed in front of the Waterways Museum and adjacent to Llanthony Road) and the rail truck (proposed on the retained track through the centre of the square) shall be installed on site within 12 months of the commencement of development and shall be retained unless otherwise agreed to in writing by the Local Planning Authority.

#### Reason

These retained and relocated structures make a key contribution to the visual appearance of the development, following the removal of canopy from the scheme, adding interest to the proposal where between events the area would otherwise be left bare. As such their delivery is crucial to the success of the

scheme in design and conservation terms, according with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraph 58 and 131 of the NPPF

#### Condition

No development other than the removal of the sheds identified in blue on plan ref. A CT OSG 00 GA 101 Rev. P 13 (received by the Local Planning Authority on 6<sup>th</sup> March 2013) and subsequent making good shall take place 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 shall provide for archaeological monitoring and recording (a 'watching brief') during ground works related to the development proposal, with the provision for appropriate archiving and public dissemination of the findings.

#### Reason

The proposed development site has potential to include significant elements of the historic environment. If present and revealed by development works, the Council requires that these elements will be recorded during development and their record made publicly available. This accords with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraph 131 of the NPPF, Policy BE.31 of the Second Deposit City of Gloucester Local Plan (2002) and the Interim Adoption Supplementary Planning Document 'Development Affecting Sites of Historic Environment (Archaeological) Interest' (2008).

#### Condition

No development other than the removal of the sheds identified in blue on plan ref. A CT OSG 00 GA 101 Rev. P 13 (received by the Local Planning Authority on 6<sup>th</sup> March 2013) and subsequent making good shall take place until drainage plans for the disposal of surface water have been submitted to and approved by the Local Planning Authority. The scheme shall subsequently be implemented as approved.

#### Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with Policies SD15 and INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 100 and 103 of the NPPF and Policies FRP.1a, FRP.6 and FRP.11 of the City of Gloucester Second Deposit Local Plan 2002 and the NPPF.

#### Condition

Construction and demolition work and the delivery of materials shall be limited to the hours of 0800 hours to 1800 hours Monday to Friday and 0800 hours to

1300 hours on Saturdays and no construction work or deliveries shall take place on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

#### Reason

In the interests of protecting the amenities of local residents in accordance with Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 109, 120 and 123 of the National Planning Policy Framework and Policies BE.21, FRP.10 and FRP.11 of the City of Gloucester Second Deposit Local Plan 2002.

#### Condition

No development other than the removal of the sheds identified in blue on plan ref. A CT OSG 00 GA 101 Rev. P 13 (received by the Local Planning Authority on 6<sup>th</sup> March 2013) and subsequent making good shall commence until a scheme for the management of noise and dust from the construction process shall be submitted to and approved in writing by the Local Planning Authority and development shall be undertaken only in accordance with the approved scheme.

#### Reason

In the interests of protecting the amenities of local residents in accordance with Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 109, 120 and 123 of the National Planning Policy Framework and Policies BE.21, FRP.10 and FRP.11 of the City of Gloucester Second Deposit Local Plan 2002.

#### Condition

Prior to the commencement of the installation of new surfacing materials, a Management plan for delivery and servicing vehicles shall be submitted to and approved in writing by the Local Planning Authority. This shall provide measures to ensure the safety of pedestrians utilising the square during delivery visits (notably to take account of the required reversing manoeuvre) and provisions if the delivery vehicle is temporarily blocked from entering the site (by an event or otherwise). Deliveries and servicing taking place on the site shall be conducted only in accordance with the approved Management plan.

#### Reason

The delivery arrangements propose that vehicles traverse and stop within the public area. The condition is necessary in the interests of highway safety, in accordance with Policies INF1 and INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 32 and 35 of the NPPF and Policy TR.31 of the City of Gloucester Second Deposit Local Plan 2002.

#### Condition

Prior to the installation of any new bollards, details of an access management system to allow access to the spaces within the square for disabled persons' vehicles shall be submitted to and approved in writing by the Local Planning Authority. The access management system shall thereafter be employed at all times unless otherwise agreed to in writing by the Local Planning Authority.

Reason

To permit access to the parking spaces in accordance with Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 57 and 58 of the NPPF, and Policy BE.6 of the City of Gloucester Second Deposit Local Plan 2002.

Notes

It is recommended that early discussion is undertaken with the Highway Authority regarding the use of setts within the adopted highway.

The new taxi rank would be subject to a Traffic Regulation Order as a separate process.

Every effort should be made to supply the deliveries management plan to tenants of properties needing to be serviced off the new public square.

It is recommended that Amey Gloucestershire is contacted on 08000 514514 to discuss whether the development will require traffic management measures on the public highway.

The development will involve works to be carried out on the public highway and the developer is required to enter into a legally binding highway works agreement (including an appropriate bond) with the County Council before commencing those works.

The applicant/developer is advised to contact Desmond Harris on 01827 252038 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust's "Code of Practice for Works affecting the Canal & River Trust".

Decision: .....

Notes: .....

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Person to contact: Adam Smith  
(Tel: 396702)

14/00415/FUL

Land At Llanthony Road  
Gloucester

Planning Committee 07.04.2015



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