

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **1ST MARCH 2016**

ADDRESS/LOCATION : **BAKERS QUAY**

APPLICATION NO. & WARD : **15/01144/FUL & 15/01152/LBC
WESTGATE**

EXPIRY DATE : **15/01144/FUL – 5TH FEBRUARY 2016
15/01152/LBC – 20TH OCTOBER 2015**

APPLICANT : **ROKEBY MERCHANT (GLOUCESTER) LTD**

PROPOSAL :

Alteration, including partial demolition, refurbishment and restoration of Downings Malthouse and Downings Malthouse extension, the demolition and redevelopment of Provender Mill and the restoration and extension of the Transit Shed to provide commercial floorspace for A3/A4 purposes at ground floor level in Downings Malthouse, Provender Mill and the Transit Shed, conversion of basement and ground floors of the Downings Malthouse extension for ancillary car parking and the upper floors of Downings Malthouse, Downings Malthouse extension and new build Provender Mill to provide 162 new residential units, and the restoration of 4 no. three-storey cottages. The development of the 105 bed hotel and freestanding unit for use for A3/A4 purposes on the site together with ancillary parking, turning, access and landscaping all at Bakers Quay Gloucester

REPORT BY : **ADAM SMITH**

NO. OF APPENDICES : **SITE PLAN**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is the land widely known as Bakers Quay. It borders the canal to the west and St Ann Way to the south. To the east and north east is the Gloucester Quays outlet centre. To the north at the canalside is the group of buildings occupied by Numold.
- 1.2 Bakers Quay was constructed in the late 1830s with the widening of the canal. The application site, on the southern part of Bakers Quay, includes four grade 2 listed buildings. At the north east corner of the site between Merchants Road and High Orchard Street is the grade 2 listed Downings Malthouse. This includes a range of brick buildings up to 4 storeys in height with a basement,

at the south west corner a concrete silo and to the north east a row of four brick cottages fronting High Orchard Street.

- 1.3 Across Merchants Road at the canalside is the grade 2 listed Downings Malthouse extension. It was built 1899-1901 and is linked by a bridge across Merchants Road to Downings Malthouse. It is a single large floor plan building up to 5 storeys high with a basement, with oversailing upper floors above the canalside path and it abuts the Numold site to the north.
- 1.4 South of this is the building known as the 'transit shed'. Also grade 2 listed, it was built in 1867 for the Midland Railway Company and can be seen on historic maps at the end of the rail lines coming in from the east.
- 1.5 South of this and adjacent to St Ann Way are the remains of the grade 2 listed Provender Mill and beyond the Engine House. Provender Mill was a five storey building with a basement. It comprised of an original block at the canalside of 1862, with a larger extension to the east side from 1890-95. Members will be aware that there was unfortunately a substantial fire at this building at the beginning of October 2015 that caused significant damage to the building. Several elements of the building were removed immediately after the fire in the interests of public safety, and further demolition works for safety were undertaken over subsequent weeks. The standing remains comprise the lower three storeys, decreasing towards the canalside where the fire took hold, such that the only remnant of the hoist housing over the canalside path is the ground floor supporting plinth.
- 1.6 To the south side is the associated single storey Engine House. This has also been subject to fires in recent years but they have not caused anywhere near the same destruction and it remains as a largely complete standing structure.
- 1.7 Downings Malthouse, Downings Malthouse extension, the transit shed and Provender Mill all appear on the Council's Buildings at Risk register.
- 1.8 The application includes the following proposals for the buildings:

Downings Malthouse

- 1.9 Conversion and new build at ground floor to provide three restaurant units, and conversion of the upper floors to 42 residential units. Refurbishment of the four cottages is also proposed to provide four 3-storey dwellinghouses. At basement level the removal of part of the arched walls in the kiln is proposed. In more details these comprise:
- 1.10 At ground floor the conversion of the central part of the building to a restaurant, including new openings in the north and south walls to link the parts of the building, including the removal of part of the arches in kiln (part is to be retained and made visible at basement and part retained as a feature at the back of the room). New openings are proposed to the Merchants Road elevation for entrances/shopfronts and also in the return northern side wall. New openings and partitioning is proposed to provide for access, storage, substations, etc in the High Orchard Street side of the main building, and

insertion of a new stair core for access off High Orchard Street to the upper floors.

- 1.11 A single storey extension is proposed to the north of the main central block and behind the cottages, for a restaurant unit. The lean-to behind the cottages would be demolished to make way for this. A new opening in the north side wall of the main building is proposed to link in the restaurant space. The extension is designed as two pitched roof bays with glazed gable ends fronting Merchants Road with a canopy to front.
- 1.12 The concrete silo to the south is proposed to be demolished and in its place a single storey extension constructed for a restaurant in a similar style to the extension on the north side. New openings in the south eastern warehouse are proposed to link into the restaurant space. New works are proposed within this warehouse to provide for a residential entrance core off High Orchard Street to the upper floors. The extension is designed as two pitched roof bays with glazed gable ends fronting Merchants Road and in this case glazing to the south side as well opening out to an external seating area here.
- 1.13 A new stair core is proposed between the main building and southern restaurant extension on the Merchants Road side for access to the upper floors (it projects up to all floors). This would be faced in a cladding material and connect to the link bridge from Downings Malthouse extension.
- 1.14 At first floor the proposals include the subdivision of the main building into flats around a central atrium space, including new floor structure, new openings in the internal walls to provide access and windows and to open up space at the east side for a flat unit. The insertion of floors and subdivision of the south eastern warehouse to flats is proposed and a lift core rising through the floors. Across the upper floors in the kiln a new floor structure is proposed at each level.
- 1.15 At second and third floors a similar layout is proposed but with an opening in the floor at the atrium. Depending on the structural solution for this building, this may be a new floor structure entirely accommodating this arrangement. At third floor of the south eastern warehouse a new extension is proposed above the 'chopped off' flat roof of the building providing for additional flats. This is designed off the same footprint projecting vertically for one storey with a pitched roof and four feature turrets at the ridge. It would be faced in a cladding material.
- 1.16 At roof level the proposals involve the replacement of the roof materials and insertion of rooflights into the main building to serve the atrium space and the north and east side flats.
- 1.17 Various new/amended windows, including blank windows opened up, new windows in the same style as existing, and on the Merchants Road elevation two new projecting feature windows at the upper floor of the two gables of the main building are also proposed.

Downings Malthouse extension

- 1.18 The proposals involve the conversion of the lower two floors for car parking associated with the reuse of the upper floors for 74 residential units. In more detail this comprises:
- 1.19 At basement several new internal openings are proposed to facilitate vehicular circulation as is the removal of one of the kilns at the north side and removal of various columns. The new circulation core providing a stairwell will extend down into the basement. Ramped access is proposed down from the external ground floor level on the south side.
- 1.20 At ground floor similar alterations are proposed, with new openings formed, columns removed, and a new opening in the southern wall to provide the vehicular access up to ground floor and down to basement.
- 1.21 At first, second, third and fourth floors the layout and works are similar. The central core of the building is to be removed to provide natural light. Residential units are proposed around the perimeter with new window openings. At third and fourth floors new projecting 'feature' windows are proposed, two on the southern elevation, one on the east. Also at third floor the link bridge over Merchants Road is proposed to be dismantled and rebuilt and used as an amenity space for one of the flats.
- 1.22 In addition at fourth floor several alterations to the roof are proposed – in the canalside elevation to open up the roof slope to provide balcony areas and a new pitched roof extension over the flat roof at the north side to provide for additional flat accommodation and balconies facing north.
- 1.23 At roof level, over the central atrium roof lights are proposed to provide for natural light. The existing signage on the canalside is to be repainted.

Transit shed

- 1.24 The existing transit shed would be dismantled and the existing columns and roof trusses retained for reuse. A new structure would be built, with the columns included, for use as a restaurant, with an extension to the south side also for restaurant use, with a narrower linking structure between.
- 1.25 The structure comprising the columns and trusses would be re-erected in the same siting. A new functioning shell would be erected within the existing structure, set back from the columns to allow them to be viewed. The new elevations would be clad in glass and vertical profiled dark grey metal cladding.
- 1.26 The extension building has been modified in the amended proposals. It proposes a main block of similar height, width and footprint to the existing, The roof form has been turned through 90° in the amended scheme to form two pitched oversailing roofs fronting the canal, with a further projecting gable to the south. The extension would be largely glazed, with brick columns and rainscreen cladding interspersed and to the service areas.

- 1.27 The narrower linking structure between the rebuilt transit shed and the extension would be of a simple appearance clad in a dark grey vertical profiled metal cladding.

New build and conversion - Provender Mill/Engine House

- 1.28 The scheme has been amended following the fire and now proposes the demolition of the remains of Provender Mill and construction of a new building of five storeys with roof accommodation, on the same footprint.
- 1.29 The new building at Provender Mill would be a copy at gable end of the original listed building, with the middle section in a more modern style having a cladding finish down to ground level, punctuated with vertical strips of aligned windows and balconies. The hoist housing at the canalside elevation would also be replicated on the same footprint and form but with a cladding finish.
- 1.30 At ground floor it would comprise three restaurant units with a residential entrance and core between. At the upper floors the proposals are for 1 and 2-bedroom flats, including into the hoist housing overhanging the canalside and the roofspace. There is now an increase to 46 units (38 in the original conversion proposals). The first floor units on the south side would have access to a roof terrace above a link section to the Engine House.
- 1.31 The Engine House would be converted for a restaurant and works include the introduction of new partitioning for the restaurant, lowering of windows in the south, east and west elevations with single pane glazing below the existing sills, and insertion of a mezzanine floor for additional staff accommodation.
- 1.32 Also proposed is the construction of the single storey link building between Provender and the Engine house for servicing/storage for the restaurants and kitchen space for the Engine house restaurant with an opening formed in the north wall of the Engine house. This would have brick pitched roof gable ends with the terrace area between. The 1920s flat roof extension to the south side of the Engine House is proposed to be demolished

New build – hotel

- 1.33 This comprises a 6 storey, 104 bed hotel. It would be sited in the south east corner of the site, adjacent to the wedge of land belonging to Peel Holdings on the corner by the access road off St Ann Way. It would measure 21m high to roof ridge, 45m long by 15.5m wide overall.
- 1.34 It would have a pitched roof with projecting gable feature to the west side and a projecting stair core to the north side. Facing materials are proposed as red brick and aluminium curtain walling, with a slate roof, and a different cladding material to the projecting gables.

New build – drive through café

- 1.35 This comprises a single storey building with drive-through facility. This would be sited parallel with Baker Street opposite the Gloucester Quays car park entrance rotunda. It would measure approximately 16m by 10m in footprint with an angled roof oversailing to the south west facing 'front' of the building.

- 1.36 The building would be articulated with two elevations of largely glazing facing south east and south west towards the St Ann Way approach with the other two of a solid metal cladding material including the drive through servery. It is likely that some external cladding components will be in the corporate colour of the tenant, and also some brickwork feature walls.

Associated works

- 1.37 Access to the southern part of the site would be provided with a new entrance off Baker Street with the road into the site continuing broadly down the alignment of Merchants Road.
- 1.38 Merchants Road between the two Downings Malhouses is proposed to be resurfaced to continue the 'Gloucester Quays' area paving southwards. The area between the buildings at the southern section of the site would be resurfaced including the provision of a substantial amount of surface car parking to service the buildings (163 spaces, 70 dedicated to the hotel). An electricity substation is proposed south east of the drive through next to the Baker Street. A building to house a diesel generator is also proposed next to the hotel. Trees are proposed at the Baker Street entrance to the site and down into the car parking areas, and a hedge to the perimeter of the car park behind the hotel.
- 1.39 The application is referred to the Planning Committee given the scale and sensitivity of the proposals. It is reported at this stage of negotiations at the applicant's request, referring to the apparently imminent termination of the contractual arrangements. Presenting the scheme to the Committee now will give Members the opportunity to determine the application before this deadline passes. This timetable has dictated to a large degree the progress on negotiations to date.
- 1.40 This report considers both the planning application and the associated application for listed building consent.

2.0 RELEVANT PLANNING HISTORY

Pre-2002 application

- 2.1 In 1990 the Council produced a Planning Brief for Bakers Quay as a result of the allocation of the site for mixed-use development in the Draft Local Plan 1990 (later to become the 1996 Interim Adoption Copy Local Plan) and an approach by Peel Properties. It indicated the need to progress development through a comprehensive scheme, although no provision was made for large scale retail development.
- 2.2 Peel Properties were actively considering the redevelopment of the whole area and submitted a planning application for a substantially office-based scheme. However because of land assembly issues and other reasons, the scheme was not progressed and the application was withdrawn.

- 2.3 Later in 1994 planning permission and listed building consent for Mill View were granted by the Planning Committee at High Orchard Cottages, Malthouse 2 and Provender Mill for conversion and alterations to provide 67 1 bed units and 51 2 bed units together with access and parking facilities. An application for a second phase of development of the West Midlands Farmers land including restaurant, offices, retail and residential was also submitted, but withdrawn following disposal of the site.
- 2.4 By this time the Planning Brief was revised to reflect the practicalities of incremental development given the ownership situation. Before Mill View could agree terms with West Midlands Farmers, the latter sold the site to another party (understood to be the current owner).
- 2.5 An outline application for the demolition of existing buildings and erection of retail store, office building, car parking and access was submitted in 1997 by Peel Developments and WM Morrison Supermarket Plc for the Peel owned land (St Ann Way to Llanthony Road between High Orchard Street the Southgate Street buildings). A range of concerns were raised and the applicant chose to hold the application in abeyance.

02/00271/OUT

- 2.6 This was the application for outline planning permission for the Gloucester Quays site. The application was for major mixed use development comprising new build and reuse of existing buildings to accommodate residential development (approx. 1000 units); food retail store (approximately 7,800 sq. metres); retail factory outlet centre (approximately 20,000 sq. metres); new Gloscat education campus (approximately 19,000 sq. metres); employment development (approximately 9500 sq. metres); hotel (80 beds); leisure development (approximately 6000 sq. metres) and the provision of associated car parking, servicing and infrastructure including a new road link across canal. Outline Planning Permission was granted by the Secretary of State on 22nd June 2006 and parts of the site built out at Bakers Quay/the outlet centre, and the Sainsbury store at Monk Meadow.

06/00358/FUL

- 2.7 This was an application for the construction of the canal bridge and link road, control building and associated works. It was granted subject to conditions on 6th June 2006 and is constructed.

06/01338/FUL

- 2.8 This application was for the construction of a new road junction on St Ann way to serve Gloucester Quays and Peel Centre and revised layout to existing car park at the Peel Centre. It was granted subject to conditions on 9th January 2007 and is constructed.

07/00444/FUL

- 2.9 This application sought the variation of conditions 6, 7 and 12 of the outline planning permission 02/00271/OUT, to amend the approved masterplan, vary the maximum parameters of the environment statement (Buildings Heights)

and redistribute part of the A3, A4, and A5 floorspace in the Factory Outlet Centre. Permission was granted 3rd July 2007.

07/00708/REM

- 2.10 This reserved matters application was for a mixed use scheme consisting of a Retail Factory Outlet Centre, 15 residential flats, leisure floorspace (including A3, A4 & A5 food & drink) together with associated multi-level car parking (1311 spaces), bus and taxi facilities and landscaping. Approval of reserved matters was given 4th September 2007.

07/00710/FUL

- 2.11 This full application was for the erection of a budget hotel (up to 106 bedrooms) including an additional 96 car parking spaces (forming part of the Gloucester Quays Factory Outlet Shopping Centre). It was granted permission subject to conditions on 4th September 2007.

07/00711/CON

- 2.12 This was an application for conservation area consent for the demolition of existing structures and buildings with the Phase D area of Bakers Quay to facilitate redevelopment. Buildings demolished included the single storey building at the front of former Matthews furniture store and the utility building between Sudbrooke House and The Goat Inn. It was granted subject to conditions on 7th September 2007.

07/01191/CON

- 2.13 This application was for conservation area consent for the demolition of buildings and structures within the Phase F Area of Bakers Quay to facilitate the redevelopment - nos. 7, 9 and 11 Llanthony Road and Units 1 and 2 No. 3 Merchants Road. It was granted subject to conditions on 29th October 2007.

08/00017/REM

- 2.14 This was an application for approval of reserved matters pursuant to the varied outline application, comprising one and two storey buildings and associated structures and conversion of existing buildings, for A3/A4 food and drink uses, and associated landscaping (Phase F1/Block Q). It was approved subject to conditions on 11th March 2008.

08/00024/FUL

- 2.15 This was an application for the variation of conditions 3 and 4 of Planning Permission 07/00444/FUL (varied conditions 7 and 12 respectively of (02/00271/OUT) to vary the maximum parameters for the development and re-distribute the approved floorspace within the site (incorporating an increase in the class A3, A4 and A5 uses within the factory outlet shopping area). The application was granted permission on 11th March 2008.

08/00681/FUL

- 2.16 This was an application for the construction and use of a first floor within building B16/Block Q (details approved by 08/00017/REM) for food and drink use (A3/A4/A5) in conjunction with ground floor uses, and use of first, second

and third floors of the retained 'Cooks Glass' building for food and drink use (A3/A4/A5) in association with ground floor use.

08/01142/FUL

- 2.17 This application was for the erection of a kiosk (Use class A3) in Pillar and Lucy Square. It was granted subject to conditions on 2nd October 2008 and constructed but has since been demolished.

08/01319/FUL

- 2.18 This application was for the variation of condition 7 of 02/00271/OUT to vary the maximum parameters for the development (incorporating an increase in the height of the hotel and its capacity from 80 to 120 bedrooms, and a re-allocation of parking spaces within Phase E only of the development) and Condition 6 of 02/00271/OUT to amend the approved masterplan (at Phase E of the development). It was granted subject to conditions on 6th January 2009.

09/01096/REM & 09/01098/LBC

- 2.19 This was an application for the submission of reserved matters (the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site) for building 'B10' of the Gloucester Quays development (B10 comprising the grade 2 listed Downings Malthouse and new build), to provide office and 'leisure' (use classes A3, A4, A5, D2) floorspace and 12 no. residential units. It was approved subject to conditions 23rd February 2010 but never implemented.

09/01097/FUL

- 2.20 This was an application to vary condition 7 of the outline planning permission to redistribute the approved floorspace and uses within the Bakers Quay part of the site. It was granted planning permission on 10th February 2010.

11/01291/FUL

- 2.21 This was an application for the construction of a new first floor and roof structure to, and the use of part of the ground floor of, Blocks L, M and N of Gloucester Quays Factory Outlet Centre (buildings located between Merchants Road and High Orchard Street) for a 10-screen cinema (use class D2), change of use of 6 outlet centre units in Blocks L, M and N and the ground floor of Block P to restaurant and take-away use (Class A3 and A5), and associated external alterations. It was granted permission subject to conditions on 23rd July 2012 and is constructed.

12/00244/FUL

- 2.22 This was an application for the change of use of the ground and first floor of Unit 111, and the first floors of Units 108 and 109, of Gloucester Quays and the erection of a mezzanine floor to Unit 111 for use as a health and fitness club/gymnasium (use class D2). It was granted permission subject to conditions on 24th May 2012.

13/00384/FUL, 13/00385/FUL & 13/00386/FUL

- 2.23 These were applications to change the use of highway and circulation areas around Gloucester Quays, Merchants Road and Llanthony Road to allow

outside seating for food and drink units. They were all granted subject to conditions on 29th May 2013.

13/00870/OUT

- 2.24 This was an outline application (appearance and landscaping reserved for future consideration) for the erection of a 'Drive thru' cafe unit (Class A3) including creation of new vehicular access. It was refused due to its design and siting on 11th February 2014.

13/01172/FUL

- 2.25 This application was for engineering works within Pillar & Lucy Square to provide new fountains and hard landscaping, including replacement balustrades at Pillar and Lucy House. It was granted subject to conditions on 24th March 2014.

14/00709/FUL

- 2.26 This application was for the renewal of the Gloucester Quays outline planning permission for mixed use regeneration, comprising re-use of buildings and new build to accommodate residential, employment, retail and leisure uses and an education centre for Gloscat including enhancement works to listed buildings and Llanthony Priory together with public transport facilities, improvements to the road network including a new bridge over the canal and associated landscaping, car parking and servicing. It was granted subject to conditions and legal agreements on 4th January 2016.

14/01386/FUL

- 2.27 This is an application to vary Conditions 5, 6 and 7 of the Gloucester Quays outline planning permission to alter the masterplan and schedule of development. It is currently pending consideration.
- 2.28 A large number of additional applications have also been dealt with in the adjoining land such as listed building consents, demolition approvals and advertisements but are not listed in full here.

3.0 PLANNING POLICIES

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

Central Government Guidance - National Planning Policy Framework

- 3.2 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. The NPPF retains a recognition of town centres as the heart of communities and encourages the pursuit of policies to support their vitality and viability.

The sequential and impact tests are maintained for planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. Where an application fails to satisfy

the sequential test or is likely to have significant adverse impact on one or more the 'impact' factors, it should be refused.

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.

Delivering a wide choice of high quality homes

To boost significantly the supply of housing, Authorities should

- Use their evidence base to ensure that their Local Plan meets the full objectively assessed needs to market and affordable housing in the housing market area, as far as is consistent with the policies set out in the NPPF;
- Identify and update annually a supply of specific deliverable site sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5%;

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Authority cannot demonstrate a five year supply of deliverable housing sites.

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.

The importance of access to high quality open spaces is also emphasised.

Meeting the challenge of climate change, flooding and coastal change

Seeks to secure reductions in greenhouse gas emissions, supporting the delivery of renewable and low carbon energy and associated infrastructure.

In terms of flooding, authorities should direct development away from high flood risk areas, but where development is necessary, make it safe without increasing flood risk elsewhere. The use of sustainable drainage systems is encouraged.

Conserving and enhancing the natural environment

Sets out that the planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes, geological conservation interests and soils;
- Recognising the wider benefits of ecosystem services;
- Minimising impacts on biodiversity and providing net gains where possible;
- Prevention of unacceptable risks or adverse affects by pollution;

Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight.

Authorities should aim to conserve and enhance biodiversity by applying the following principles;

- If significant harm cannot be avoided, mitigated or compensated for, refuse permission;
- Opportunities to incorporate biodiversity in and around developments should be encouraged;
- Refuse permission for development resulting in the loss or deterioration of irreplaceable habitats unless the need for and benefits of the development clearly outweigh the loss.

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 reasonably related in scale and kind to the development.

Where obligations are being sought authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. As with most of the NPPF topics, the Planning Practice Guidance provides further clarity, with detailed guidance on considering viability in decision taking.

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.

For the purposes of making decisions, the NPPF sets out that policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the NPPF. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

The Development Plan

3.3 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

3.4 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.

Relevant saved policies are as follows:

H1 – Release of land for residential development to cater for 5 years requirement

H1d – Presumption against development of other sites except minor infill other than those identified in H.1a and H.1c

H4 – The City Council will seek to ensure that there is a satisfactory provision of housing for those sections of the community whose needs are not adequately met by the private sector.

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

A5c – Llanthony Priory has particular significance for Gloucester's tourist industry. Its conservation and maintenance and the conservation of its setting are matters of importance.

T1f – Provision for pedestrians in the city centre outside the main shopping area.

T6 – Measures will be introduced to encourage cycling.

S1a – Major comparison shopping facilities will not normally be permitted outside the main shopping area other than in accordance with the specific provisions of other policies.

S2b – Major convenience shopping facilities will not normally be permitted outside the main shopping area.

L1 - The City Council will ensure the provision of an adequate level of public open space in the City through the retention of existing areas, the inclusion of public open space within areas of new development and, where areas of shortfall are identified, the maintenance of a watching brief to consider opportunities for these to be made good.

L1.c – On new housing developments, public open space will be provided in centralised locations which are accessible to the residents. Plots will not be less than half an acre in size and the needs of all sections of the community will be considered when they are laid out.

L1.e – Where developers require the City Council to adopt areas of public open space and amenity space there will be an agreement between the Council and the developer which will include the deposit by the developer of a financial sum sufficient to cover the maintenance costs of that land for ten years.

L2.b – Where appropriate, the City Council will seek to provide additional sports pitches on the public open space which is incorporated into new housing developments.

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.

3.7 2002 Plan Policies

Western Waterfront mixed use allocation

FRP.1a – Flood risk

FRP.5 – Maintenance of water courses

FRP.6 – Surface water run-off

FRP.7 – Water supply

FRP.9 – Light Pollution

FRP.10– Noise

FRP.11 - Pollution

FRP.15– Contaminated land

BE.1 – Scale, massing and height
 BE.2 – Views and skyline
 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.9 – Design criteria for large commercial development
 BE.12 – Landscape schemes
 BE.13 – Landscape strategy
 BE.15 – Provision of open space in major development
 BE.16 – Provision of public art
 BE.17 – Design criteria for large scale residential development
 BE.18 – Vehicular circulation and parking in new residential development
 BE.21 – Safeguarding of amenity
 BE.22 – Alterations to and development within the curtilage of listed buildings
 BE.23 – Development affecting the setting of listed buildings
 BE.24 – Demolition of a listed building
 BE.25 – Consent for demolition of a listed building
 BE.26 – Relaxation of policies
 BE.27 – The principle of enabling development
 BE.28 – Linking enabling development to the heritage objectives
 BE.29 – Development within conservation areas
 BE.31 – Preserving sites of archaeological interest
 BE.32 – Archaeological assessment
 BE.34 – Presumption in favour of preserving archaeology
 BE.36 – Preservation in situ
 BE.37 – Recording and preserving archaeology
 TR.1 – Travel plans and planning applications
 (TR.5 – South west bypass, TR.6 – Developer contributions to the south west
 bypass – now delivered)
 TR.9 – Parking standards
 TR.11 – Provision of parking for people with disabilities
 TR.12 – Cycle parking standards
 TR.16 – Shared parking
 TR.18 – Safe and secure car parks
 TR.28 – Contributions towards bus priority routes and facilities
 TR.31 – Road safety
 TR.33 – Providing for cyclists/pedestrians
 TR.39 – Footpaths/cycleways along the river and canal
 TR.40 - Taxis
 H.1 – Allocations for mixed use including housing (MU.2 Western Waterfront)
 H.7 – Housing density and layout
 H.8 – Housing mix
 H.15 – The provision of affordable housing
 H.16 – Affordable housing mix, design and layout
 H.18 – Lifetime homes
 E.1 – Mixed use allocations (MU.2 Western Waterfront)
 E.4 – Protecting employment land
 S.2a – Bakers Quay (factory outlet centre)
 S.4a – New retail development outside designated shopping centres

CL.3 – Late night uses inside the central area
 T.1 – Visitor attractions in the central area
 T.3 – New hotel development in the central area
 C.1 – Cultural facilities
 C.4 – Cultural facilities in the Western Waterfront (MU.2)
 OS.1 – Public open space
 OS.2 – Public open space standard for new residential development
 OS.3 – New housing and public open space
 OS.4 – Design of public open space
 OS.5 – Maintenance payments for public open space
 CS.11 – Developer contributions for education

Emerging Plan

- 3.8 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 20th November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and NPPG and are a material consideration. The weight to be attached to them is limited, the Plan has not yet been the subject of independent scrutiny and does not have development plan status, although the Examination in Public has been ongoing since May 2015. 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, City Plan and any Neighbourhood Plans 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

- 3.9 The following policies are of relevance and the plan is subject to representations through the consultation which affects the weight that can be attributed to the policies:

SP1 - The Need for New Development
 SP2 – Distribution of new development
 SD1 – Presumption in favour of sustainable development
 SD2 – Employment
 SD4 – Sustainable design and construction
 SD5 – Design requirements
 SD7 – Landscape
 SD9 – Historic environment
 SD10 – Biodiversity and geodiversity
 SD11 – Residential development

SD12 – Housing mix and standards
SD13 – Affordable housing
SD15 – Health and environmental quality
INF1 – Access to the transport network
INF2 – Safety and efficiency of the transport network
INF3 – Flood risk management
INF4 – Green infrastructure
INF5 – Social and community infrastructure
INF7 – Infrastructure delivery
INF8 – Developer contributions

All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

- 4.1 The Highways Agency raises no objection.
- 4.2 Historic England objects to the application on heritage grounds given the level of harm.

They note that this is a significant project where there are clearly heritage gains, specifically the introduction on new uses into the redundant structures is welcomed. The wider regenerative benefits of this project for Gloucester Centre are acknowledged.

The information with the application falls short of that required by the NPPF; it is not sufficient to understand the full impact of the proposals on significance. It is not therefore feasible to confirm that harm has been avoided or minimised.

In respect of Provender Mill the case against retention is unfortunately accepted. In the context of the significant loss of fabric, removing a large component of its significance, the introduction of a new structure within the remnant element has less value. With amendments they may be able to support the new build in its place.

In respect of the Engine house they are still concerned at the lowering of all the eills, which would erode significance and changes are required.

In respect of Downings Malthouse Extension, the conversion of the upper floors is supported. The ability to introduce a new use provides a good justification for the focus of this demolition. Given the lack of understanding the implementation would lead to moderate harm to significance.

In respect of Downings Malthouse the conversion of the upper floors is supported. One retail frontage opening had been agreed in principle the introduction of a second large opening has not and the works would erode the

aesthetic quality of the Merchants Road elevation. Given the valuation exercise suggests that there is some flexibility in the project this element should be reviewed along with other demolition proposals. The proposals would involve the full removal of the core with no structural justification and would be substantial harm.

They support the substantial retention of the cottages.

In respect of the Transit shed the new A3/A4 use is supported. The proposals for dismantling and reconstruction are a sensible way forward. However the extension to double its size and being largely infilled would erode significance and this would be moderate harm.

In respect of the landscaping, it does not preserve or enhance the character of the Docks Conservation Area.

In respect of the hotel and A3/A4 units the general positioning and massing of the current proposals are acceptable from a heritage perspective.

They firmly believe that any excess in the scheme for s106 obligations, given the Council's statutory obligations, should be directed towards areas of heritage concern.

If the Council were minded to support the proposals based on public benefits they strongly recommend that the conditions suggested by the Conservation Officer be applied. They comments specifically on:

- Detailed assessments of significance to review existing plans.
- No works should commence on Downings Malthouse unless there has been a full structural survey to meaningfully review the extent of demolition proposed and ensure maximum retention of significant fabric.
- Method Statement for the Transit shed works.
- Ensure the dormers at Downings Malthouse Extension do not compromise the roof frame.
- Review the dropped eaves in the Engine shed and amend the plans.
- Address the landscaping proposals to improve materials and omit soft landscaping where it contradicts the character of the Conservation Area.

They also consider it important that a legal agreement should be drafted to guarantee that all projects are brought to a close in a timely manner to ensure that the historic buildings do not remain untouched. A financial bond held in place until completion could satisfy this need. If the historic buildings are at the end of works then appropriate protection measures will be required to ensure that the buildings do not deteriorate.

4.3 The Civic Trust has commented:

The panel welcomes a plan to complete the transformation of the derelict listed buildings on Baker's Quay, but regrets that the application does not include the Peel owned land on the corner of St Ann Way and the car park access road, to make a truly comprehensive redevelopment.

The Panel considers that the bridge between the two sections of Downing's maltheuses should be part of the application.

In terms of Downing's Malthouse the panel has no objection to the demolition of the silo or the design concept of the listed building, but reserves judgement until details are to hand of the proposed cladding materials, and how precisely the new build connects to the existing structure. The panel regrets the proposal to replace the decorative industrial brickwork at the mill with glass shop fronts to Merchants Road.

In terms of the High Orchard Street houses the proposals are considered an acceptable solution to retaining these former dock workers' houses.

In terms of Downing's Malthouse extension the panel was pleased to see the ingenious method by which the architects propose to introduce natural light into the centre of this enormous building, but has grave reservations about the treatment of the car park entrance at ground level which involves knocking a large hole in the side of the listed building, making the building look weak, with just a slender column of brick seemingly the only support. The opening itself needs detailing to draw the eye from the gaping hole and soften the impact of all the traffic and calming measures associated with a car park entrance. Further thought should be given to the size of the entrance and its possible disguise by some sort of canopy, perhaps echoing the colonnade on the canal frontage. The provision of "zippers" on just the upper floors appears to make no sense but they were included on the original building. On the canal side of the roof space, the "cat slide" windows need to be better defined to match the proportions of the lower floors which are highly visible from the Llanthony quay.

The panel would like to see suitable pieces of redundant machinery from the mill used as external features/sculptures which would draw people into the area and explain its former use.

In terms of the Transit Shed, this is one of only two Midland Railway transit sheds left in Britain and needs very careful treatment to retain the character of what is a simple, lightweight, building of cast iron columns with a tin roof and sides partly open to the fresh air. The proposed conversion and extension is too heavy.

In terms of the Engine Shed the panel understands the need to introduce light into the ground floor, but, to keep the proportions of the industrial building the existing sill height should remain and a succession of square windows introduced below. This will prevent the building taking on a church like appearance with lancet windows.

In terms of Provender Mill the panel reserves judgement until it is clear what is possible following the recent disastrous fire.

In terms of landscaping the panel is concerned that the area between the

buildings will be just a vast car park. Where possible the buried railway lines on the site should be exposed and incorporated into the landscaping scheme so the previous use of the area is seen. Each of the buildings should have interpretive notices giving details of its former use. It is essential that nothing is done to impede the canal side walk so that it extends under the St. Ann Way road bridge to give pedestrian access to the Peel Centre.

The new build elements are considered acceptable provided that the archaeological levels, which may contain significant remains of Llanthony Secunda Priory, are explored in a programme of works approved by the city museum.

The panel regrets that there is still no indication of what will be built on the land immediately next to the proposed hotel so that a comprehensive development of this area can be achieved.

The panel is happy with the scale and siting and overall design of the proposed hotel, but requires further reassurance about the proposed materials. For instance, the roofing is described in one part of the application as being slate, and, in another, "having the appearance of slate." The roof finish is vitally important because it will be visually prominent from the St Ann Bridge approach. The sections of the walls described as "traditional brickwork" do not appear to be possible in construction practice because of intervening string courses of an unspecified material, set back from the line of the facing. The other cladding materials – apart from the timber – will need very careful selection if this very prominent building in the Docks Conservation Area is to be the landmark building it deserves to be. The hedging proposed seems odd in a dockland setting and should be deleted until the future use of the land next door is determined.

The panel liked the variety of paving materials proposed which go some way towards relieving the monotony of what will be a very large car park, but would like to see more evidence of former uses, including the exposure of any railway lines which still exist under the dereliction. The Panel understands that large items of machinery from the maltings still exist and these could be displayed as part of the landscaping to form a fascinating glimpse for visitors of the buildings' former uses.

In terms of the Costa Coffee building it is considered acceptable but, in this setting, might look better in Corten steel.

In response to the amended scheme the Panel commented:

The politicians need to get adjoining landowners to achieve a comprehensive redevelopment including the land on the corner of St Ann Way and the access road to the Quays car park. Without knowing what will go on this land the Baker's Quay scheme has a gaping hole in it and the "building line" from the Quays front door to the bridge cannot be maintained.

Preference for the hotel to be sited at 90 degrees to the indicated position and still has misgivings about the materials.

The panel was unanimous in finding the design of the replacement Provender building unacceptable, and, in particular the use of a mass of glass balconies on either side - entirely unsuitable for this industrial, canal side landscape. Without the balconies the building would be acceptable. The panel liked the use of salvaged bricks for the gable ends but would like the whole elevation in brick or at least the plinth to the top of the ground floor doors. The ratio of windows to walls is nothing like any of the other warehouses in the docks and is unacceptable. If there have to be balconies a metal mesh would look more industrial than glass. The treatment of the canal path overhang using the original iron stanchions is acceptable.

The revised design and materials of the Costa Coffee building is a great improvement and acceptable but will form an unlikely landmark building until something is done with the Peel land.

Improved layout of the roof lights in the Maltinghouse extension overlooking the canal is noted, but thought more could be done to disguise the huge entrance to the underground car park.

Knocking down the transit shed and reusing the materials in a new building was accepted as the way ahead, but would like to see the link between the two proposed halves redesigned to make it less bland.

On the Engine shed the new low level windows would look a lot better square, with their own brick or stone lintels

The panel still see no attempt in the landscaping scheme to reflect the history of the area apart from some interpretation boards. If there are old railway lines we would like to see them included, along with interesting bits of machinery from the buildings' former uses.

- 4.4 The Highway Authority raises no objection subject to conditions to secure appropriate access, the improvement works to Merchants Road, an advisory scheme for motorists at the access junction about oncoming service vehicles, delivery of the access, turning, loading and parking for buildings prior to occupation, details of the access/egress control to Downings Malthouse Extension, cycle storage and a construction method statement.
- 4.5 The County Council's Economic Development and Strategic Planning Officer has commented on education and library contributions. No education contribution is sought, and £31,752 is sought as a contribution to libraries.
- 4.6 The Environment Agency does not object in principle to the redevelopment or the uses proposed but recommends that the layout be revised to open up the culvert where practically possible and reinstated as a landscape feature, and an 8 metre easement around the culvert. This runs under the hotel and the transit shed extension. The proposed maintenance arrangements for the

culvert have been sent to the Environment Agency and we await clarification of their position in this light.

The Environment Agency also agrees with the extent of flood risk identified for the site, however as the principle source of flood risk originates from the Sud Brook these outlines may be considered conservative with the likely level of risk being aligned more to the south as identified elsewhere in the Flood Risk Assessment.

They note that any introduction of 'more vulnerable' uses should meet the criteria of the exception test. They concur with the methodology used to sequentially test the existing buildings in relation to their future uses based on the current floor levels and the adopted design flood level of 11.18m AOD.

They are satisfied that the proposals would enjoy safe access and would not impact on flood plain compensation that that finished floor levels are set at an appropriately high level above the 1 in 100 year level including climate change.

- 4.7 The Canal and River Trust raises no objection subject to conditions to secure details of boundary treatments adjacent to the canal; details of surface water drainage; details of protective fencing to safeguard waterway infrastructure; a remediation scheme if contaminated material is discovered; details of external lighting; and flues/ventilation/extraction systems.

The Trust also wishes to make several general comments that may be summarised as follows:

- Welcome improvement of this land;
- Retention and sympathetic restoration of waterside buildings is welcomed and pleased to see car parking is largely screened from the waterway;
- Close boarded fence at canalside would be objectionable if this is proposed; blocks access under bridge;
- Use of Downings Malthouse Extension ground floor for car parking prevents active use to canalside – this is a missed opportunity; area should be better overlooked and well used to prevent anti social behavior; grill openings are unattractive;
- Understand rationale for new intervention of Provender, but juxtaposition is uncomfortable and would prefer more reference to the original; no objection to changes to loading bay and prefer the vertical emphasis of the modern windows; the cladding is too close to the existing brickwork colour and should provide more contrast, perhaps continuing the roof colour or a darker coloured brick which would allow deeper reveals and add depth, articulation and interest which is lacking at present; side elevations may be improved if brick does not wrap around corner so far; ground floor units give no reference to the past and no sense of place and apartment entrance could be improved; projecting balconies are incongruous - too rigid, imposing and numerous; recessed balconies or a central column only of balconies may work better; conflict between link section and balconies;

- Extensive surface car parking areas will have a detrimental impact on the setting of listed buildings and devalue new areas of public realm;
- Visitor safety risk assessment needed for use of canalside and safety equipment may need to be provided by the applicant;
- Area beneath St Ann Way bridge is subject to ASB and welcome any measures such as lighting or CCTV to discourage;
- A detailed lighting scheme is required to assess impact on the waterspace;
- Development must not have adverse impact on structural integrity of waterway;
- A discharge agreement is necessary for any increase in flows to the culvert/canal;
- Further contaminated land investigation is necessary;
- Agree with recommendation to provide bird and bat boxes.

- 4.8 The Lead Local Flood Authority (County Council) at the initial consultation sought clarification about exploring additional methods of surface water treatment; noted that there is no evidence that the attenuation features have been adequately sized; did not understand how the proximity of the mills to the existing road prevents connection to the new system; noted that there is no demonstration of how the 5 l/s restriction will be achieved; also that there is no evidence of an agreement of the owner of a 3rd party drainage system (Severn Trent and Canal and River Trust); and also that there is no indication of the system's functioning during an exceedance event or dealing with blockages or failures.

In response to the amended scheme, they query evidence of the capacity of the attenuation, practicalities of removing historic connections to the network, and whether Provender can be connected to the new system. They welcome the filtration proposals in terms of pollution control and note that the strategy for Downings Malthouse drainage is now acceptable depending on the removal of historic connections query. These outstanding queries have been sent to the applicant and we await a response.

- 4.9 The Police Liaison Officer makes the following comments to improve security and reduce the fear of crime;
- The development should be managed by the Council or an external company;
 - Suitable CCTV provision as an extension to the Quays;
 - Suitable lighting provision;
 - Communal entrance doors should have access control systems;
 - Stairwells should restrict access to all floors;
 - Corridors should avoid hiding places and circular routes;
 - Avoid secluded entrances;
 - Refuse storage should be a practical distance from each apartment, locked, lit and signed, overlooked and easily accessible;
 - Cycle storage should be lockable, lit and secure;
 - Routes into the site and through the car park should offer spaces that are overlooked CCTV monitored and reduce vulnerability to crime and ASB and prevent accidental damage;
 - Grills covering windows should prevent access and restrict objects being pushed through;

Security specification of windows and doors should be suitable;

- 4.10 Natural England raises no comments and has confirmed the same for the amended scheme.
- 4.11 Severn Trent Water raises no objection subject to a condition to secure drainage plans.
- 4.12 In response to the original scheme the Council for British Archaeology encourages the principle of the application but has reservations about the amount of detail provided on proposals for retention or removal.

If the condition of buildings makes proposals impossible to specify, conditions should be imposed to ensure further information be provided in advance of further works for approval. Recording is required by condition.

Archaeological investigation and mitigation are required for built and below ground heritage. There seems to be potential for archaeological remains on the site. Concern is raised that below-ground archaeology has not been adequately addressed and further assessment is recommended.

Downings Malthouse is lacking understanding of its phasing and should undergo archaeological investigation to identify its construction and development – this should inform the redevelopment proposals.

In response to the amended scheme;

The fire damage at Provender Mill offers the potential opportunity for demolition and total rebuild. They consider that prominence of industrial character was Provender Mill's primary contribution to the City's heritage and there is little of architectural value to retain now. The remains still hold significance as markers of the position and scale of the building. Whether partial retention or complete rebuild is chosen the CBA recommends use of the same form and massing as Provender Mill prior to the fire with a design reflective of the industrial character of the site.

The CBA's casework panel has concerns over the current design; the hoist loft is a key area which, if replicated, must be with precision and integrity; and the fenestration proposed should be rethought as it does not reflect the industrial character of Provender Mill and Bakers Quay.

- 4.13 In response to the original scheme, the Ancient Monuments Society recommended approval of the listed building consent application;

In respect of Downings Malthouse it is considered that anything that enables the external elevations to be retained is a bonus; loss of the building's internal integrity is considered acceptable. The retention of the cottages is welcomed.

In respect of Downings Malthouse extension it is noted that residential conversion is rarely best but would enable its retention. The proposal to create

an atrium within the interior is an 'admirable proposal' and to be welcomed. More historic features survive in this warehouse and it is pleasing to note that the form of the western kiln furnace shafts are to be retained, and the suggestion to put some equipment on display in the atrium is welcomed.

In respect of Provender Mill and the Engine House it is noted that internal features would be lost but the elevations are retained with acceptable changes, and given the overall condition of the building (*note this was written pre-fire*) the proposals are welcomed.

In respect of the Transit Shed its poor condition is noted as is the difficulty of reusing the structure. Any proposals that enable retention and reuse have to be considered as beneficial.

In respect of the impact of the proposals on the setting of listed buildings – the new build is considered acceptable.

As many small features as possible should be retained and any removeable objects offered to museums. Furthermore it is necessary to determine where there are gaps in existing recording and archaeological investigation, noting that there may be archaeological evidence of earlier periods, and a recording condition should be included.

In respect of the amended scheme:

The remaining structure of Provender Mill retains little of its original integrity and the main value of the building lies in the fact that it provides the reason for the presence of the adjacent Engine House. They cannot see that retaining the truncated remains and using in a rebuild would be of benefit either to the original building or development as a whole.

Rebuilding using the same footprint would mean that the relationship with other buildings is retained. It is probably the best option. There may be a problem with Canal and River Trust owning the tow path onto which the hoist housing would be sited.

The elevations are totally different to the historic mill. If the proposed elevations are suitable then modern glass balconies are less intrusive than solid ones. May need to consider if the south elevation presents a suitable backdrop to the Engine House.

If the gable ends are to effectively retain original features they should be good copies. The hoist housing needs to maintain a colour contrast with the brick. The columns should be included – they are a feature of this area of the Docks.

Relatively minor alterations are proposed in respect of other buildings on the site and these are to be welcomed.

- 4.14 The Association for Industrial Archaeology made the same comments as the Ancient Monuments Society on the original scheme. In respect of the

amended scheme they again support the comments of the AMS and emphasise the need to maintain/retain the pillars onto the towpath as they are a feature of the area.

- 4.15 The Victorian Society, Society for the Protection of Ancient Buildings, Georgian Group and Twentieth Century Society have not commented.
- 4.16 The Conservation Officer considers that the mixed use scheme is not objectionable in principle. However to date limited information has been received (in respect of detailed assessments of the buildings and a clear and evidence led justification for the approach) and justification relies predominantly on the viability of the scheme. The scheme is currently considered to be harmful to the architectural significance and historic character of the heritage assets. Detailed comments on the various elements of the scheme may be summarised as follows:

Replacement of Provender Mill

Disappointing that the option to incorporate the standing remains has been dismissed due to cost. The principle of a complete new build is not objectionable. There are still some areas of concern with the design that require refinement to ensure the replacement scheme meets the NPPF criteria and be of high quality, contributing to the industrial character of the area. The main concern is the balconies and the Officer considers these features are alien to the area and detract from the warehouse's simple brick form and original industrial character. The design of the hoist housing requires a stronger emphasis and should replicate its original form. Overall the Officer is unable to support the loss of Provender Mill without further refinement of the scheme.

The Engine Shed

The proposed restaurant use is welcomed but there are still concerns about the impact on the historic character and significance of the building. Principally this is the amount of new openings – these should be in limited areas only and justified – the scheme proposes altering every window leaving little of the structure's character as an engine shed. Overall the scheme is presently of moderate harm to the character and significance of this heritage asset and further refinement is required.

The iron framed shed

Substantial repair of this structure prior to reuse is accepted. However this was an open structure and the proposed scheme encloses the building and the spatial character and quality of the asset is eroded.

The design of the new building is not objectionable and will provide a contrast to the original asset but the design of the rebuilt shed and the linking element has a significant impact on the architectural and historic significance of the asset and further refinement is required.

Downings Malthouse

Concerns are raised that due to the lack of information (because of the access difficulties) the proposal cannot be fully assessed and supported. It is suggested that access by cherry picker and scaffolding is undertaken.

The proposal for three large openings in the ground floor frontage to Merchants Road is unacceptable to the loss of historic fabric and the character of the asset.

There is significant concern that there will be limited historic fabric remaining should this conversion be granted without further assessment. The proposal is considered to be of substantial harm.

Downings Malthouse Extension

No objections to the residential use with vehicular access and parking in the basement and ground floor. There are a number of areas requiring further justification and assessment.

The proposed 4th floor conversion and creation of new dormer windows have not been amended – any new dormers should be by individual traditional dormers and not as proposed due to the harmful and negative impact on the original roof form. All historic trusses and beams should be retained in situ with openings formed in between.

Cottages

Pleased to see they are retained and proposed for residential conversion. Their retention and reuse is an important element of the overall scheme.

New buildings

No objections to the proposed locations, designs and massing for the new hotel, drive through café and new A3 units.

Landscaping/public realm/car parking

Still significant concerns regarding the harmful impact of the car parking and landscaping. The proposed materials are not of high quality for the setting of the designated assets especially the concrete setts around the designated assets. The boundaries defining the site should be hard landscaped and not planted with hedges.

Further changes are required to make it acceptable, currently the landscaping scheme has a harmful impact on the assets. Changes include interpretation within the paving or in lighting and street furniture, and lighting of the warehouses.

Interpretation

Development requires a level of interpretation internally and externally, e.g. identifying the location of kilns and retaining features, restoring old signage and historical interpretation boards.

Conditions

Should the Committee be minded to approve the application conditions are requested to secure -

- Structural and condition surveys to include information on floor loadings, any structural alterations proposed and alternative options presented for retention and conversion of each asset
- Information on a method to make weather tight and undertake remedial repairs to protect the assets on the site. This scheme of works is to be agreed in advance and should be completed within 6 months of consent being granted
- Repair and restoration methodology statements for the refurbishment works
- Retention of all architectural features in-situ within the built heritage assets. A full recording schedule will be required and details of method of storage
- A mechanical and electrical survey report to determine the most appropriate method for their introduction
- Details of all external materials and landscaping finishes including street furniture
- Detailed sample palette of materials for the built aspects
- Detailed drawings, location plans and information for interpretation boards and public art on the site
- Detailed method of refurbishment of existing historic signage on the warehouses – Downings Malthouse, Merchants Road elevation
- Scaled drawings for all new interventions within the designated assets, partitions, ceilings, flooring, staircases
- Scaled drawings for rooflights, windows and doors identifying sections and glazing bars at a scale of 1:5
- Scaled drawings for window reveals and for balconies
- Detailed methodology, scaled drawings and routes identified for all mechanical and electrical services being introduced, together location and product details for flues, vents, extracts and meter boxes
- Detailed methodology and scaled drawings for the insertion of new floors and ceilings
- Detailed scheme required for cable provision to new residential dwellings, no satellite dishes
- Detailed survey to preserve the Link bridge in-situ and method statement for repair and materials to be agreed
- Scaled drawings for the replacement hoist housing and materials on the rebuilt Provender Mill
- Sectional and elevational drawings to show roof lights, windows, doors, shopfronts, car park opening on Downings Malthouse extension, canal side hoist feature on the rebuilt Provender Mill
- Details of repairs to external brickwork
- Specification of guttering and downpipes
- Repairs to match existing
- Demolition method statement
- Signing of contract before demolition
- Archaeological recording

4.17 The Urban Design Officer makes an overall recommendation for approval. His comments may be summarised as follows:

Provender Mill

Supports the proposed new build scheme. Supports the rebuild of the gable ends, being the most significant visually and containing the more interesting features including the hoist and column feature to the canalside. These elevations could not be improved upon by a contemporary approach, and it provides a strong link to the history of the site. A shallower cantilevered design for the hoist housing rebuild would not be supported. The contrast between the gables and longer side elevations is very positive.

The hoist housing facing material needs further consideration because it was always a distinct element and using the same material as the main elevations could be a step too far – it could be addressed by condition. The balconies provide some amenity space and break up the elevations. The vertical emphasis of the windows, provision of balconies and modern style work well.

The coloured cladding is positive and again the contrasts between old and new are clear. It would respect to the strong red/orange brick within the area but in an obviously modern way.

The style of the joining feature between the Engine House and Provender is unobjectionable and the provision of the roof terrace above is a good feature and will enhance those flats.

Engine House

The sympathetic and appropriate restoration of the building is very important, more so as it may become the only remaining original building in this location. The lowering of the windows would enable a better level of natural light and views out – adding a clear area of glazing below the cill is positive. The two new roof features should not be included – a cleaner and more simple roof form is more appropriate.

Transit shed and extension

The extension should be differentiated from the original (rebuild) while retaining the general form and massing – the roof form changes respond to the Urban Design Officer's earlier suggestions. The projecting eaves are very positive and create an interesting effect, opening up canal views and adding interest to the east and west elevations, tying in to the rest of the development and distinguishing it from the original building. The further roof gable to the south side now introduced stands out as not being an integral part and alters the approach established in the simple forms of the other A3 units.

A new adjacent unit fills in a gap along the canalside. The use of a plinth addresses the slight fall to the canal and produces a more significant finish. In the rebuilt section curtain wall glazing and a slate roof would work well. Materials need to be secured by condition and given the simple forms and reliance on the quality of materials and finishes this becomes more important.

The link section is a blank and inactive elevation. Overall a grey cladding to it is probably the best approach as it will not draw attention and detract from the focal points either side.

Downings Malthouse and cottages

The apartments seem to be well proportioned. Facing High Orchard Street will not provide the best outlook but will help to activate those spaces and provide overlooking. The provision of far more 1-bed flats is not a balanced or sustainable development, with more 2 beds needed. Retaining the historically important cottages is positive and adds to the character of the development. The extensions are all well considered. Roof materials should be carefully considered.

Downings Malthouse Extension

Residential use seems most appropriate and there are good spaces created.

Distinct windows should be used in the canalside elevation roof dormers so as not to cut across rafters. This is a more complicated matter than first apparent, a condition could deal with its detail but the principle should be to both retain the structure of the roof but also avoid the long and continuous horizontal dormer window form which seems inappropriate and visually dominant – smaller and distinct dormer windows would probably be better.

The first floor atrium is very positive in principle. The landscaping needs careful consideration.

Possibly consider not using high level windows to the internal courtyard spaces for all rooms. Kitchens with lower level windows would be a positive features overlooking, allowing better light and views, and 'ownership' of that space.

There is a good mix of 1 and 2 bed flats. The apartment into the link bridge is very interesting, although the maintenance could be onerous.

Vehicular access into the basement and ground floor works although the route to the south of the building is a bit circuitous. The red/orange cladding to the entrance is positive and defines the feature well and may add to pedestrian safety by drawing attention to it.

Hotel building

Overall design is positive, although the south east elevation towards St Ann Way needs enhancing. The opposite elevation has a projecting gable feature that enhances that side, and should be replicated on the SE elevation, which is prominent. Materials need to be clarified. Grey cladding would not be appropriate, the use of timber or timber effect material would be better.

Drive through cafe

The amendments are welcomed and acceptable. Overall considered an interesting and contemporary scheme. Conditions should secure approval of materials.

Landscaping and public realm

Overall approach is very positive with high quality materials in most places and more functional materials in logical areas such as access routes. The existing materials in the Quays at Merchants Road and the canal side must be continued down. There are some superfluous details along Merchants Road paving that should be removed.

Contrasts are needed between kerbs and roads to aid partially sighted persons and add interest. Contrasting coloured parking bay materials and colours should be used to add interest and break up the larger areas of tarmac. Contrasting setts should be used to mark spaces. The materials palette should be fairly simple.

There are specific areas where higher quality materials should be used. The concrete setts east of the transit shed could be upgraded to a high quality material. Historic rail lines should be investigated and exposed and retained as features where possible. Interpretation should also be installed. If they don't still exist some form of modern interpretation should be provided showing their alignment.

A palette of street furniture should be considered, to link in to the existing Quays area, including lighting. Metal studs should be used either side of the edges of the crossing point at the Malthouse Extension vehicular access as a subtle and refined way of warning people without the need for signs.

External building materials

Only multi type red/orange bricks will be accepted, which have some texture and colour variation. References should be drawn from the surrounding buildings. Choice of roofing material is a key decision. Standing seam metal roofs are not generally acceptable. A cleaner and more simple type is needed.

- 4.18 The City Archaeologist seeks an intrusive evaluation by condition. There is no overall objection subject to this being secured.
- 4.19 The Environmental Planning Manager raises no objection subject to mitigation measures for bats in terms of lighting and provision of bat boxes.
- 4.20 The Planning Policy department has not commented.
- 4.21 The Housing Strategy team seeks a suitable industry approved viability appraisal if the applicants are claiming that the scheme cannot support affordable housing. They also wish to explore whether they can attract financial subsidy into this scheme to enable affordable housing.
- 4.22 The Contaminated Land consultant raises no objection subject to a slightly amended version of the standard contaminated land condition. He has confirmed in respect of the amended scheme that his comments are still valid, although it is recommended that earlier work is updated as part of the condition work to reflect the fire at Provender.

- 4.23 The Environmental Protection Officer raises no objection subject to conditions to secure a construction phase management scheme, restrict construction times, secure details of any lighting scheme, restrict hours of deliveries, limit noise emissions, and secure noise mitigation measures for apartments and its testing.
- 4.24 The Drainage Engineer raises no objection subject to conditions to secure drainage details using SuDS principles, a finished floor level requirement of 11.78m AOD and restricting the use of basements for habitable accommodation.
- 4.25 The Landscape Architect has provided a request for open space contributions of £507,765.60, that being £356,751.63 for sport, £64,068.48 for play and £86,945.49 for general improvements.
- 4.26 The Streetcare team has not commented.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 30 neighbouring properties were notified for the planning application and press and site notices were published for the full application and for the listed building consent.
- 5.2 6 representations have been received:

Gloucester Quays LLP:

They are genuinely supportive of new development that will positively contribute to the economic vitality and viability of the city and continued regeneration of the area, and is supportive of the principles of the application; The mix of uses reflects the Quays masterplan and is complimentary to the Quays and wider city centre;

A narrow strip between the former Peel House and the site effectively prevents any future access from the site to the Peel House plot. This severely impacts on successful development coming forward; the access previously agreed off Baker Street now cannot be achieved;

The desire to have a building of scale and substance at the corner would be prevented;

The hotel, due to its size, massing and siting has a significant impact on the developable area of the Peel House plot – a more sensitive siting further west would reduce the impact and improve the urban grain;

It would be beneficial to bring the Peel House site forward with the Rokeby development;

The layout results in the appearance of being car-dominated given the access road and large areas of surface car parking – at odds with the character of the area and does not preserve or enhance the conservation area and nearby listed buildings;

The proposed use of the ground floor of the Malthouse extension for car parking results in a prominent large hole in the building that is not sympathetic, and will result in 'dead' frontage to the canal – detrimental to the development and wider Docks;

Gloucester Quays LLP also submitted a second set of comments expanding on the above, noting the potential of the application proposals to sterilise the remaining undeveloped land at the corner, and indicating 3 options for alterations:

Option 1 re-orientates the hotel through 90° – which is considered to make the relationship to the Peel plot less dominating and not inhibit development, sit better with neighbouring development, relate positively to St Ann Way, and offer the ability for a building of reasonable size, scale and massing on the Peel plot. It relies on an access from Baker Street assuming the intervening strip is retained by Mr Bishop – the access is not ideal and inhibits the built form and level of car parking. If the hotel is not reorientated then the new Peel building would need to be significantly foreshortened, which would render the site unviable to develop.

Option 2 also re-orientates the hotel through 90° but assumes an access through the hotel car park into the peel plot. This would give the potential to deliver a larger and more regular-shaped building on the Peel plot, but the slightly contrived access is not ideal, and assumes that the ransom strip situation is resolved.

Option 3 also re-orientates the hotel through 90° but also alters the vehicular access and re-sites the drive through café (** onto a new plot south of Downings Malthouse and restructures the highway arrangement*). This offers the potential for access to all areas including the Peel plot and is considered to ensure more flexible and better shaped development plots, reaffirming the grid pattern and reducing dominance of the drive through and car parking areas

They consider the options offer significant benefits to the quality of the scheme.

Gloucester Quays LLP submitted a third set of comments in response to the amended scheme;

The proposed amendments in no way seek to address the reasonable and legitimate concerns previously raised by Gloucester Quays LLP;

Maintain the objections regarding the sterilisation of their land;

Re-emphasise the concerns about the car domination and associated impact on heritage assets;

The vast majority of space between the buildings will be given over to vehicle circulation and car parking – this is in direct odds with the approved Gloucester Quays masterplan which sought to provide undercroft car parking and in direct odds with the basic principles of good urban design and placemaking;

Introduction of hedging and trees is at odds with the hard urban grain and character of the Docks and emphasises the failure to address the urban form of the Docks appropriately;

Fundamental failure to promote pedestrian use as elsewhere in the Docks and Quays;

Individual conversions and new buildings have merit but overall composition and knitting together fails to reflect the characteristics of the area;
If the Council is minded to grant permission/consent, there is a need to ensure that the development comes forward as a whole to deliver the full benefits.

The Gloucestershire Society for Industrial Archaeology has commented, supporting the comments of the Ancient Monuments Society and specifically the proposal that the only viable option is to demolish the remains of Provender Mill and rebuild on the same footprint. They consider that the new building needs to give meaning to the Engine House and not detract from it nor the other listed buildings on site. It is essential that this new build is suitable and appropriate to its surroundings including the view down the canal to the main Dock area. They also hope that appropriate interpretation panels, in line with those elsewhere in the Docks, would be provided when any redevelopment of the site is complete.

A further comment has been received from a member of the public, considering that the plan looks adequate but somewhat bleak, and suggesting the following improvements:

Have smaller buildings, separated by green spaces with trees and flower beds;

Improve access for pedestrians and cyclists from the site to the city centre;

Improve the crossings at the Southgate Street/Spa Road junction, e.g. Traffic lights.

A further comment has been received from a member of the public, saying 'go ahead, do it as soon as possible'.

- 5.3 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting or via the following links;

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=15/01144/FUL>

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=15/01152/LBC>

6.0 OFFICER OPINION

- 6.1 It is considered that the main issues with regard to these applications are as follows:

- Principle of uses
- Housing delivery
- Regeneration
- Conservation and design
- Traffic and transport
- Flood risk
- Ecology
- Archaeology
- Contaminated land

- Residential amenity
- S106 contributions and viability

Principle

- 6.2 In terms of the residential proposals, the land has already been deemed to be a suitable residential site and it benefits from outline planning permission for this. It is within the city centre and in reasonable proximity to amenities, transport nodes and other facilities. Prior to the outline permission the site was allocated as part of the Western Waterfront mixed use allocation in the 2002 Plan, including Policy H.1 'Allocations for mixed use including housing – site MU2'.
- 6.3 The hotel, cafe and restaurants are main town centre uses, and have been granted for the Bakers Quay part of the Gloucester Quays permission although not in this arrangement (and the Travelodge hotel at the Quays via a separate full permission). As they are considered to be located within the town centre for these types of uses they are policy-compliant. 'Leisure' uses are also referred to in the above mixed use allocation policy for the Western Waterfront.
- 6.4 No objection is raised in principle to the range of uses in this part of the City.

Housing delivery

- 6.5 The site is within the Housing Zone. This provides for accelerated delivery of housing, working with partners such as the HCA.
- 6.6 The Council can no longer demonstrate a 5 year housing supply. This means that any housing supply policies are out of date. However there are no applicable policies seeking to resist housing here anyway. The implementation of this permission would in practice help to maintain the delivery of housing already accounted for in the rolling 5 year supply – because this site is already factored in as part of the earlier Gloucester Quays scheme. It would assist in the delivery of the mixed use allocation of Policy H.1 of the 2002 Plan. The lack of a 5 year housing supply does weigh significantly in favour of the residential element of the scheme.

Regeneration

- 6.7 The proposals would regenerate a long-standing vacant part of the central area. It is an important site historically and the existing buildings are prominent when viewed from St Ann Way and the canal and beyond to the west. The site also sits astride Merchants Road and is in stark contrast to the redeveloped Gloucester Quays outlet site. While there are gaps still to be developed, the scheme would largely complete the Docks regeneration to its southern extent on this side of the canal. The proposed uses would bring a considerable number of people into the area which is likely to have resultant economic benefits for this part of the city. The scheme would be likely to have positive effects in this respect.
- 6.8 While in recent years the regeneration focus of the City Council has changed somewhat, it would assist in delivering the aspirations of strategic policy

ST.12 of the 2002 Plan which notes that the Council's key priorities include the regeneration of the Central Area particularly the Western Waterfront, later set out in specific allocation policies for mixed use.

- 6.9 The proposals would also create employment opportunities both in the construction phase and in the operational phase particularly in terms of the A3/4 uses and the hotel. This would contribute to the employment generation aspirations of the 2002 Plan, the submission JCS notably Policy SD2 and the NPPF.

Conservation and design

- 6.10 As noted above the application involves 4 listed buildings. Also, the Docks Conservation Area extends either side of the canal to encompass Downings Malthouse Extension, the Transit Shed and Provender Mill and the land immediately around them. The whole of this area is categorised on the Conservation Area Appraisal as an area for enhancement. Downings Malthouse, and the land proposed for the café drive through and hotel are outside the conservation area.

- 6.11 In general, finding new uses for listed buildings can assist in preserving their future. This has been shown to be successful locally within the Docks where conversion of buildings has resulted in 6 being removed from the Buildings at Risk register in the last 15 years.

Downings Malthouse

- 6.12 The removal of the unsympathetic silo on the south side is welcomed and the design of the single storey extensions here and to the north side are considered acceptable, utilising the available space and revealing more of the listed building. The addition of an extension above the 'chopped off' southern wing has also previously been approved in the 2009 scheme by the landowners, and the proposed design here is also considered acceptable, finishing off the upper part of this wing.
- 6.13 The poor and deteriorating condition of the building makes safe access impossible in some places and this has inhibited the certainty that can be given to the structural solution for this building. For example there is a large area of collapsed floor to the eastern end appearing to be from two or three levels above. The collapse of floors has left some columns completely unrestrained and unstable. From the areas that could be inspected there is evidence of significant water ingress and decaying timber and corroded steelwork.
- 6.14 As the access is so constrained the precise remedial structural solution is not clear. I am advised that it will be necessary to demolish the areas of collapsing structure while providing temporary restraint to the elevations. In order to get access to do this the silo will also need to be demolished to get to the building with long reach equipment.
- 6.15 It seems likely from discussions with the applicant that a new steel frame will be proposed and consultees have considered this potential 'worst case'

scenario. The absence of clarity on the structural solution is not ideal in terms of conservation assessment of the scheme and is of concern to Historic England and the Conservation Officer, although the Ancient Monuments Society and Association for Industrial Archaeology accept the loss of the interior and consider that anything that enables the external elevations to be retained is a bonus. In terms of ever securing a new use for the property I am not convinced that refusing the proposal as 'substantial harm' is the best way forward for the good of this building. If the Authority wants this building to be reused we will have to tackle this matter in some way and I can see no better solution at present than to address the matter by condition. It seems likely that substantial removal of the interior would be required which, short of the whole building collapsing, would be the worst-case in terms of loss of historic fabric however there may be scope for some retention once safe further investigation is possible. I have discussed the matter with consultees and suggested that a condition require, once the building is supported and made safe to access, an assessment of structural options. The scheme would need to be as sensitive as it can to the existing fabric. While some consultees have identified the new structural frame as being 'substantial harm', if the analysis then shows that there are no other proposals to secure and re-use this building, it is likely to be accepted as the only means to gain future use of the building across multiple floors.

- 6.16 In the kiln a new steel frame off new foundations is proposed to provide suitable floors. In the basement the semi-arches are proposed for retention in part with visual and physical reference to the original arrangement – at ground floor two glazed openings in the floor would expose the lower parts of the arches beneath, and in the main floor construction the alignment of the arches would be displayed. Further into the unit, part of the arches would be fully retained in place as a feature against the rear wall of the room. This concession is welcomed.
- 6.17 The insertion of two rectangular shopfront openings in the Merchants Road elevation is undesirable. They were not sought in the 2009 scheme for leisure use here. The left hand one is into a largely blank brick façade while the right hand one would eliminate an existing arched doorway and two circular windows. This is harmful to the building and I am not totally convinced by the argument that they are desirable for an unknown future tenant. I feel there must be some restraint on standard approaches when taking advantage of attractive historic buildings, although I can see that achieving natural light into the ground floor is challenging.
- 6.18 The applicants have resisted requests to consider removing shopfronts on the basis of a viability argument. Our viability consultants note that the loss of revenue would certainly be detrimental to the scheme if tenants were not secured for this unit and this would be difficult without the benefit of having a shopfront from which to encourage potential customers. Rents would likely fall, reducing the viability of the scheme. Later in the report I will bring the viability issues together, but it seems likely that the removal of these elements would affect the viability of the scheme and at least reduce the scope for 106 contributions. In purely heritage terms, they are undesirable

and Historic England wishes to see any financial surplus directed to addressing heritage issues.

The cottages

- 6.19 The retention of the associated four cottages fronting High Orchard Street is welcomed and their reuse will add to the character and appearance of High Orchard Street. They contribute to the streetscene, and their refurbishment would maintain and improve this presence and secure their future (the roof is substantially collapsed currently and some masonry is unstable).

Downings Malthouse Extension

- 6.20 The large floor plan of this building makes conversion a challenge. In order to facilitate residential conversion with daylight to the central part of the building, the creation of an atrium with rooflights over is an interesting solution that appears to be largely supported, the Ancient Monument Society particularly noting that it is an admirable proposal and to be welcomed.
- 6.21 The use of the lower floors for car parking requires quite a number of alterations, but does keep more cars enclosed out of general public view, and assists with the viability of the overall conversion. It has the disbenefit of negating any active use of the canal frontage, which is echoed in the Gloucester Quays and Canal and River Trust representations. This would be in the context of restaurant uses at the transit shed and Provender to the south (potentially 5 units) which should provide a draw down beyond this building. Numold to the immediate north currently offers no canalside active frontage but is allocated for retail and leisure in the Gloucester Quays outline masterplan. The Gloucester Quays block north of this includes restaurants and the gym. While the lack of active frontage for this building is not ideal, in the context of the wider scheme it should not substantially inhibit the flow of the development (it is an interesting building to walk under the oversailing upper floors anyway), and the desire to 'hide' some of the car parking within also adds weight to the proposed solution.
- 6.22 At the 4th floor/roof a wide 'cat slide' dormer alteration is proposed to accommodate balconies. Officers have requested that these be arranged between or otherwise around the roof trusses to retain the historic fabric in situ and the preference is for individual openings to retain more of the roof and avoid the dominance of the single wide opening. Retention of trusses has been agreed with the applicant and securing of a detail to clarify the solution is recommended as a condition.
- 6.23 The removal of one of the kilns and associated arches, and openings in the central walls are unfortunate, although columns are to be retained where possible. In the kiln a new structural frame is proposed off new foundations. The frame would extend at roof level to create a roof enclosure here to match that adjacent. This is not objected to. The replacement of concrete floors are proposed at first and second floor due to unworkable floor to ceiling heights and structural form and condition. All of these details including the other openings and alterations require further approval of the details.

- 6.24 At present Historic England identifies the works as moderate harm, although the Ancient Monuments Society and Association for Industrial Archaeology appear to broadly welcome the proposals and recommend approval.

Transit shed

- 6.25 Being rather dilapidated and clad in corrugated metal sheeting this building does not immediately appear much but it has historic significance at the end of the rail lines into the site. There is a structural grid of 27 cast iron columns, with the roof structure not being original - it appears to have been altered several times. The generally open style to service the train lines now has corrugated sheeting in place to form the 'walls'.
- 6.26 The current condition of this building limits the options for reuse. There is a need to dismantle and re-erect the structure in a new development so that the ironwork can be inspected and redecorated. They appear to have extensive corrosion from being open to the elements and not maintained. The proposal is to adapt the structure to accommodate a new use. The configuration of the existing columns and trusses would be retained as features within the new build that would comprise a new independent building within the envelope of the existing transit shed.
- 6.27 The requirement for substantial works to accommodate a new use reusing parts of the existing building is not surprising as its current condition is little more than a shelter and could not be adapted straightforwardly into a 'proper' building.
- 6.28 The materials for the main rebuild in glazing and dark cladding were intentional to be visually subordinate to the main structure. It appears to be generally accepted that this dismantling and repair process is required, again the Ancient Monument Society notes particularly that any proposals that enable retention and reuse have to be considered as beneficial. The issue with other consultees appears to lie in the execution of the rebuild. Historic England recommends that any consent secure the full reinstatement and reconnection of constituent parts in the existing manner (rather than incorporate more loosely into the exterior which would compromise its integrity).
- 6.29 Discussions were held about the form and appearance of the proposed extension to the south and this has been amended. The alterations are generally welcomed as positive changes in themselves. The change in roof form to an oversailing pair of roof gables facing the canalside stresses the distinction from the original transit shed and accentuates an interesting feature. In design terms it is a welcome change to the scheme.
- 6.30 The link structure is narrower than the transit shed and extension, and it is considered that a muted cladding finish would be the best approach to maintain focus on the two main components of the building.

- 6.31 The elevated plinth adjacent to the canalside should work well as an external seating area with pleasant views out to the waterside and Priory. This should be a successful feature.
- 6.32 There remains however, concerns from a conservation perspective about the principle of extending this listed building to the scale proposed and the enclosure it would provide. The applicant seeks a single linked building (rather than separating into two distinct structures) because they wish to keep options open for one or two tenants taking occupation. The applicants' response to heritage requests to remove the extension has always been on the basis of viability.
- 6.33 The viability consultant's assessment of the scheme demonstrates that a revenue of £2,745,600 is generated from converting and extending the transit shed into two A3 units. This has been used to help cross-subsidise the wider scheme and make it viable. If it were converted in its current form due to its size, securing a tenant to take the less marketable space would be more difficult and likely result in lower rents, negatively impacting on the scheme. They therefore consider that the conversion and extension of the transit shed to be an important component to the development as a whole in order to create a viable proposal. Again Historic England considers that any surplus should be directed to resolving heritage concerns and identify the works as moderate harm as they stand.

Provender Mill and Engine House

- 6.34 The fire and its results are hugely unfortunate for probably the most prominent and recognisable building on the site. The applicant now proposes the demolition of the standing remains of the building and replacement with a new building. This is considered to be the only viable solution for this plot.
- 6.35 The loss of listed buildings is generally undesirable, but there is policy guidance to be followed to consider the acceptability of such radical proposals. The NPPF is clear that 'loss of a grade 2 listed building should be exceptional', and further;
- 'Where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage 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.'

- 6.36 The NPPF also advises that Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.
- 6.37 The applicant proposes the argument that it is not viable to rebuild Provender either like for like or off the standing remains. The applicant also proposes arguments against the relevant NPPF tests:

Applicant viability case

- 6.38 They set out that of the three major listed buildings, Provender was the only one with the potential to have a viable new use in its own right – the others dependent on subsidy from new development due to their condition and constraints. Provender Mill was not insured and the applicant asserts that all costs would have to be met from the application scheme. They note that the situation with Provender could potentially jeopardise the redevelopment scheme as a whole.
- 6.39 They have assessed 3 rebuilding options for Provender Mill:
Option 1 – Rebuild existing structure and masonry
Option 2 – Construct pastiche repair around a new steel frame
Option 3 – Demolition of remains and new build (the proposed scheme)
- 6.40 For Option 1 theoretically revenues would be similar to the original proposals. However it is impossible at this stage to secure a reliable cost estimate for this option, as testing of the load bearing capacity of the existing cast iron columns is required. They have assumed that a new internal frame is required, as envisaged in Option 2. They have also commented that they are advised that, if it is achievable, Option 1 would be more costly than Option 2. They have in any respect set out that a brick for brick rebuild is impossible as there are no useable surviving bricks.
- 6.41 For Option 2 they comment that the character of the building would be lost internally without brickwork, cast iron columns and timber beams. The relevance is not explained, I assume they mean it affects the attractiveness and price of the flats. They note that this scheme is shown to generate a loss of 14% and normally a residential developer would be seeking a target return of 20% return on cost. The supporting structural report concludes that the existing foundations are unlikely to be able to support the loading of a 2/3 storey rebuild. They also note that a partially rebuilt building is going to raise concerns as are the availability of warranties and guarantees. Without these funding is doubtful.
- 6.42 Option 3, the new build, is noted to generate a return on cost of 15% and is the proposal included in the amended application.
- 6.43 They note the cross-subsidy of Provender to the Downings Malthouse conversions – the injection of Provender's 15% profit stimulates an overall residential profit, otherwise Downings Malthouse Extension remains at -0.73% return and Downings Malthouse 13%.

- 6.44 Overall, they accept that further survey work is required, but have serious doubts about the viability if attempts are made to retain parts of the building.

Applicant policy case

- 6.45 They consider that the fire damage has significantly reduced the value of the southern part of the site. They consider the damage to the mill could impact on a wider area, noting the wider Docks regeneration has halted at this site. They consider that the aesthetic value is now detrimental/severely detrimental because of the condition of the site, but with the potential to be dramatically improved.
- 6.46 They consider that the original western mill (1862) will be almost completely lost apart from the south and west walls up to first floor, and the remains of the hoist loft will have to be removed. The 'less interesting' eastern extension (1890s) might be salvageable up to second floor but could not be relied upon to carry the weight of rebuilding. They consider that most of the features of interest have been lost – the original mill, the evidence of the original power source and machinery within it, much of the extension, the later work to visually integrate the two sections, the high level hoppers and tanks, and the hoisting mechanisms. The interest is now confined to two floors at the eastern end, of fairly standard late 19th century construction.
- 6.47 Rebuilding is not practicable, or affordable, or achievable in the timescale available, noting that the applicant's option to purchase the site expires in the near future and may not be renewed. They consider the evidential value of the remains to be low to medium, the historical and communal value very low, and the aesthetic value severely detrimental. They consider that the historic value of what survives is slight and disproportionate to the constraints involved in trying to retain it, and to the qualities of the finished building.
- 6.48 They consider that the new building will fit its context and character of the conservation area by echoing the previous building – standing on the same footprint and with the same dimensions, form and character. The east gable will be rebuilt exactly, and the western hoist loft will be replaced by a new structure copying the original 'as far as ownership constraints will allow'.
- 6.49 In addition to the viability arguments, they also note that certain materials are no longer available, the need to meet Building Regulations requirements, the capacity of the external walls and footings cannot be guaranteed in light of the new superstructure, and floor to floor heights needing to be increased to meet Building Regulations and modern standards putting them at variance with original window spacings, the building needing a new internal frame throughout, and the desire not to continue the historic artificially high floor levels which caused access problems, as reasons for rejecting a rebuild proposal.
- 6.50 Again the policies of the NPPF, the applicants consider that the building has suffered 'very substantial harm' in terms of Paragraph 133 of the NPPF as a *result of the fire damage*, and that further loss of the building could only

amount to 'less than substantial' harm. Under those circumstances it is necessary to weigh that harm against the public benefits – and the applicants conclude that the benefits are overwhelming in this case.

- 6.51 Furthermore, they consider that even if the further loss of the remains of the building were considered 'substantial harm', then the policy tests are still met:
- The nature of the heritage asset prevents all reasonable uses of the site; and
 - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
 - 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.
- 6.52 Overall they conclude that the new proposed for demolition and new build complies entirely with the NPPF, the Local Plan policies and the Docks Conservation Area Appraisal and Management Proposals.

Design commentary

- 6.53 The applicant considers that the new building fits its context and the character of the wider conservation area by echoing the previous building – it will stand on the same footprint and with an envelope of the same overall dimensions, form and general character. The distinctive east gable would be rebuilt exactly, ensuring compatibility with the Engine House and Conservation Area, and the western hoist loft replaced with a new structure copying this.
- 6.54 The rebuild of the gable walls effectively like-for-like to the original building is supported by Officers after much deliberation. 'Pastiche' design is often frowned upon, but Officers doubt we will obtain a better design than the gable walls, which were an attractive and distinctive part of the original building with interesting brick detailing and on the canal side the distinctive hoist housing. The overhanging of the canalside is a characteristic of the buildings on Bakers Quay not found elsewhere in the Docks. The incorporation of this into the new-build is most welcome as it is probably the most distinctive and attractive feature on the site. Historic England questions the current design of the hoist housing (although Canal and River Trust support the modern vertical-emphasis windows), although its like for like rebuild in form and footprint and approval of external finish in liaison with the Conservation Officer would appear to address the Council for British Archaeology's comments on this aspect. Its replacement with a shallower cantilevered solution as in earlier versions of the replacement building would be unwelcome. The like for like gable end design also serves to anchor the new scheme in its historic context. On a similar theme, the Canal and River Trust consider the juxtaposition of modern design into the framework of the original buildings is uncomfortable and would prefer that more reference to the original is retained. I agree with the Urban Design Officer that the hoist housing finish could benefit from further consideration and a different finish from the remainder of the building as with the original version, may prove to be the best option and could also be reconsidered by Historic England. I am satisfied that this could be addressed

under a condition with the form and footprint agreed it is the external finish to refine.

- 6.55 The change in cladding material for the long side elevations away from a dull grey, and anchoring it to ground level, is also welcome and enhances the design from earlier versions. The red/orange cladding is considered to enliven the appearance rather than the dull grey and gives a more faithful reference to the brick finish of the original. The simpler roof form is also welcome.
- 6.56 The balconies are introduced by the applicant to maximise the value of the scheme while creating an attractive modern building. The Civic Trust, Conservation Officer, Canal and River Trust and Historic England are all obviously concerned at this design feature, as is the Council for British Archaeology who considers that the fenestration should be rethought as it does not reflect the industrial character. Similar concerns are raised by the Ancient Monuments Society and Association for Industrial Archaeology, suggesting that if they are accepted then modern glass balconies would be less intrusive. I consider that the balconies provide a more attractive living environment, and their stacked arrangement can be seen to reflect the 'vertical strip' characteristic of many of the Docks buildings, usually now timber-panelled strips beneath the roof hoist housing. The Urban Design Officer also is rather more positive about the design solution, however there is clearly a conservation concern about this element of the design as a replacement for Provender and agreement on the external finish may be agreed by condition.

Viability conclusions

- 6.57 Option 1 has been ruled out as undeliverable as a result of the extensive fire damage and load bearing capacity of the existing columns. Historic England is of the opinion anyway that creating a lookalike replica in this fashion would not be preferred and it can be discounted.
- 6.58 Historic England's quantity surveyor has reviewed the applicant's justification and agrees with them on costs.
- 6.59 Option 2 provides for more residential units than Option 1. Our viability consultants conclude that Option 2 is shown to give a developer's return of 15.21% return on value with no s106 contributions. We are advised that this is a level of profit that is below what is considered to be a minimum reasonable return on a development with as much inherent risk as this. Historic England considers that the financial justification for the demolition is not fully proven but is accepted. The Ancient Monuments Society and Association for Industrial Archaeology do not consider that using the remains in a rebuild would be of benefit.
- 6.60 Furthermore, I have commented earlier on the desired alterations to remove the shopfront in Downings Malthouse and keep the Transit Shed separate from the new build/extension. It is also noteworthy that the Option 2 scheme, even if it was considered to be viable, would not be able to support any loss of revenue as a result of these changes – i.e. one could not have both the

Provender rebuild and the shopfront/extension removed and have a viable scheme.

- 6.61 Option 3 is shown to be a viable scheme and could support c£68,000 of s106 contributions in addition.

Policy conclusions

- 6.62 Historic England considers that the remnant structure does have evidential, historic and aesthetic interest but accepts its significance has been severely eroded already. In this context it is felt that the harm caused by demolition would be less than substantial. It also accepts the financial justification for demolition. It is not considered that Options 1 or 2 to retain/rebuild Provender Mill are viable options within this scheme.
- 6.63 Historic England considers that if the design of the new building is revised to revisit the hoist housing, omit the balconies and introduce a slate roof then the balance of harm caused by demolition versus enhancement would be tipped in favour of support. Particularly as the form and footprint of the hoist housing are agreed, these are matters of external detailing and could be addressed by condition.
- 6.64 It is therefore considered that with refinement of the design that could be secured by conditions approving the external cladding, window, balcony and hoist housing arrangement and finish, the proposal to demolish Provender and construct a new building in its place is compliant with relevant local and national policy and the statutory duties under the 1990 Listed Buildings and Conservation Areas Act.

The Engine House

- 6.65 The Engine House is more simple by comparison. While it has also suffered an arson attack so the roof structure is damaged, and has several other defects, it generally appears to be structurally sound and stands to be converted.
- 6.66 The demolition of the flat-roof extension to south is accepted. Other alterations including the opening in the north wall into the shared link building, and the mezzanine arrangement are all accepted. The retention and exposing of the existing internal glazed brickwork is also welcomed.
- 6.67 The lowering of the windows appears to be the remaining issue of contention. They are sought by the operator to let more daylight in. The changed form of these to retain or reinstate the sill with a new single pane glazing panel below is welcomed in preference to a wholesale new window earlier envisaged. It is the necessity of all the windows being altered that is the sticking point. Certain parts of the building are more sensitive to alteration given the role they play in understanding the building, furthermore altering them for windows to a WC and in the southeast elevation are without justification. It appears to me that a compromise position is suggested here by the conservation consultees, and the applicant has previously indicated a willingness to revisit the arrangement,

and a condition to secure the detail of the fenestration could resolve the matter.

The hotel

- 6.68 The proposed building reflects the massive scale and simple basic form of many of the historic warehouses in the area, further articulated to provide a modern twist, including the projecting elements to reflect the gable hoists of the warehouses. There is no overall objection to the design, although securing a detail of the elevations facing towards St Ann Way, and some modest refinement if possible, could ensure that these prominent elevations have a higher design quality.
- 6.69 As mentioned in the Gloucester Quays representation, the orientation is not ideal in relation to the adjacent 'Peel House' site which is not being brought forward concurrently, and leaving this land outside the masterplan of this application based on the historic ownership boundaries, rather than including in the consideration of this design, is undesirable. The Civic Trust raises similar concerns. Its 6 storey scale and siting next to this remaining plot would direct development of the that plot to some degree as it would need to respond to the permitted or perhaps by that point, constructed, hotel scheme.
- 6.70 I agree with Gloucester Quays that development of both landholdings together would be the preference but the applicant is seeking a decision on the current application alone, and in the 9 years since the outline Gloucester Quays approval no acceptable detailed schemes have come forward for the Peel House plot from Gloucester Quays themselves.
- 6.71 Gloucester Quays raises concerns about developing their plot but there are no firm new plans. Their own masterplan approved in the original outline permission for the wider site sets the approved context, and this is for a single storey office building. The scales would obviously jar somewhat, however this is not wholly different from the approved Gloucester Quays' masterplan where they proposed 4-storey new buildings B20 and B21 next to the 1 storey B19 on their land. The juxtaposition of massive with single storey 'supporting' buildings is not uncommon to the area – e.g. the transit shed between the large Provender Mill and Downings Malthouses. My preference in design terms would be for a more substantial building with presence to the street edge at plot B19 to balance out the outlet centre car park across the road, but I cannot see that the scale and siting of the proposed hotel definitively rules out that solution.
- 6.72 The applicants themselves have responded to the representation and consider that the claim that the application proposals have an impact on the developable area of the adjacent plot seems to be without foundation. They note that the options submitted with the representation for a four storey office block run counter to Gloucester Quays' own masterplan and a building of this scale has never been approved. Even so they consider a larger building could be achieved on that plot unprejudiced by the application proposals. Furthermore, the suggested reorientation of the hotel would increase the gap

between it and Downings Malthouse and reduce the sense of enclosure to the site to the overall detriment of the scheme.

- 6.73 I note that the siting also appears to be a conscious attempt by the architect to maintain the openness and transparency of the southern part of the site, while also a prominent location for the hotel use, and differentiating it from the canal-oriented buildings. Its length set along an alternative east-west alignment could potentially dominate the Engine house and be harmful to its setting, although again the approved masterplan has 4 storey next to the engine shed; the current siting is better in terms of dominance of the setting of the engine house by a building. Overall this issue does not warrant refusal in my view.

The drive-through cafe

- 6.74 Although this is not a historic conversion and the smallest building on the site, it would occupy a prominent position at the centre of the wider site. The proposed building is explicitly modern in its design and does not seek to mimic surrounding buildings. Its scale permits views through to the listed warehouses beyond, so it does not compete with their scale, but also sits comfortably with the juxtaposition of massive warehouses with smaller buildings like the transit shed. Recent modifications of the scheme are welcomed and have given Officers more confidence that the design is a more refined building than initially suggested in the first submission.

- 6.75 I consider that the success of the design will be dictated by the materials used. The visualisations provided previously indicated a curtain wall glazing system and the use of brickwork. This should provide a quality appearance. The approval of details and the execution of the build will dictate whether this is as successful as the visuals indicate. No overall design or conservation objection is raised.

Access to and development of the adjacent Peel land ('building B19')

- 6.76 As referred to earlier, it is an unfortunate legacy of ownership boundaries that the adjacent Peel House plot has not come forward comprehensively with this scheme, or previously by Gloucester Quays. Gloucester Quays are obviously concerned about accessing their plot here. Peel's original Gloucester Quays application has this for office use, although they have never been in control of the adjacent land to the west within the current application site. I am not clear how they ever envisaged gaining vehicular access to the plot at that time in the absence of controlling the land if they considered an access from this side was essential.

- 6.77 The retention of an open area of car parking north of the Peel House plot means that vehicular access via this route is not entirely prevented by the current application (unlike if a building were to be sited to block it entirely). The landowners dispute would have to be resolved. The applicants have stated in response to the representation that they are willing to discuss the creation of an access from the application site to this land and nothing in the proposals precludes this. They note that this is a private property matter

between landowners, capable of being dealt with as part of normal property transactions.

- 6.78 Equally, even if this option for access were not present, and nor was the option of an access off the existing Baker Street, I am not convinced that there is not a scenario where the plot could be developed freestanding without a vehicular access. Gloucester Quays has a substantial car park and a service area next door and they have achieved separate blocks elsewhere without direct on-plot parking, and have secured office use in the existing development without dedicated on-plot parking. An access to the plot off Baker Street has anyway been agreed in an earlier scheme, although Gloucester Quays maintains that this is no longer possible. The applicant also considers that the lack of access through the application site does not preclude development of the adjacent plot.
- 6.79 I cannot see any clear proof that the application makes redevelopment of the adjacent site unviable, and Gloucester Quays own masterplan has a single storey building with no direct access off the highway, next to a four storey building. A not-dissimilar situation would arise should a developer build out Gloucester Quays' masterplan.
- 6.80 It is a rather undesirable situation that the plots are not developed together but I do not consider it to be an overriding objection the Bakers Quay application.

Hard landscaping and parking areas

- 6.81 The 'sea' of car parking across the middle part of the scheme is undesirable, and this is echoed in the Gloucester Quays, Civic Trust and Canal and River Trust representations. The applicant claims it is essential for the viability of the scheme and I can see that it is desirable for residents' convenience and there are limited other viable options to 'hide' the parking anywhere.
- 6.82 The extension of the paving down Merchants Road from the Gloucester Quays area and into the pedestrian circulation areas in the site is welcomed. New materials are also introduced, to give the scheme its own character including Yorkstone paving and concrete setts. The use of a higher quality paving to the land between Provender, the transit shed and Downings Malthouse Extension is welcomed.
- 6.83 Some tree planting is proposed within and around the parking areas and while there are some concerns about its place within a historic industrial character, should serve to soften the appearance of these parts of the site somewhat.
- 6.84 The applicant has agreed to investigate the retention of railtracks into the hard surfacing scheme. It is unclear if these still exist beneath the surface, although they have been discovered elsewhere in the Docks and used to good effect, and there was an extensive network of lines until at least the 1920s even judging only from the photos that are set out in the design report.
- 6.85 This would contribute to the character of the area and enhance the scheme. In any regard Officers would like to see a hard landscaping scheme that

reflected the context better, such as an interpretation of the rail lines should the original ones not be present, and a condition could address this design refinement. Officers have also asked for consideration of the use of retained machinery to intersperse in the open areas, for interest.

Linkages

- 6.86 The scheme would also open up this section of the canalside again employing an extension of the quality surfacing from the Gloucester Quays site. This would be a welcome benefit from the scheme if it could be secured, and if the area in front of Numold were also opened up eventually it would connect from the Docks all the way down to the Peel Centre.
- 6.87 I recommend a condition is imposed so that the works are delivered in accordance with a timetable to be agreed. This would secure delivery and I would consider this to be a benefit of the scheme meeting the aspirations of Policy TR.39 of the 2002 Plan. Furthermore the applicant has set out that the area behind the transit shed could have dual use as an events space which would assist the delivery of Policy BE.15 of the 2002 Plan.

Securing the heritage benefits

- 6.88 Several of the buildings show evidence of significance water ingress and decay and areas of collapse. Downings Malthouse particularly appears to have had multiple floors collapse in. They are also clearly at risk of continued illegal entry and the fire at Provender shows what an occupied scheme could help to avoid.
- 6.89 In the round, the scheme presents a series of heritage benefits, potentially securing the futures of several deteriorating listed buildings. Their refurbishment is part of the wider viability considerations that lead to below-policy level 106 contributions being offered, the need to demolish the remains of Provender Mill, and other sub-optimal areas of the proposals. In this light, I recommend that the Authority should look to secure heritage benefits from the scheme. This would ideally see a phased approach ensuring the listed building conversions and repair take place before or alongside the new-build, or otherwise secure a commitment from the applicant to the delivery of the entire scheme.
- 6.90 The applicant advises that the contractual arrangement of the developer and the practical challenges of developing the site inhibit the aspiration to secure the heritage benefits in the first phase. The applicant has noted that for commercial reasons there remains an incentive to complete all of the listed building conversions, and so consider that Officers' aspiration to secure the refurbishments is self-enforcing. The applicant has also noted that they would inherit the liability of the deteriorating buildings upon purchase, which would incentivise them to solve some of the immediate dilapidation issues. It would however be desirable to secure this through the planning process.
- 6.91 The applicant is aware of the Authority's concerns about the continued future of the listed buildings and has offered a series of 'protective' works to the Downings Malthouses in the early phase of works, so as to secure the

buildings in the short term. They propose a scheme of temporary restraint to hold up the areas of Downings Malthouse most at risk; maintenance works to the link bridge; and at Downings Malthouse Extension temporary covering to stop water ingress and works to make the building secure.

- 6.92 These temporary works would have the benefit of avoiding further serious dilapidation while the conversions were awaited, and would be a lesser heritage benefit in the short term. It is not an ideal solution on its own given that we could still end up with the new build constructed and the conversions left unless a commitment was secured to build out the whole scheme. This would secure the heritage benefits in the longer term and allied to the first phase 'maintenance' works should preserve their future. I recommend that this is sought in any resolution to grant.
- 6.93 In this regard the applicant has resisted committing to a trigger point mechanism to require commencement of the refurbishment of the listed buildings by stated points in the development. The applicant has currently offered 'reasonable endeavours' to comply with a programme of works for the whole scheme that would be submitted to the Authority. This represents a degree of commitment but would not represent a guarantee to the Authority that the listed building conversions proceed following the new build.

Layout/density

- 6.94 I consider that the scheme would make efficient use of the land taking into account that this aspiration needs to be tempered by the heritage constraints of the site.

Crime prevention

- 6.95 The comments from the Police include some very detailed comments that can be picked up by the applicants in terms of products and management. Others can be addressed by various design conditions and I do not consider there to be an overriding design objection in terms of the prevention of crime.

Conservation and design conclusions

- 6.96 There are a range of complicated and conflicting issues at play here and differing opinions among the consultees. Between them, heritage consultees have identified the scheme as including elements of substantial harm, elements of moderate or less than substantial harm and elements of benefit. Some of the harm I feel can be overcome by the modest refinement of the external design under conditions. Others I feel oblige a consideration of how one could secure the reuse of the building via any other route, in the case of Downings Malthouse. Where harm is identified the NPPF provides the latest policy context for considering it in the planning decision. It is considered that the new build would preserve the setting of the listed buildings, and the landscaping (subject to refinement under condition) would preserve the setting, and the character and appearance of the Conservation Area. The associated car parking use in a negative, but an approved new surfacing must be better than the existing arrangement. Recording and retention where possible of internal features (in situ or storage elsewhere) is desirable.

- 6.97 Members will need to reflect on whether the harm identified is outweighed by public benefits in line with the NPPF guidance on how to balance the issues and bearing in mind especially the statutory duty of the 1990 Listed Buildings and Conservation Areas Act to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses and in respect of conservation areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, and also the level of commitment offered to proceed to full refurbishment of the listed buildings.
- 6.98 Subject to conditions and legal agreements the proposal is considered to comply with Policies BE.1, BE.2, BE.4, BE.5, BE.6, BE.7, BE.9, BE.12, BE.13, BE.15, BE.16, BE.17, BE.18, of the 2002 Plan, SD4, SD5, SD7 of the submission JCS. In respect of Policies BE.22, BE.23 and BE.29 of the 2002 Plan and SD9 of the Submission JCS there are areas of harm identified, somewhat mitigated by condition, that would conflict with the policies. The NPPF provides the latest policy context and requires weighing the harm overall against public benefits which I will conclude on at the end. Similarly this is the case for Policies BE.24, BE.27 and BE.28.

Traffic and transport

Access arrangements

- 6.99 All vehicular access is proposed to be via Baker Street and the St Ann Way junction. The western end of Baker Street is to be slightly realigned to form the access into the site.
- 6.100 The existing surface treatment and access restrictions applicable to the northern part of Merchants Road are proposed to be extended into the lower part of Merchants Road within the application site. This should encourage pedestrians movements to the site. The existing traffic regulation order prohibiting vehicle movements between 8:30am and midnight (except taxis and access) would be extended to the full length. The extended surfacing could be secured by condition.
- 6.101 Queries were raised about the vehicular access into Downings Malthouse via a ramped system. The ramps are only wide enough to cater for one car at a time so it would be a one-in one-out system, which raises the prospect of conflict with drivers using the other ramp at the same time and the prospect of queueing back into the adjacent car park (likely at the evening peak as residents return from work – which is also the peak time for the leisure uses). The approximate level of movement in the PM peak hour are 16 arrivals and 8 departures. This would be the peak hour for the development and would equate to a vehicle moving from the car park every 2.5 minutes with an incoming vehicle every 3.75 minutes. It is considered that the provision of signals to control the method of entry/exit to the proposed residential car park is needed by condition to achieve safe and suitable access. Furthermore, the scheme needs to address the potential conflict between cars and pedestrians. To the west side the retaining wall and railings of the stepped access provides

a pedestrian barrier here, to the east side is a deterrent paved area, to provide pedestrian splays.

- 6.102 Details of the construction access and phasing of the highway improvement works can be dealt with by planning condition.

Servicing

- 6.103 In terms of servicing, the conversion of historic buildings presents some practical challenges. A swept path analysis shows that HGV movements can be provided for (Downings Malthouse units from lower High Orchard Street, the other commercial units from the car park). The Highway Authority considers that layout acceptable to serve the proposed land uses. The revised plans overcome the majority of concerns with the exception of the swept path for a refuse vehicle which would require the width of the access road to enter and exit the site – advising oncoming vehicles can be dealt with by additional signage/road markings to mitigate the risk. A servicing management plan could also reduce this risk to outside peak hours.

Non-car borne access

- 6.104 Pedestrian infrastructure extending the paving down Merchants Road is welcomed and should enhance pedestrian use. Also, a footpath access to the café unit has been added from Bakers Street for pedestrians approach from the south east which is welcomed.
- 6.105 There is existing shared or dedicated cycle infrastructure in the vicinity. Cycle spaces are proposed inside and outside the Malthouse Extension, outside the Transit shed and outside Provender Mill. Storage cages are also proposed that can be purchased by tenants.
- 6.106 There are bus stops at St Ann Way and further on at Southgate Street and Bristol Road linking to the city centre and beyond to Cheltenham, and south to Quedgeley and into Stroud district. Mitigation has already been provided for development of the wider site. Travel Plans for the A3/4 uses and hotel where over 15 employees, and for the residential uses, are proposed to be secured by condition.

Traffic generation and impact

- 6.107 The Gloucester Quays outline permission approved development across this site and provides background for the impact assessment, albeit needing to be updated to current circumstances and guidance.
- 6.108 The proposed change in traffic as a result of replacing the outline scheme with the proposed development for this part of the site is +7 two-way movements in the AM peak and +86 two way movements in the PM peak.
- 6.109 All traffic would be routed via the St Ann Way Junction. The applicants comment that this is a recent junction and designed to cater for future traffic forecasts of Gloucester Quays, with 15% additional reserve capacity. The Highway Authority requested that the applicants undertake further traffic survey work to provide an updated baseline survey of the existing traffic

conditions of the signalised junction of St Ann Way and Baker Street. Given the above increase in the PM peak hour movements, the Highway Authority requested assessment at the junction to consider whether any additional capacity assessment was required. The additional flows identified by the applicants in terms of impact on the junction are 0.46% in the AM peak and 4.93% in the PM peak. The Highway Authority considers that the estimated change in traffic is not significant given the overall traffic flows through the junction and that no further capacity assessment is required, and it is acceptable.

- 6.110 For completeness the Highway Authority has also reviewed the collision history for the junction and there is no record of any occurring in the last 3 years.

Parking

- 6.111 There are 163 spaces in the main parking areas with an additional 63 in the lower levels of Downings Malthouse Extension. This is slightly above the previously approved level of 220 spaces for the same area but considered adequate with appropriate disabled provision.
- 6.112 32 cycle spaces are proposed, and storage cages are also proposed within buildings. Adequate provision can be secured by condition.

Conclusions

- 6.113 The Highway Authority raises no objection subject to conditions, and subject to these the proposals are considered to comply with Policies TR.1, TR.5 and TR.6 (south west bypass now in place), TR.9, TR.11, TR.12, TR.16, TR.18, TR.28, TR.31, TR.33, TR.39 and TR.40 of the 2002 Plan, Policies INF1 and INF2 of the submission JCS and the NPPF.

Flood risk

- 6.114 The Environment Agency flood map shows the site substantially within zones 2 and 3. The river is approximately 300m to the north west. The culverted brook runs across the site east-west to the adjacent canal. There is no historic record of the site flooding.
- 6.115 The existing buildings are in the 'less vulnerable' category and the proposed uses are 'more vulnerable'. While there remains some confusion around the continued relevance of the flood zoning of this site the sequential test has been considered relevant and the exception test is required for more vulnerable development in zone 3a, to ensure a robust assessment of the application.

Sequential test

- 6.116 The development of this site has already been granted planning permission post-the introduction of the sequential test. The principle difference in uses is the introduction of the hotel. The site is also allocated in the 2002 Plan.
- 6.117 There are substantial wider sustainability benefits to the community most notably in terms of the reuse of the listed buildings here and clearly that could

not occur at another site. The site requires redevelopment and this could not be secured on reasonably available sites in a lower risk flood zone. The viability connection between the new build and conversion parts of the site only accentuates the conclusion that the whole site should be developed. I do not propose that there is any reasonably available alternative for the proposals, and the listed building reuse is inherently site-specific.

6.118 In terms of the exception test for more vulnerable development in floodzone 3a as noted there are wider sustainability benefits to the community. It is also required that the development would be safe for its lifetime and without increasing flood risk elsewhere and where possible reduce flood risk overall.

6.119 Notwithstanding the status of the flood zoning around the culvert, the development has been arranged with the 'more vulnerable' hotel use sited outside of the flood zone 3 area. The Environment Agency concurs with the sequential test methodology for the existing buildings in relation to future uses based on current floor levels and adopted design flood level of 11.18m AOD.

Development safety Levels

6.120 The Flood Risk Assessment for the outline scheme adopted a combined 100 year fluvial and tidal flood level of 11.18m AOD. 600mm freeboard was adopted to give the required finished floor level of 11.78m AOD applied in that permission and agreed in the recent renewal of that permission. Existing site levels on the Bakers Quay site vary from 10.9 to 12.5m, although are generally above the 11.18m flood level.

6.121 New build will be required with finished floor levels at 11.78m AOD. Despite the queries over the flood zoning, the Drainage Engineer still considers that because the site includes areas below the 100 year plus climate change level of 11.18m AOD this is still necessary. Each of the new build Provender Mill, the hotel and the drive through cafe are proposed to meet this threshold. In the existing buildings, the ground floor levels of Downings Malthouse, the cottages, Downings Malthouse Extension, Engine House are all above the 11.78m anyway. However the basements of Downings Malthouse and Downings Malthouse Extension are below (at 11.46 and 11.25 respectively), and therefore a further condition is recommended to prohibit habitable use of the basements in the interests of safety. The Provender basement is below the flood level, but was not anyway proposed for use, and is now proposed to be infilled in the new-build. The applicant also proposes external works to reduce routes for flood water into the basement, and provision of flood resilient detailing in the refurbishment to minimise the impact. The Drainage Engineer and Environment Agency raise no objection in this regard.

Flood zoning and compensation

6.122 The earlier Gloucester Quays outline planning permission similarly involved building in floodplain capacity. As above, it was agreed with the Environment Agency at that point (and again in the renewal application) that the 1 in 100 year flood level was 11.18m AOD. Given it was an outline application and there was no certainty about building positions and footprints, an assumption

was made that it would be necessary to raise all land in the site out of the floodplain (i.e. raise any land below 11.18m AOD).

6.123 The Environment Agency's flood zoning now shows part of the site in flood zone 3, appearing to follow the route of the culverted brook. The Strategic Flood Risk Assessment however does not zone the site as flood zone 3, the modelled extent of the Sud Brook shows the flood zone to the south of the site and there is no record of historic flooding. The applicants' consultant considers that the flood zoning across the application site is based on historic data prior to the construction of the outlet centre or a blockage scenario. They propose an overland flood route along the line of the culvert to cater for this eventuality.

6.124 The Drainage Engineer considers the 11.18m AOD to be a robust figure for the 100 year plus climate change flood event, while aerial photos confirm that the site did not flood in the 2007 floods. He does not believe that the proposals will lead to any loss in floodplain storage volume and no compensatory work are required, and this is agreed by the Environment Agency.

Storage and mitigation

6.125 The LLFA seeks a 40% betterment, and the applicant has responded to this request and the recommendations of the Drainage Engineer to come up with revised and more detailed solutions.

6.126 For the new build elements and external works a 40% betterment is considered appropriate and include attenuation to prevent flooding in a 1/100 year + 30% event. Existing buildings that are to be retained remain with their existing drainage systems.

6.127 It is proposed to incorporate filter trenches in the system and petrol interceptors to hard standing as methods of improving water quality. Stormcell attenuation tanks are proposed in multiple locations across the site.

6.128 The Drainage Engineer advises that the revised attenuation proposals look broadly acceptable, and although at the detailed design stage the calculations should be refined, the detail can be addressed pursuant to a condition. The LLFA has a few outstanding queries regarding the drainage that are with the applicant for comment.

The culvert

6.129 The Environment Agency aspires to the opening up of the culvert and an 8m easement along its length. The applicant has confirmed that there is currently no access available into the culvert within the site. Their survey found it to be in reasonable condition and they propose some repairs as part of the redevelopment. To enable safer future maintenance of the culvert it is intended to open up an existing buried manhole and build one more to reduce the distance between access points.

- 6.130 The opening up of the culvert was not secured in the earlier permissions and the applicant is not proposing any such radical change, this request was received late in the process. We are awaiting confirmation of the Environment Agency's position in response to the applicant's suggestions for maintenance of the culvert.

Conclusions

- 6.131 I conclude that the sequential test is addressed satisfactorily and the exception test is passed subject to conditions. Considering the doubts over the flood zoning of the site, this is a robust approach anyway. Wider benefits outweigh the flood risk and the scheme would be safe for its lifetime and not increase flood risk elsewhere again subject to certain conditions.
- 6.132 Subject to conditions it is considered that the proposal complies with Policies FRP.1a and FRP.6 of the 2002 Plan, Policy INF3 of the Submission JCS and the NPPF. In respect of Policy FRP.5 this seeks the 8m easement but its basic premise is to allow adequate access for future maintenance and/or improvement and – if there is no objection from the Environment Agency this would in effect be satisfied.

Ecology

- 6.133 Downings Malthouse Extension and Provender Mill have the capacity to provide a bat roost, however dawn and dusk survey work only found commuting bats. The advice is that the proposals are acceptable in these terms with the common enhancement measures with regard to bat boxes and sensitive lighting secured by condition.
- 6.134 Subject to conditions the application complies with Policy B.7 of the 2002 Plan, Policy SD10 of the submission JCS and the NPPF.

Archaeology

- 6.135 The archaeological interest has previously been considered by the Inspector and Secretary of State with the land part of the wider Gloucester Quays outline application. It was concluded that the development was acceptable subject to conditions. In respect of Bakers Quay this was solely for an area identified in the Environmental Statement further to the north of this site. More recent works in the area in 2006 uncovered a cemetery, and proved the earlier conclusions to be somewhat flawed. The hotel is a new part of the proposals and is a substantial building at 6 storeys. The City Archaeologist considers the scheme could impact on archaeological remains in this location and seeks a programme of archaeological work by condition (likely intrusive evaluation at this location) and the applicants have now agreed to this.
- 6.136 Subject to this condition it is considered that the proposal complies with Policies BE.31, BE.32, BE.34, BE.36 and BE.37 of the 2002 Plan, Policy SD9 of the Submission JCS and the NPPF.

Contaminated land

- 6.137 The applicants have produced Phase 1 and Phase 2 investigation reports that have been assessed by the Council's contaminated land consultants. The

applicants propose the removal of underground ground storage tanks and validation of associated soils, gas protection measures for all buildings, with membrane in the vicinity of the storage tanks and retrofitting of gas membrane for the refurbished buildings. Further investigation is proposed once the Downings Malthouse silo is demolished.

- 6.138 While the site has a long history of industrial uses the investigation demonstrated only localised contamination is associated with storage tanks. In addition to the recommendations of the report, the Council's contaminated land consultants recommend that further intrusive work is carried out in the vicinity of the former silos south of Downings Malthouse Extension once the circular bases have been removed.
- 6.139 Overall no objection is raised in these terms subject to a condition to secure further work, in this particular instance a slightly amended version of the contaminated land condition is proposed to cover the additional aspects outlined. Subject to this the proposals are considered to comply with Policies FRP.11 and FRP.15 of the 2002 Plan and Policy SD15 of the submission JCS and the NPPF.

Residential amenity

Amenity of surroundings

- 6.140 There are no existing residential premises in close proximity, the nearest being the flats in the Docks, houses beyond the Priory to the west, beyond Gloucester Quays outlet to the north and east and along Bristol Road to the south. In addition however residential units are permitted but not built on Llanthony Wharf and Monk Meadow as part of the Gloucester Quays permission and also smaller residential schemes on Llanthony Road. The scheme is also likely to be built in phases, so it is possible that residents of this scheme may have moved in while construction is ongoing on neighbouring plots. It is considered that the hours of works should be controlled by condition.
- 6.141 The scheme is clearly pitched as a mixed use proposal and continues the mix of residential and leisure uses apparent in the Docks. People buying into the site should be aware of the A3/A4 uses, and tenants could seek late evening/night opening hours. Such matters are generally covered by the licensing legislation and I do not propose to control hours here, although if members were minded to they could impose a planning condition to do so. In respect of servicing hours, the Environmental Health Officer recommended that these be limited to 8am to 7pm.
- 6.142 The new and reopened windows and amenity space in the north side of Downings Malthouse Extension would overlook the plot to the north (currently occupied by Numold). No representations have been received from or regarding this premises. It is a business use and I do not consider any significant harm would be caused with regard to the overlooking that would arise. Some limited benefits may arise in terms of prevention of crime by the increased natural surveillance.

Amenity of future occupiers

- 6.143 In terms of the quality of accommodation for future occupants, this is heavily influenced by the buildings, with the necessity of bespoke arrangements. The outlooks from some flats in the maltheuses will be constrained, and some windows are onto internal circulation areas within the buildings, which is rather unusual. To achieve a workable residential solution for these buildings, there will inevitably be some unusual arrangements. I do not consider they present an unacceptable form of accommodation for future occupants.
- 6.144 Overall, with the imposition of certain conditions including installation of suitable extraction equipment and a suitable servicing hours limitation, it is not considered that the non-residential uses proposed would harm residential amenities, and the proposals comply with Policies FRP.9, FRP.10, FRP.11, BE.21 and CL3 of the 2002 Plan, Policy SD15 of the submission JCS and the NPPF.

S106 contributions and viability

Affordable Housing

- 6.145 40% affordable housing is sought. The outline permission for the wider Gloucester Quays site incorporating this land (and further residential development on the west side of the canal) secured 20%.

Open space

- 6.146 The off-site open space contribution that is sought for the amended scheme amounts to £507,765.60.

Libraries

- 6.147 A contribution of £31,752 is sought towards libraries.

Education

- 6.148 The County Council advises that flats are not considered to be qualifying dwellings for education impact assessment due to the low child yield. No education contributions are sought.

Heritage

- 6.149 In the event that the scheme is shown to be viable with surplus, Historic England and the Conservation Officer would wish to see improvements made to elements of the proposals with which there are concerns from a heritage perspective (e.g. altering or removing the transit shed extension and the series of 'shopfront' openings in Downings Malthouse, which have been justified on viability grounds). Other aspirations, like 'hiding' the car parking within buildings, have also been ruled out as not viable.

Analysis

- 6.150 The applicant has submitted viability information to argue that the scheme cannot support any s106 contributions. This is on the basis that the scheme only allows a developer's return on cost of 12.69% (in respect of the submitted 'Option 3' scheme including the demolition of Provender Mill), and 6.18% in respect of Option 2 of the rebuild off the standing remains.

- 6.151 This has been tested by specialist consultants on behalf of the Authority. They consider that Option 2 would give a maximum return on value of 15.21% on value, although this does not allow for any section 106 financial contributions. They advise that this is unlikely to be enough to incentivise investment in the scheme. They consider that for the submitted 'Option 3' scheme, a reasonable return of 20% on value is applicable given the risk profile of the scheme, as well as a 15% incentive for the landowner, which would allow for a viable s106 financial contribution of £67,810. The 15% premium on the site value is considered to reflect the competitive returns expected from a land owner to incentivise the sale of their land.
- 6.152 Furthermore they recommend that due to the mixed-use nature of the scheme and the inability of the registered provider to purchase the freehold interest of any of the units, on-site provision of affordable housing is not appropriate and recommend an off site contribution by way of a commuted sum. The housing department still prefers an on-site provision but given the low level of funds available this seems impractical.
- 6.153 The sum available would not allow the open space request to be satisfied in full although the libraries contribution could be. The sum would be far short of the affordable housing target. Furthermore it seems unlikely to be a sum that could make significant difference to heritage concerns or hiding the parking.
- 6.154 The NPPG comments on viability that a viability assessment "should be informed by the particular circumstances of the site and the proposed development in question". It states that "a site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken". In respect of costs, it states that "All development costs should be taken into account including" ... "the full cost of planning standards, policies and obligations will need to be taken into account". In terms of land value it states that "the most appropriate way to assess land or site value will vary from case to case but there are common principles which should be reflected. In all cases, land or site value should: reflect policy requirements and planning obligations ..." and "provide a competitive return to willing developers and landowners" and "be informed by comparable, market-based evidence where possible. Where transacted bids are significantly above the market norm, they should not be used as part of this exercise". Further, it notes that "a competitive return for the land owner is the price at which a reasonable land owner would be willing to sell their land for the development. The price will need to provide an incentive for the land owner to sell in comparison with the other options available". The available s106 sum is significantly less than that expected from a policy compliant scheme but the inherent costs of redeveloping a site of this nature have significant impacts on the viability of the scheme.
- 6.155 Given the negotiations possible so far, the provisional acceptance of a low level of s106 contributions is on the basis of a review mechanism being agreed. This would provide for a further assessment later in the scheme's life.

These would provide some flexibility over the Authority's requirements as is encouraged and allow a more accurate assessment than that envisaged now. The applicant has agreed to a review mechanism to revisit the s106 obligations in the future.

- 6.156 In respect of the viability/s106 issues, the Planning Committee may take a number of options in being asked to make a decision now, including:

'Option 2' – prioritising the retention of the Provender Mill remains

- 6.157 Members may take the view that 'Option 2' for Provender Mill is preferential in heritage terms, to retain the remains and outweighing the lack of 106 contributions supportable in that scheme. It should be noted that this proposal appears to be below what a developer would seek as a return and appears unlikely to proceed. This resolution would indicate refusal of the current 'Option 3' application, given that negotiation with the applicant about pursuing Option 2 seems unlikely to be successful.

Option 3 for Provender Mill

- 6.158 If it is concluded that the £67,810 surplus should be sought and demolition of Provender Mill accepted as is currently proposed, Members may wish to apportion that sum between open space, libraries and affordable housing in accordance with their priorities. In respect of open space and libraries this would be a sum of money as is usual. In respect of affordable housing, this would be an off site sum in lieu of one site provision, and would be used as subsidy for provision in the locality by the housing department.
- 6.159 In any respect, the inability to support the policy level of affordable housing and open space requests (and potentially not meeting the libraries request depending on how the moneys were apportioned) reaffirms the desirability of securing the listed building conversions as advocated earlier in the report, as they are part of the rationale underpinning the low level of 106 contributions offered, as well as a benefit of the scheme in securing their future. Delivery of parts of the scheme without the conversions would undermine the logic behind relinquishing the 106 contributions and the benefits. I recommend this is provided by legal agreement to as secure a degree as can be achieved.
- 6.160 Depending on how the funds were apportioned, the proposal could satisfy elements of the requirements of Policies H.15, OS.2, OS.3, OS.4, OS.5, CS.11 of the 2002 Plan, Policies SD13, INF4, INF5, INF7 and INF8 of the submission JCS and the NPPF, and it does comply with the requirements of certain policies to provide a viability assessment.

7.0 CONCLUSION

- 7.1 The apparent circumstances of the applicant place the Authority in a difficult position. They are seeking a decision at this Committee. A positive decision could potentially secure the future of these buildings, if it were to lead to the whole development going ahead. However the short time period since receiving the full scheme and supporting information has substantially foreshortened the negotiation and assessment period. It is advised that

despite this pressure, the Authority must maintain a robust decision-making basis as with all applications.

- 7.2 This applications present some difficult challenges in making the right planning decision. Even for the heritage matters alone there are diverging views from consultees and we are presented with a scheme that includes heritage benefits in reusing these buildings and regenerating a historic part of the City, but also includes undesirable alterations such as the large openings in Downings Malthouse at ground floor and the likely removal of substantial if not all parts of its internal structure, the unfortunate demolition of Provender Mill, the rebuild and extension of the transit shed and a large expanse of car parking neighbouring the buildings, allied to which the perilous state of the buildings and the viability of the scheme bear down on the timescale and constraints for redevelopment of this site.
- 7.3 In terms of benefits, the scheme would deliver the regeneration of a long-disused site in a prominent location, beneficial economic impacts, the delivery of housing, good design quality of some buildings on unattractive gap sites, enhanced linkages and a future use of the retained listed buildings.
- 7.4 In terms of negatives, the scheme involves the sub-optimal solutions in terms of the timing, security of delivery, and the works themselves, for the repair and conversion of at-risk heritage assets, undesirable design solutions including the large expanse of surface car parking, and non-policy compliant s106 contributions (although they are justified by the viability assessment).
- 7.5 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.
- 7.6 The 1983 development plan is part saved although in most respects the NPPF provides the specific up to date policy context on planning matters applicable to this case in the 1983 Plan. The proposal would assist with the housing delivery proposals and elements of the heritage and transport policies. Subject to conditions it would comply with the shopping policies and depending on the prioritisation of s106 funds could contribute to open space aspirations. Elements of the proposals would conflict with its heritage policies referring to listed buildings and it offers below current policy on open space and affordable housing contributions. The NPPF provides the up to date context for considering both these areas of conflict.
- 7.6 Subject to conditions and legal agreement provisions the proposal would comply with most of the Policies of the 2002 Plan with the exception of some elements conflicting with the desire to preserve listed buildings and s106 contributions as set out in Policies above. Similarly, the proposal would comply with most of the Policies of the submission JCS with the exception of Policies in the same heritage and s106 contributions terms.

NPPF conclusions

- 7.7 The Government's view of sustainable development is set out at paragraphs 18 to 219 of the NPPF. The application is identified as harmful to varying degrees to heritage assets at Paragraphs 133 and 134 of the NPPF but presents other benefits that accord with aspirations elsewhere in the NPPF. Specifically the scheme includes elements of 'substantial harm' and 'less than substantial harm' in heritage terms. In taking this harm into the overall planning balance the public benefits that would arise from the scheme are considered to be substantial and outweigh the identified substantial and less than substantial harm, which itself could be mitigated somewhat by conditions and a legal agreement.
- 7.8 If it were sustainable development, then Paragraph 14 of the NPPF still requires the weighing of the benefits against the adverse impacts:
- 7.9 The 1983 development plan policies reflect the general ongoing policy provisions in respect of release of housing land, heritage protection, provision for pedestrians and cyclists, and open space, but are out of date in terms of the precise policy requirements set out in the NPPF. Therefore I consider that in terms of the NPPF the presumption in favour of development should be applied.
- 7.10 This means that planning permission should be granted 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.
- 7.11 The decision turns principally, therefore, on the balance between the benefits to be derived from the proposals versus the harm to Provender, Downings Malthouse, the Transit shed, external parking and below policy levels of s106 mitigation measures, taking the presumption in favour as the starting point.
- 7.12 In light of conclusions that the substantial public benefits outweigh the harm (which is itself tempered by conditions and s106 agreement) with regard to Paragraphs 133 and 134 of the NPPF, it is concluded that no specific policy of the NPPF directs refusal.
- 7.13 Therefore it appears to me that the adverse impacts do not significantly and demonstrably outweigh the scheme's benefits when assessed against the policies in the NPPF as a whole nor do specific policies indicate development should be restricted subject to securing a series of mitigation measures by condition and by legal agreement. I therefore conclude that assessment against the NPPF indicates that permission should be granted.
- 7.14 I therefore conclude overall that the material considerations indicate that planning permission should be granted subject to certain conditions and legal agreement/s and listed building consent should be granted subject to certain conditions.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

8.1 That subject to

1/ confirmation being received of there being no objection from the Environment Agency and the Lead Local Flood Authority (subject to any conditions or s106 provisions deemed necessary), and

2/ completion of a planning obligation/s to secure £67,810 of s106 contributions to be apportioned as the Planning Committee resolves along with a satisfactory review mechanism to revisit the s106 obligations in the future, and secure a mechanism to secure completion of the whole development, also with authority delegated to the Development Control Manager in consultation with the planning solicitor to incorporate such additional provisions in the proposed planning obligation/s that may be deemed necessary,

planning permission be granted subject to the conditions listed below.

8.2 That the listed building consent be granted subject to the conditions listed below.

Conditions for the full planning permission:

Condition 1

The development hereby permitted shall be begun before the expiration of one year 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 and to reflect the viability assessment being undertaken at a point in time.

Condition 2

The development shall be undertaken in accordance with the plan referenced

Proposed Site Masterplan 10-305 PL-MP-01 Rev. B received by the Local Planning Authority 19th January 2016

Downings Malthouse

Proposed elevations 10-305 PL-DM-14

Proposed basement floor plan 10-305 PL-DM-08 Rev. B received by the Local Planning Authority 19th January 2016

Proposed ground floor plan 10-305 PL-DM-09 Rev. B received by the Local Planning Authority 19th January 2016

Proposed first floor plan 10-305 PL-DM-10 Rev. B received by the Local Planning Authority 19th January 2016

Proposed second floor plan 10-305 PL-DM-11 Rev. B received by the Local Planning Authority 19th January 2016

Proposed third floor plan 10-305 PL-DM-12 Rev. B received by the Local Planning Authority 19th January 2016
Proposed roof plan 10-305 PL-DM-13

Proposed detailed sections 10-305 PL-DM-28
General arrangement section A-A 10-305 PL-DM-15
General arrangement section B-B
General arrangement section C-C
General arrangement section D-D

Proposed elevations showing extent of proposed works

Proposed demolition and scoping basement layout
Proposed demolition and scoping ground floor layout
Proposed demolition and scoping first floor layout
Proposed demolition and scoping second floor layout
Proposed demolition and scoping third floor layout

Proposed opening details Sheet 1
Proposed opening details Sheet 2
Opening details reference elevations

Downings Malthouse Extension

Malthouse extension proposed elevations 10-305 PL-ME-16
Malthouse extension proposed basement floor plan 10-305 PL-ME-09 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed ground floor plan 10-305 PL-ME-10 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed first floor plan 10-305 PL-ME-11 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed second floor plan 10-305 PL-ME-12 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed third floor plan 10-305 PL-ME-13 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed fourth floor plan 10-305 PL-ME-14 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed roof plan 10-305 PL-ME-15

Malthouse extension Proposed Detailed Section Sheet 1
Malthouse extension Proposed Detailed Section Sheet 2

Malthouse extension existing & proposed general arrangement sections A-A 10-305 PL-ME-17
Malthouse extension Existing & Proposed general arrangements sections B-B 10-305 PL-ME-18

Malthouse extension proposed demolition and scoping basement layout 10-305 PL-ME-20
Malthouse extension proposed demolition and scoping ground floor layout 10-305 PL-ME-21

Malthouse extension proposed demolition and scoping first floor layout 10-305 PL-ME-22

Malthouse extension proposed demolition and scoping second floor layout 10-305 PL-ME-23

Malthouse extension proposed demolition and scoping third floor layout 10-305 PL-ME-24

Malthouse extension proposed demolition and scoping fourth floor layout 10-305 PL-ME-25

Malthouse extension proposed elevations (showing extent of proposed works) 10-305 PL-ME-19

Malthouse extension proposed opening details sheet 1 10-305 PL-ME-27

Malthouse extension proposed opening details sheet 2 10-305 PL-ME-28

Malthouse extension opening details reference elevations 10-305 PL-ME-26

Transit Shed

Proposed elevations 10-305 PL-TS-08 Rev. B received by the Local Planning Authority 19th January 2016

Proposed building plan 10-305 PL-TS-04 Rev. B received by the Local Planning Authority 19th January 2016

Proposed roof plan 10-305 PL-TS-05 Rev. B received by the Local Planning Authority 19th January 2016

Proposed sections 10-305 PL-TS-06 Rev. B received by the Local Planning Authority 19th January 2016

Provender Mill

Proposed ground floor plan 10-305 PL-PM-43 Rev. B received by the Local Planning Authority 19th January 2016

Proposed first floor plan 10-305 PL-PM-44 Rev. A received by the Local Planning Authority 19th January 2016

Proposed second floor plan 10-305 PL-PM-45 Rev. A received by the Local Planning Authority 19th January 2016

Proposed third floor plan 10-305 PL-PM-46 Rev. A received by the Local Planning Authority 19th January 2016

Proposed fourth floor plan 10-305 PL-PM-47 Rev. A received by the Local Planning Authority 19th January 2016

Proposed fifth floor plan 10-305 PL-PM-48 Rev. A received by the Local Planning Authority 19th January 2016

Proposed roof plan 10-305 PL-PM-49 Rev. A received by the Local Planning Authority 19th January 2016

Proposed elevations 10-305 PL-PM-50 Rev. A received by the Local Planning Authority 19th January 2016

Existing & proposed general arrangement section A-A 10-305 PL-PM-59 Rev. B received by the Local Planning Authority 19th January 2016

Existing & proposed general arrangement sections C-C 10-305 PL-PM-60 Rev. A received by the Local Planning Authority 19th January 2016

Hotel

Elevations 10-305 PL-H-08

Proposed ground floor plan 10-305 PL-H-01
Proposed first floor plan 10-305 PL-H-02
Proposed second floor plan 10-305 PL-H-03
Proposed third floor plan 10-305 PL-H-04
Proposed fourth floor plan 10-305 PL-H-05
Proposed fifth floor plan 10-305 PL-H-06
Proposed roof plan 10-305 PL-H-07

Proposed GA section A-A
Proposed GA section B-B

Drive through café

Proposed elevations 10-305 PL-CC-02 Rev. B received by the Local Planning Authority 25th January 2016
Proposed ground floor 10-305 PL-CC-01 Rev. A received by the Local Planning Authority 19th January 2016
Proposed roof plan 10-305 PL-CC-04 Rev. A received by the Local Planning Authority 24th August 2015
Proposed section A-A 10-305 PL-CC-03 received by the Local Planning Authority 24th August 2015

Landscaping

Landscape proposals 0606-1 Rev. B received by the Local Planning Authority 19th January 2016

except where otherwise required by conditions of this permission.

Reason

To ensure the works are carried out in accordance with the approved plans.

Condition 3

No development shall take place until a phasing scheme has been submitted to and approved in writing by the Local Planning Authority. The phasing scheme shall indicate the order and approximate timescales of any site remediation, demolition works, and development phases.

Reason

To ensure the development is progressed in a structured fashion with due regard to design, highway safety and heritage considerations, in accordance with Policies SD5, SD9, SD10, INF1 and INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 32, 58, and 131 of the NPPF and Policies BE.9, BE.22, BE.23, BE.29 and TR.31 of the City of Gloucester Second Deposit Local Plan 2002. This is required pre-commencement to enable consideration of all phases of the scheme, their order and the programming of associated approvals under conditions from the start.

Condition 4

The development shall proceed in accordance with the approved phasing scheme and the developer shall inform the Local Planning Authority as soon as it is practical of any proposed amendment to the approved phasing scheme. Any proposal for variation of the approved scheme shall only be progressed following written approval from the Local Planning Authority of a variation of the phasing scheme.

Reason

To ensure the development is progressed in a structured fashion with due regard to design, highway safety and heritage considerations, in accordance with Policies SD5, SD9, SD10, INF1 and INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 32, 58, and 131 of the NPPF and Policies BE.9, BE.22, BE.23, BE.29 and TR.31 of the City of Gloucester Second Deposit Local Plan 2002.

Condition 5

No development shall commence until a detailed programme of works for the short-term preservation of Downings Malthouse and Downings Malthouse Extension (and the link bridge as necessary) and associated works for public safety within the first phase of development works has been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved programme of works as part of the first phase of development works.

Reason

To secure the terms on which the development was considered to be acceptable and to ensure that material benefits of the proposal are delivered, to maintain the listed buildings during the early phases of the development in the interests of their preservation, in accordance with Policies BE.22, BE.24 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and the NPPF. This is required pre-commencement as it involves works necessary in the first phase to secure heritage benefits for at-risk assets.

Condition 6

No above ground construction of a building in the relevant phase of the development (as approved under the phasing condition) shall be commenced until details of all building facing materials and finishes for that building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the materials and exterior building components are appropriate to their context and in the interests of protecting the character and appearance of the Conservation Areas and the special character of listed buildings and their setting, 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.7, BE.10, BE.11, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 7

No above-ground construction of the replacement Provender building shall commence until details of any balconies, canopies, windows, external cladding and replacement hoist housing feature to the canalside elevation of that building have been submitted to and approved in writing by the Local Planning Authority. These details shall include scaled floorplan, elevation and section drawings and external materials specification. Development shall be carried out in accordance with the approved details.

Reason

To ensure that exterior building components are appropriate to their context and in the interests of protecting the character and appearance of the Conservation Areas 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.7, BE.10, BE.11, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 8

No development within a phase shall commence until details of substations, generators or other freestanding external plant/equipment as indicated on the submitted plans (comprising scaled layout and elevation plans) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the design and appearance of supporting infrastructure is appropriate to this context and in the interests of protecting the character and appearance of the Conservation Areas 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.7, BE.10, BE.11, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 9

Prior to the commencement of works of alteration to the west-facing roof slope of Downings Malthouse Extension, details of the balcony/dormer arrangement proposed to this roof slope (comprising scaled floor plans, elevations and sections) shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed only in accordance with those approved details.

Reason

To ensure that these works are appropriate to their context and in the interests of protecting the character and appearance of the Conservation Areas and the special character of the listed building particularly with regard to retention of the existing roof structure, 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.7, BE.22 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 10

Prior to the commencement of external works of alteration to the Engine House details of the proposed fenestration of the building (comprising scaled, elevations and sections) shall be submitted to and approved in writing by the Local Planning Authority. The works shall proceed only in accordance with those approved details.

Reason

To ensure that these development is appropriate to its context and in the interests of protecting the character and appearance of the Conservation Areas and the special character of the listed building, 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.7, BE.22 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 11

No above-ground construction of the hotel hereby approved shall commence until details of the elevations of the hotel comprising scaled elevations and sections and samples of external facing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed only in accordance with the approved details.

Reason

To secure approval of the suitable external treatment of these elevations in the interests of the visual amenities of the area in accordance with Policies BE.1, BE.7 and BE.9 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and the NPPF.

Condition 12

Notwithstanding that indicated on the submitted plans, no development shall take place in a phase of the development (as approved under the phasing condition) other than site remediation, demolition or exploratory ground works until details of the surface material finishes for the highways, footpaths, cycle ways, parking areas and all other hard surfaces within that phase have been submitted to and approved in writing by the Local Planning Authority. Details shall include a scaled layout plan denoting the finishes, features, samples of new materials and shall set out investigations that have been made into the presence and incorporation into the design of buried rail tracks within the site. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason

To ensure that the design and materials are appropriate to their context, to investigate the presence and potential to retain historic railway tracks within the design, and in the interests of protecting the character and appearance of the Conservation Areas 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 13

No development shall take place in a phase of the development (as approved under the phasing condition) other than site remediation, demolition or exploratory ground works until details of street and open space furniture, external lighting, screen walls, fences/railings (including those to the canalside and to safeguard the waterway infrastructure) and other means of enclosure within that Phase have been submitted to and approved in writing by the Local Planning Authority. Such details shall include scaled elevation drawings, site plans identifying their location, and materials, and consideration should be given to the benefits of tying them in to the adjacent development. Development shall be carried out only in accordance with the approved details.

Reason

In the interests of privacy and security, protecting the structure, appearance and use of the canalside, and protecting the character and appearance of the Conservation Areas 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 14

No development shall commence on site or machinery or materials brought onto the site for the purpose of development within a Phase until a landscape scheme for that Phase has been submitted to and approved in writing by the local planning authority. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

Reason

To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment in accordance with Policies BE.4 and BE.12 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD5 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraph 58 of the National Planning Policy Framework. This is required for the first phase pre-commencement to enable a proper consideration of the arrangements before any potentially abortive works take place.

Condition 15

The landscaping scheme for each Phase approved under condition 14 above shall be carried out concurrently with that Phase and shall be completed no later than the first planting season following the completion of the development. The planting shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously damaged shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason

To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment in accordance with Policies BE.4 and BE.12 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD5 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraph 58 of the National Planning Policy Framework.

Condition 16

Written confirmation shall be provided to the Local Planning Authority of the date of commencement of development. Prior to the expiration of two months from the commencement of development details of improvements to the canalside towpath for its entire extent within the application site (including surfacing materials and a timetable for its implementation), shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented in their entirety in accordance with the approved timetable unless any subsequent revision to the timetable is submitted to and approved in writing by the Local Planning Authority in which case in which case the approved works shall be implemented in their entirety in accordance with the amended timetable.

Reason

To secure the benefits of the scheme and to ensure that the surfacing materials are acceptable in the interests of protecting the character and appearance of the Conservation Areas 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, BE.29 and TR.39 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 17

No development or demolition below slab level for the hotel hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework and Policies BE.36, BE.37 and BE.38 of the Gloucester Local Plan (2002 Second Stage Deposit), and Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014.

Condition 18

No development or demolition below slab level for the hotel hereby approved shall take place until a detailed scheme showing the complete scope and arrangement of the foundation design and ground works of the proposed building (including services) has been submitted to and approved in writing by the Local Planning Authority (unless agreed otherwise in writing by the Local Planning Authority pursuant to the earlier programme of archaeological work). Development shall only take place in accordance with the approved scheme unless it is agreed in writing by the Local Planning Authority that approval of a scheme is not necessary.

Reason

The proposed development site may contain highly significant heritage assets of archaeological interest. The Council requires that disturbance or damage by foundations and related works of these elements is minimised, but are, where appropriate, preserved in situ. This accords with paragraph 141 of the National Planning Policy Framework and Policies BE.31, BE.36, BE.37 and BE.38 of the Gloucester Local Plan (2002 Second Stage Deposit), and Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014.

Condition 19

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the units hereby approved for Class A3/A4 use shall not be used for a use within Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason

The Local Planning Authority wishes to control the specific use of the premises, because they are outside the primary shopping area and a retail use would have to satisfy the relevant policy tests, in accordance with Policy S.4a of the City of Gloucester Second Deposit Local Plan 2002, Policy SD3 of the Joint Core Strategy Submission Document 2014 and the National Planning Policy Framework.

Condition 20

Construction work and the delivery of materials shall be limited to the hours of 0800hours to 1800hours Monday to Friday, 0800hours to 1300hours on Saturdays

and no construction work or deliveries shall take place on Sundays or Bank Holidays.

Reason

To safeguard the amenities of the area in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

Condition 21

No individual unit for Class A3/A4 use shall be opened to the public until extraction equipment has been installed to full working order for that unit in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality in accordance with Policies FRP.11 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Joint Core Strategy Submission Document 2014 and Paragraphs 17 and 120 of the NPPF.

Condition 22

Prior to commencement of development within a Phase hereby permitted, an Environmental Management scheme shall be submitted to and approved in writing by the Local Planning Authority that specifies mitigation measures in respect of the following issues (including demolition and preparatory groundworks) in order to prevent nuisance:

1. Dust from demolition
2. Dust from groundworks
3. Dust from haul roads
4. Dust from stockpiles and material handling/removal
5. Details of how dust will be qualitatively monitored
6. Light from security compounds etc
7. Storage of waste
8. Keeping highways clear of mud
9. Safeguarding the waterway infrastructure

Development shall proceed only in accordance with the approved Environmental Management scheme.

Reason

To safeguard the amenities of the area and the waterway in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

Condition 23

The loading and unloading of service and delivery vehicles to the Class A3/A4 uses and the hotel hereby approved together with their arrival and departure from the site shall not take place outside the period of 0800hours to 1900hours on any day.

Reason

To safeguard the amenities of the area in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

Condition 24

The rating level of any noise generated by mechanical plant associated with the development shall not exceed the pre-existing background level by more than 5dB(A) at any time. The noise levels shall be determined at noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142: 2014 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.

Reason

To safeguard the amenities of the area in accordance with Policies FRP.9, FRP.10, FRP.11 and BE.21 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF.

Condition 25

No development of any building including residential units shall commence until a comprehensive scheme for noise mitigation of i) 'Inside Bedrooms' (30dB(A) $L_{Aeq,8hr}$) (45dB(A) L_{Amax}) and; ii) 'Dwellings, indoor' (35dB(A) $L_{Aeq,16hr}$) for all residential units within that building that will meet the WHO Guidelines for Community Noise 1999 has been submitted to and approved in writing by the Local Planning Authority. All works (façade, glazing elements, etc) that form part of the scheme shall have regard to BS8233: 2014 – Guidance on Sound Insulation and Noise Reduction for Buildings and the approved details shall be completed in full prior to first occupation of any of the residential units within that building.

Reason

To protect the residential amenities of the future occupiers of the properties in accordance with policy H.4 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF

Condition 26

Prior to occupation of any residential units within a building, noise testing shall be carried out by a professional and competent contractor (Member of the Institute of Acoustics) in 5% of the units within that building (to be agreed in writing in advance by the Local Planning Authority) to establish whether the noise criteria as specified via condition 25 have been met through approved mitigation measures. The testing

procedure shall be submitted to the Local Planning Authority for approval at least seven days prior to noise testing being carried out. If the results are not satisfactory, a revised approach shall be provided to meet the requirements in condition 25 for the Local Planning Authority's approval and the revised approach shall be implemented in full prior to first occupation of any of the residential units within that building.

Reason

To protect the residential amenities of the future occupiers of the properties in accordance with policy H.4 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 109, 120 and 123 of the NPPF

Condition 27

No development of a building other than site remediation, demolition or infrastructure provision shall commence until details of measures to discourage seagulls from nesting and/or roosting on the building have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the Local Planning Authority's publication "Gulls: How to stop them nesting on your roof December 2005. The measures shall be implemented in full prior to the first occupation of the building.

Reason

In the interests of the appearance of the development and to avoid nuisance caused by nesting and roosting seagulls, in accordance with Policies BE.9 and BE.10 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD5 of the Joint Core Strategy Submission Document 2014 and Paragraphs 17 and 58 of the NPPF.

Condition 28

No external lighting shall be installed until details of the location and specification of the lighting, including details of how the lighting is sensitive to bats, and the extent of illumination has been submitted to and approved in writing by the Local Planning Authority. Only the approved lighting shall be implemented.

Reason

To secure biodiversity mitigation, and in the interests of good design and crime prevention in accordance with Policies B.7 and BE.5 of the City of Gloucester Second Deposit Local Plan 2002, Policies SD5 and SD10 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 58, 109 and 118 of the NPPF.

Condition 29

No development shall commence within a Phase until details of the type, number and location of bat boxes within that Phase have been submitted to and approved in writing by the Local Planning Authority. No unit within a building shall be occupied until the approved bat boxes for that phase have been installed unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority.

Reason

To secure biodiversity mitigation and enhancement in accordance with Policy B.8 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD10 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 109 and 118 of the NPPF.

Condition 30

Prior to the commencement of the final phase of development details of the location, appearance and timetable for implementation of facilities for the public display of interpretation material regarding the historic interest of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented in accordance with the submitted timetable. Once provided the public display material shall thereafter be retained.

Reason

The proposed development site includes significant heritage assets and further assets of archaeological interest may be present. Provision of material to convey information on these assets to the public relates to the preservation and recording aspirations of Policies BE.31 and BE.37 of the Second Deposit City of Gloucester Local Plan (2002) and the NPPF.

Condition 31

The finished floor levels of all new buildings (within the identified floodplain) shall be set at least at 11.78metres AOD.

Reason

To demonstrate that the development will be safe for its lifetime, taking into account the vulnerability of users and thus to ensure that the development passes the Exception Test in line with the NPPF, Policy FRP.1a of the City of Gloucester Second Deposit Local Plan 2002 and Policy INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014.

Condition 32

The basement areas of Downings Malthouse and Downings Malthouse extension shall not be used for habitable living accommodation.

Reason

These areas are below the 1/100 flood zone, the restriction is required to demonstrate that the development will be safe for its lifetime, taking into account the vulnerability of users and to ensure that the development passes the Exception Test in line with the NPPF, Policy FRP.1a of the City of Gloucester Second Deposit Local Plan 2002 and Policy INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014.

Condition 33

The development hereby permitted shall not commence until details for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) and shall be implemented for each phase prior to the first occupation of buildings within that phase for the uses hereby permitted and maintained thereafter for the life of the development.

Reason

To ensure that the development is provided with a satisfactory means of drainage, 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. This is required pre-commencement given the facilities involve below ground works and a fairly large spatial extent so their arrangement needs to be agreed at the start to avoid any abortive works or other conflicts as a result of starting development.

Condition 34

No development of a phase shall commence until details of secure fencing for the perimeter of the development plot/existing building (including to safeguard waterway infrastructure where plots are adjacent to it) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to the commencement of development of that phase and shall be retained for the duration of development works in that phase unless their removal is agreed to in writing by the Local Planning Authority.

Reason

To deal with public safety and safeguard waterway infrastructure in accordance with Policy BE.5 of the City of Gloucester Second Deposit Local Plan 2002, Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and the NPPF.

Condition 35

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.

1. Site Characterisation

Once buildings have been demolished and structures removed, supplementary site investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the

site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must accord with the provisions of the EPA 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (elsewhere referred to as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 3.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17, 120, 121 and 123 of the National Planning Policy Framework and Policy FRP.15 of the Second Deposit City of Gloucester Local Plan (2002).

HIGHWAYS

Condition 36

Prior to the internal access road and parking areas being brought into beneficial use the vehicular access serving the development that forms a junction with Baker Street shall be laid out and constructed in accordance with the submitted plans referenced RDL00415 SK412-P5, RDL00415 SK411-P6 & PL-MP-01 Rev B and shall be maintained thereafter.

Reason

To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraphs 32 and 35 of the National Planning Policy Framework.

Condition 37

Prior to the proposed development being brought into beneficial use details of the proposed highway improvement works to Merchants Road to include an extension to existing access restrictions broadly in accordance with plan no PL-MP-01 Rev B shall be submitted to and approved in writing by the Local Planning Authority and once approved implemented in accordance with the approved details prior to occupation of any units within Downings Malthouse or Downings Malthouse Extension.

Reason

To ensure safe and suitable access is provided and create safe and secure layouts that minimise conflicts between traffic, pedestrians and cyclists in accordance with Paragraph 32 and 35 of the National Planning policy Framework.

Condition 38

Prior to the proposed access serving the parking areas at the junction of Baker Street being brought into beneficial use details of a scheme to advise motorists of oncoming service vehicles in the centre of the road shall be submitted to and agreed in writing by the Local Planning Authority and once approved implemented in accordance with the approved details and maintained thereafter.

Reason

To ensure safe and suitable access is provided and create safe and secure layouts that minimise conflicts between traffic, pedestrians and cyclists in accordance with Paragraph 32 and 35 of the National Planning policy Framework.

Condition 39

No individual building shall be occupied until the internal access roads, turning, loading and car parking associated with each building within the development has been provided in accordance with the submitted plan no PL-MP-01 Rev B (including the provision for disabled parking), and shall be maintained available for that purpose thereafter.

Reason

To reduce potential highway impact by ensuring that vehicles do not have to park on the highway resulting in a severe impact contrary to paragraph 32 of the National Planning Policy Framework and in accordance with Policy TR.11 of the City of Gloucester Second Deposit Local Plan 2002. .

Condition 40

Prior to the car parking serving Downings Malthouse Extension being brought into beneficial use details of the method of control for the access/egress and measures to prevent pedestrian and vehicle conflict at the access/egress point shall be submitted to and approved in writing by the Local Planning Authority and once approved

implemented in accordance with the approved details prior to first occupation of a unit within the building and maintained thereafter.

Reason

To ensure safe and suitable access is provided and create safe and secure layouts that minimise conflicts between traffic, pedestrians and cyclists in accordance with Paragraph 32 and 35 of the National Planning policy Framework.

Condition 41

The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan PL-MP-01 Rev B (or such other cycle storage facilities as may be submitted to and approved in writing by the Local Planning Authority) and those facilities shall be maintained for the duration of the development.

Reason

To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

Condition 42

No residential unit within a building shall be occupied until secure and covered cycle storage facilities for that building have been made available in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework. .

Condition 43

No development shall take place within a Phase, including any works of demolition, until a Construction Method Statement for that Phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period of that Phase. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction
- viii. Details of any temporary access for construction purposes

Reason

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

Condition 44

No above-ground works shall commence on the development hereby permitted until a Framework Travel Plan has been submitted to and agreed in writing by the Local Planning Authority for the employment uses, setting out;

i. objectives and targets for promoting sustainable travel, ii. appointment and funding of a travel plan coordinator, iii. details of an annual monitoring and review process, iv. means of funding of the travel plan, and; v. an implementation timetable including the responsible body for each action.

A Travel Plan for any A3/A4 or hotel use likely to employ more than 15 employees shall be submitted and agreed in writing by the Local Planning Authority in accordance with the approved Travel Plan Framework prior to occupation of that use and implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.

Condition 45

No residential unit shall be occupied until a residential Travel Plan has been submitted to and agreed in writing by the Local Planning Authority, setting out;

i. objectives and targets for promoting sustainable travel, ii. appointment and funding of a travel plan coordinator, iii. details of an annual monitoring and review process, iv. means of funding of the travel plan, and; v. an implementation timetable including the responsible body for each action.

The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that the opportunities for sustainable transport modes are taken up in accordance with paragraphs 32 and 36 of the National Planning Policy Framework.

Plus any additional conditions considered necessary from the Environment Agency or Lead Local Flood Authority's comments.

Note

Permit to Operate – Informative note - All crushers and screens that are to be used on site shall be accompanied by a Permit to Operate issued under the Environmental Permitting Regulations 2010

Note

A discharge agreement from the Canal and River Trust is necessary for any increase in flows to the culvert/canal.

Conditions for the listed building consent:

Condition 1

The works hereby permitted shall be begun before the expiration of 3 years from the date of this consent.

Reason

To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The works shall be implemented in accordance with the plans referenced ...

Proposed Site Masterplan 10-305 PL-MP-01 Rev. B received by the Local Planning Authority 19th January 2016

Downings Malthouse

Proposed elevations 10-305 PL-DM-14

Proposed basement floor plan 10-305 PL-DM-08 Rev. B received by the Local Planning Authority 19th January 2016

Proposed ground floor plan 10-305 PL-DM-09 Rev. B received by the Local Planning Authority 19th January 2016

Proposed first floor plan 10-305 PL-DM-10 Rev. B received by the Local Planning Authority 19th January 2016

Proposed second floor plan 10-305 PL-DM-11 Rev. B received by the Local Planning Authority 19th January 2016

Proposed third floor plan 10-305 PL-DM-12 Rev. B received by the Local Planning Authority 19th January 2016

Proposed roof plan 10-305 PL-DM-13

Proposed detailed sections 10-305 PL-DM-28

General arrangement section A-A 10-305 PL-DM-15

General arrangement section B-B

General arrangement section C-C

General arrangement section D-D

Proposed elevations showing extent of proposed works

Proposed demolition and scoping basement layout

Proposed demolition and scoping ground floor layout
Proposed demolition and scoping first floor layout
Proposed demolition and scoping second floor layout
Proposed demolition and scoping third floor layout

Proposed opening details Sheet 1
Proposed opening details Sheet 2
Opening details reference elevations

Downings Malthouse Extension

Malthouse extension proposed elevations 10-305 PL-ME-16
Malthouse extension proposed basement floor plan 10-305 PL-ME-09 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed ground floor plan 10-305 PL-ME-10 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed first floor plan 10-305 PL-ME-11 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed second floor plan 10-305 PL-ME-12 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed third floor plan 10-305 PL-ME-13 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed fourth floor plan 10-305 PL-ME-14 Rev. B received by the Local Planning Authority 19th January 2016
Malthouse extension proposed roof plan 10-305 PL-ME-15

Malthouse extension Proposed Detailed Section Sheet 1
Malthouse extension Proposed Detailed Section Sheet 2

Malthouse extension existing & proposed general arrangement sections A-A 10-305 PL-ME-17

Malthouse extension Existing & Proposed general arrangements sections B-B 10-305 PL-ME-18

Malthouse extension proposed demolition and scoping basement layout 10-305 PL-ME-20

Malthouse extension proposed demolition and scoping ground floor layout 10-305 PL-ME-21

Malthouse extension proposed demolition and scoping first floor layout 10-305 PL-ME-22

Malthouse extension proposed demolition and scoping second floor layout 10-305 PL-ME-23

Malthouse extension proposed demolition and scoping third floor layout 10-305 PL-ME-24

Malthouse extension proposed demolition and scoping fourth floor layout 10-305 PL-ME-25

Malthouse extension proposed elevations (showing extent of proposed works) 10-305 PL-ME-19

Malthouse extension proposed opening details sheet 1 10-305 PL-ME-27

Malthouse extension proposed opening details sheet 2 10-305 PL-ME-28
Malthouse extension opening details reference elevations 10-305 PL-ME-26

Transit Shed

Proposed elevations 10-305 PL-TS-08 Rev. B received by the Local Planning Authority 19th January 2016
Proposed building plan 10-305 PL-TS-04 Rev. B received by the Local Planning Authority 19th January 2016
Proposed roof plan 10-305 PL-TS-05 Rev. B received by the Local Planning Authority 19th January 2016
Proposed sections 10-305 PL-TS-06 Rev. B received by the Local Planning Authority 19th January 2016

Provender Mill

Proposed ground floor plan 10-305 PL-PM-43 Rev. B received by the Local Planning Authority 19th January 2016
Proposed first floor plan 10-305 PL-PM-44 Rev. A received by the Local Planning Authority 19th January 2016
Proposed second floor plan 10-305 PL-PM-45 Rev. A received by the Local Planning Authority 19th January 2016
Proposed third floor plan 10-305 PL-PM-46 Rev. A received by the Local Planning Authority 19th January 2016
Proposed fourth floor plan 10-305 PL-PM-47 Rev. A received by the Local Planning Authority 19th January 2016
Proposed fifth floor plan 10-305 PL-PM-48 Rev. A received by the Local Planning Authority 19th January 2016
Proposed roof plan 10-305 PL-PM-49 Rev. A received by the Local Planning Authority 19th January 2016
Proposed elevations 10-305 PL-PM-50 Rev. A received by the Local Planning Authority 19th January 2016
Existing & proposed general arrangement section A-A 10-305 PL-PM-59 Rev. B received by the Local Planning Authority 19th January 2016
Existing & proposed general arrangement sections C-C 10-305 PL-PM-60 Rev. A received by the Local Planning Authority 19th January 2016

Landscaping

Landscape proposals 0606-1 Rev. B received by the Local Planning Authority 19th January 2016

except where otherwise required by conditions of this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans.

Condition 3

Prior to the commencement of any works to Downings Malthouse, details of structural stabilisation work to the building or works in the interests of public safety

shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed only in accordance with the approved details.

Reason

To preserve the special interest of the listed building 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.7, BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 4

Prior to the commencement of any works to Downings Malthouse Extension, details of structural stabilisation work to the building or works in the interests of public safety shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed only in accordance with the approved details.

Reason

To preserve the special interest of the listed building 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.7, BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

No works shall commence to a building other than structural stabilisation or non-invasive works to make it weathertight and secure or works in the interests of public safety until a structural and condition survey for the building has been submitted to and approved in writing by the Local Planning Authority. This shall include information on floor loadings, any structural alterations proposed and alternative options.

Reason

To preserve the special interest of the remaining and retained adjacent listed building 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.7, BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 6

No works shall commence on any existing building other than structural stabilisation or non-invasive works to make it weathertight and secure or works in the interests of public safety until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic environment work for that building 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 archaeological recording of significant elements of the historic built environment that are likely to face an impact from the proposed development and any proposed

demolition, with the provision for appropriate archiving and public dissemination of the findings. A full recording schedule will be required itemising these features together with a photographic record and location reference by plan.

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 redevelopment 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 7

No works shall commence on any existing building other than structural stabilisation or non-invasive works to make it weathertight and secure or works in the interests of public safety until plans and a schedule identifying architectural and or/historical features within that building (to include but not be limited to windows, doors, door shutters, hatched, storage bins, water storage tanks and chutes), and assessment of the significance of retained machinery or other operational equipment, and the identification of those proposed for retention or reuse elsewhere in the scheme (with details of the method of storage as applicable) have been submitted to and approved in writing by the Local Planning Authority. Works shall proceed only in accordance with the approved details.

Reason

To preserve the special interest of the listed building 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.7, BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 8

The iron-framed transit shed shall not be dismantled until a contract for the carrying out of the works of redevelopment of this part of the site has been let and proof of such has been provided to, and written confirmation of its acceptability has been given by, the Local Planning Authority.

Reason

Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Condition 9

The standing remains of Provender Mill shall not be dismantled until a contract for the carrying out of the works of redevelopment of this part of the site has been let

and proof of such has been provided to, and written confirmation of its acceptability has been given by, the Local Planning Authority.

Reason

Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Condition 10

Internal elements of Downings Malthouse shall not be dismantled (other than essential works to provide structural stabilisation) until a contract for the carrying out of the works of redevelopment of this building has been let and proof of such has been provided to, and written confirmation of its acceptability has been given by, the Local Planning Authority.

Reason

Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Condition 11

Internal elements of Downings Malthouse Extension shall not be dismantled until a contract for the carrying out of the works of redevelopment of this building has been let and proof of such has been provided to, and written confirmation of its acceptability has been given by, the Local Planning Authority.

Reason

Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Condition 12

No works shall commence to a building other than structural stabilisation or non-invasive works to make it weathertight and secure or works in the interests of public safety until a Demolition/dismantling Statement for that building has been submitted to and approved in writing by the Local Planning Authority. The Demolition/dismantling Statement shall identify the method of demolition or dismantling together with the necessary protection for the upstanding structures, detailed drawings identifying the specific areas to be demolished/dismantled both internally and externally and clarification of any building materials to be reused and storage details for them. Works shall proceed for each building only in accordance with the approved statement.

Reason

To preserve the special interest of the listed building 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.7, BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 13

Prior to the commencement of any works to the iron-framed Transit Shed a Method Statement for its dismantling, repairing/restoration and reinstallation shall be submitted to and approved in writing by the Local Planning Authority. This shall include provision to fully reinstate all existing columns and trusses and reconnect the constituent parts in the existing manner. Works shall proceed only in accordance with the approved details.

Reason

To preserve the special interest of the listed building, as applying historic elements onto a new building would cause substantial harm to the heritage asset. This is 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.7, BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 14

No works shall commence to a building other than structural stabilisation or non-invasive works to make it weathertight and secure or works in the interests of public safety until a mechanical and electrical survey report has been submitted to and approved in writing by the Local Planning Authority. This report shall determine the most appropriate method for the introduction of modern services into the building. Works to that building shall proceed only in accordance with the approved details.

Reason

To preserve the special interest of the listed building 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.7, BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 15

No works shall commence to a building other than structural stabilisation or non-invasive works to make it weathertight and secure or works in the interests of public safety until the following have been submitted to and approved in writing by the Local Planning Authority for that building:

- details and samples of all new external materials
- method statement for the refurbishment of any external historic signage to the building
- scaled drawings and method statements for all new interventions within the building including structural works, floors, partitions, ceilings, flooring, staircases, shopfronts and vehicular access openings
- details of internal finished and fire/acoustic insulation measures
- scaled drawings and sections of new or altered rooflights, windows and doors
- scaled drawings and details of materials for any balconies

- scaled drawings of routes for all new mechanical and electrical services including media provision, and scaled elevation drawings and product details identifying external flues, vents, extracts, meter boxes, media receiving equipment or other external plant or equipment
- scaled drawings of any bat boxes
- specification of guttering and downpipes

Works to that building shall proceed only in accordance with the approved details.

Reason

To preserve the special interest of the listed building 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.7, BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 16

No works shall commence to a building other than structural stabilisation or non-invasive works to make it weathertight and secure or works in the interests of public safety until a Repair and Restoration Method Statement for the refurbishment works for that building has been submitted to and approved in writing by the Local Planning Authority. This shall include a schedule and the identification of areas for repair and restoration and address rainwater goods, brick cleaning, stone and brick repair methodologies and materials. Works to that building shall proceed only in accordance with the approved Method Statement.

Reason

To preserve the special interest of the remaining and retained adjacent listed building 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.7, BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 17

No works shall commence to Downings Malthouse or Downings Malthouse Extension other than structural stabilisation or non-invasive works to make the buildings weathertight and secure or works in the interests of public safety until a survey of the link bridge between the two buildings and a Method Statement for its repair and retention including materials to be used has been submitted to and approved in writing by the Local Planning Authority. The works shall proceed only in accordance with those approved details and they shall be undertaken either as part of the Phase of works to restore Downings Malthouse Extension or of the Phase of works to restore Downings Malthouse.

Reason

To preserve the special interest of the remaining and retained adjacent listed building 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.7, BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 18

Prior to the commencement of works of alteration to the west-facing roof slope of Downings Malthouse Extension details of the balcony/dormer arrangement proposed to this roof slope (comprising scaled floor plans, elevations and sections including identifying the location of existing elements of the roof structure) shall be submitted to and approved in writing by the Local Planning Authority. The works shall proceed only in accordance with those approved details.

Reason

To ensure that these works are appropriate to their context and in the interests of protecting the character and appearance of the Conservation Areas and the special character of the listed building particularly with regard to retention of the existing roof structure, 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.7, BE.22 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 19

Prior to the commencement of any works to the kiln arches at basement/ground floor within Downings Malthouse, details of their part-retention, exposing of the lower remains and interpretation in the finish of the building shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed only in accordance with the approved details.

Reason

To secure the mitigation measures for the alterations proposed and in the interests of protecting the special character of the listed building, in accordance with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 131 of the National Planning Policy Framework and Policies BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 20

Prior to the commencement of any works to Downing Malthouse other than structural stabilisation or non invasive works to make the buildings weathertight and secure or works in the interests of public safety, or the demolition of the silo building at the south, an assessment of options for the structural proposals for the retained building along with scaled plans and sections of the proposed structural solution, shall be submitted to and approved in writing by the Local Planning Authority. The works shall proceed only in accordance with the approved details.

Reason

in the interests of protecting the special character of the listed building, in accordance with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint

Core Strategy Submission Version November 2014, Paragraph 131 of the National Planning Policy Framework and Policies BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 21

Prior to the commencement of external works of alteration to the Engine House details of the proposed fenestration of the building (comprising scaled, elevations and sections) shall be submitted to and approved in writing by the Local Planning Authority. The works shall proceed only in accordance with those approved details.

Reason

To ensure that these works are appropriate to their context and in the interests of protecting the special character of the listed building, in accordance with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraph 131 of the National Planning Policy Framework and Policy BE.22 of the Second Deposit City of Gloucester Local Plan (2002).

Note

Any alterations to the submitted and approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the local planning authority before commencement of work.

Note

The applicant/developer is advised to contact the Principal Waterways Engineer on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal and River Trust's "Code of Practice for Works the Canal and River Trust".

Note

There may be a public sewer located within the site and the applicant is encouraged to investigate this. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers in close proximity to the works the applicant is advised to contact Severn Trent Water.

When submitting a Building Regulations application the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of proposals located over or within 3 metres of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Note

If a protected species (such as any bat, great crested newt, dormouse, badger, water vole, otter, white-clawed crayfish, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or construction work all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures already approved by Authority then these should be implemented. Otherwise a suitably qualified ecological consultant or Natural England

should be contacted and the situation assessed before operations can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Protection of Badgers Act 1992. This advice note should be passed on to any persons or contractors carrying out the development/works.

Note

Bats are protected under the Wildlife and Countryside Act 1981 (as amended) and also the Conservation of Habitats and Species Regulations 2010 (as amended). To avoid possible prosecution under this legislation if a bat or evidence of bats using a feature on site is discovered during operations all work which might affect the species should cease and a licensed bat consultant or Natural England contacted and the situation assessed before work can proceed. This advice note should be passed on to any person or /contractors carrying out the development.

Note

This informative is given as a reminder to help you comply with the Wildlife & Countryside Act 1981 (as amended) and avoid possible prosecution. The Act makes it an offence to kill, injure or take any wild bird, and to intentionally remove, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs. In addition the Act states that it is an offence to intentionally or recklessly disturb any wild bird listed in Schedule 1 while it is nest building, or at (or near) a nest containing eggs or young, or disturb the dependent young of such a bird. If at any time nesting birds are observed on or close to the site then works which might affect them should cease and advice sought from a suitably qualified or experienced person. You are additionally advised that tree or shrub or hedgerow removal works should not take place between 1st March and 31st August inclusive unless a survey by a suitably qualified or experienced person to assess nesting bird activity during this period is undertaken. If it is decided on the basis of such a survey to carry out tree or shrub removal works then it should be ensured that it is done without harming nesting birds or their eggs and that this may require a suitably qualified or experienced person being in attendance. This informative should be passed on to any persons or contractors carrying out the development.

Decision:

Notes:

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Person to contact: Adam Smith
(Tel: 396702)

15/01144/FUL & 15/01152/LBC

**Land At Bakers Quay Llanthony Wharf And Monkmeadow Bounded
By Southgate Street & St Ann Way Gloucester**

Planning Committee 01.03.2016

