

LATE MATERIAL (APPLICATIONS FOR DETERMINATION)

PLANNING COMMITTEE: 01 MARCH 2016

ITEM 6 15/01144/FUL & 15/01152/LBC, BAKERS QUAY

Additional comments

A further representation has been received today as follows:

BAKERS QUAY - 15/01144/FUL & 15/01152/LBC Fire-damaged mills at Bakers Quay. The mills damaged by fire at Bakers Quay should be rebuilt, externally, exactly as they were. The excuse that not enough of the original brickwork can be salvaged is inadequate as there is always ample reclaimed bricks to be had from elsewhere. Additional reasons for rebuilding:- 1 These buildings were the most interesting and attractive buildings that the docks had to offer. 2 I believe there was a preservation order on them. 3 When coming over the bridge these are the first buildings in the docks that are seen. They have more impact as historical buildings than modern ones and provide the visitor with an early introduction to the history of the docks and engenders excitement as to what further history Gloucester can offer them. 4 Gloucester has lost an awful lot of its history – particularly in the 1960s when a lot of lovely old buildings were demolished. Gloucester should be seeking to preserve as much as possible, particularly since it has been considering hiding the “ugly” modern buildings! 5 The precedent for rebuilding has been set by Ypres in Belgium which, after WW1, rebuilt its city centre exactly as it was. How appropriate it would be in these anniversary years of WW1 for Gloucester to do the same. 6 Think of the publicity the rebuilding could engender:- Ypres inspires Gloucester Gloucester’s war against arson Preservation wins over regeneration Iconic buildings saved for future generations We won’t let vandals win says Gloucester Phoenix rises from the ashes 7 This can become another potential film location for Gloucester. 8 All the publicity photographs for The Quays and Gloucester show the old buildings in preference to the new ones. 9 The history of Gloucester is what attracts the majority of the visitors here. 10 It can be only the external appearance of these buildings that is preserved.

These new comments do not alter Officers’ assessment of the scheme as set out in the report and updated here.

Since submitting the report discussions have been held with Historic England about whether they wish to have the Listed Building Consent application notified to the Secretary of State if the Authority was minded to grant consent. They raised concerns that if the Authority could not ensure that the restoration of the listed buildings is tied in with the development of the new build then the case against the application would be significantly strengthened. They have now confirmed that they wish to withdraw the request for the application to be notified subject to a s106 agreement being in place, which would undertake that profit from the development would not be released to the developer until a building contract has been placed and works started on both Downings Malthouse Extension and Downings Malthouse (and suggest that the Transit Shed is also added).

The Environment Agency has not yet responded regarding the outstanding culvert issue mentioned in the Committee Report. Given it was not secured on the existing Gloucester Quay permission covering the site, and would not be physically possible given the proposed layout and where the applicants have offered an alternative maintenance regime, it is not considered that there are grounds to refuse the application in the absence of meeting the Environment Agency's requests. An amendment is therefore made to the recommendation.

The Lead Local Flood Authority has confirmed that it raises no objections subject to conditions to secure a detailed drainage strategy and maintenance plan. An amendment is therefore made to Condition 33 requiring drainage details.

The Canal and River Trust has formally responded to the latest consultation and confirmed that it does not wish to amend its latest response.

The Housing Strategy and Enabling Department has confirmed that their comments remain unchanged from the earlier ones included in the Committee Report.

Amended/new Conditions

As above the LLFA comments have led to an amendment of Condition 33 to specify the drainage items they wish to obtain.

It has now been agreed with the applicants and the Council's contaminated land consultants to phase the contaminated land condition (35).

It is also proposed to refine condition 37 about delivering the Merchants Road improvements, to provide for interim measures to provide improved access to the southern part of the site if developed first, and delivery of the final enhanced surfacing relative to occupation of Downings Malthouse/Downings Malthouse Extension to avoid damage from the adjacent development works.

It is also proposed to add Condition 46 to secure details of car park management, which reflects Condition 55 of the existing Gloucester Quays outline permission for the land.

S106 obligations

It is clarified that the s106 requests are to mitigate the following impacts:

Libraries contribution – to address the additional demand on services as a result of the additional residents that would live in the development.

Open space contribution – to address the additional demand for sport and play as a result of the additional residents that would live in the development.

Affordable housing contribution – to address the 40% affordable housing policy requirement.

It is proposed to apportion the moneys as follows:

£31,405 to open space – improvements to the play area at Gloucester Park, and improvements to the youth sports area at Bakers Field adjacent to Gloucester Park.

£5,000 to libraries – improvements to IT and digital technology and increased services to improve customer access to services for Gloucester Library.

£31,405 to affordable housing projects within the Westgate Ward.

There are a number of requested s106 payments and as the viability appraisal has shown, these cannot be met in full. However in terms of utilising what money is available, the above terms are proposed on a broadly proportionate basis and would have the effect of mitigating the impact of the development in the above respects to the extent that the scheme can support without making it unviable.

The applicants have made a further offer in respect of completion of the development that supersedes the arrangement indicated in the Historic England comments. This further offer is to commit to best endeavours to comply with a programme of works to build out the whole scheme.

The Local Planning Authority can only operate within the parameters of section 106 of the Town and Country Planning Act:

106 Planning obligations.

(1) Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A and 106B as “a planning obligation”), enforceable to the extent mentioned in subsection (3)—

(a) restricting the development or use of the land in any specified way;

(b) requiring specified operations or activities to be carried out in, on, under or over the land;

(c) requiring the land to be used in any specified way; or

(d) requiring a sum or sums to be paid to the authority (or, in a case where section 2E applies, to the Greater London Authority) on a specified date or dates or periodically.

and Regulation 122 of the Community Infrastructure Levy Regulations:

122.—(1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The financial payment obligations are considered to comply with the CIL Regulations (Reg 122 tests).

Given the scope of the above controls, it is not recommended that an obligation restricting profit from the development can be included in a s106 agreement. However the offer of best endeavours to comply with a programme of works to build out the whole scheme can be. This obligation is considered to comply with the CIL Regulations (Reg 122 tests). It improves the security of delivering the heritage benefits of the scheme that also underpin the viability assessment and acceptance of low s106 contributions. It enhances the case for granting approval for the scheme.

The intention of the latest Historic England letter is to withdraw the request for the Listed Building Consent to be notified. There will be other mechanisms to deal with the specific issues raised by Historic England, but they cannot require a Local Planning Authority to act beyond its powers. The reassurance they seek is now offered in planning terms by the offer of 'best endeavours' and it is considered that their terms for the withdrawal the request for the Listed Building Consent to be notified would now be satisfied by appropriate means.

Amended recommendations

15/01152/LBC

That listed building consent be granted subject to the conditions listed in the report.

15/01144/FUL

That subject to completion of a planning obligation/s to secure £67,810 of s106 contributions to be apportioned as listed in the late material papers 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 in the report with the following amendments:

Amended 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), modelling/simulation of the scheme to demonstrate it is technically feasible, a SUDS maintenance plan for all SuDS/attenuation features and associated pipework, and where surface water requires disposal off site (i.e. not infiltrated) evidence of consent to discharge/connect through 3rd party land or to their network/system/watercourse, 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.

Amended Condition 35

Unless otherwise agreed by the Local Planning Authority, development of a Phase 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 for that Phase. 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).

Amended Condition 37

Prior to the proposed development being brought into beneficial use details of proposed highway improvement works to Merchants Road shall be submitted to and approved in writing by the Local Planning Authority, which shall include an extension to existing access restrictions broadly in accordance with plan no PL-MP-01 Rev B and an interim scheme of highway improvement works. The interim scheme shall be implemented in accordance with the approved details prior to the occupation of any buildings within the first Phase of development, and the permanent scheme of improvement works shall be 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, to ensure provision for users of the first Phase of development and provision of overall improvements at an appropriate point to minimise the risk of damage during development works for adjacent buildings.

New condition 46

No development of a phase including external car parking other than site remediation, demolition or infrastructure provision shall commence until a Car Park Management Plan for that part of the development, setting out arrangements for charging, managing and maintaining the car park, has been submitted to and approved in writing by the Local Planning Authority. The Car Park Management Plan, once approved, shall be implemented prior to the any use hereby approved within that phase being commenced, and retained for the duration of the use.

Reason

To ensure that the development does not undermine the strategic approach to car parking and congestion control in the central area and to encouraging sustainable forms of travel in accordance with Policies TR.13, TR.16, TR.17, TR.18 and TR.19 of the 2002 City of Gloucester Second Deposit Local Plan, Policy INF1 of the Joint Core Strategy Submission Document 2014 and Paragraphs 29, 30, 32, 34, 35 and 40 of the NPPF.

ITEM 7 15/01190/OUT, UNIVERSITY OF GLOUCESTERSHIRE OXSTALLS CAMPUS, FORMER DEBENHAMS PLAYING FIELD, FORMER BISHOPS COLLEGE, PLOCK COURT

Point of clarification

The University wishes to note that the statement at Paragraph 6.99 of the Committee Report in relation to the subsidised bus service that “the University plans to increase the subsidy so that it is free” is not correct and they have no intention of doing it. The University notes that the subsidy keeps the flat rate bus fare at £1.30, and will continue to do so.

Amended conditions

Condition 48 would benefit from clarifying that a barrier or similar mechanism to limited access to permitted users at Estcourt Close is sought.

Following discussions with the Highway Authority, Condition 65 regarding Travel Plans can be clarified as to the areas of the development that the trigger point for submission applies to.

Amended recommendation

That subject to completion of a planning obligation to secure the community liaison group, on site student management team and taxi management (and also delegate to the Development Control Manager in consultation with the planning solicitor the incorporation of such additional provisions in the proposed planning obligation that may be deemed necessary by the solicitor) outline planning permission be granted subject to the conditions in the Committee Report with the following amendments:

Amended Condition 48

Prior to occupation of the proposed student accommodation details of the access from Estcourt Close to the student accommodation including measures to limit vehicular access so as to provide only for permitted users, and measures to restrict vehicular access from the existing

access serving the Estcourt Park allotments to the north of Estcourt Road, shall be submitted to and agreed in writing by the Local Planning Authority and completed in all respects.

Reason

To ensure safe and suitable access to serve the proposed development and to minimise conflict between traffic, pedestrians and cyclists in accordance with Paragraph 32 and 35 of the NPPF.

Amended Condition 65

Prior to occupation of the business school, the student accommodation, or the sports hall, a Travel Plan for that use shall be submitted in accordance with the approved Travel Plan Framework 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.

ITEM 9 15/00797/COU, 126 TREDWORTH ROAD

The applicant has amended the plans to move the flue as far back from the street frontage as possible. The applicant has also proposed to clad the flue in GRP and paint the top of the flue to ensure that it blends in with the side elevation as much as possible. With these changes we do not consider that there would be significant impact on the street scene.

Amended recommendation of the Development Control Manager: (Additional condition 11 added)

Condition 1

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

Reason

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

Condition 2

The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers 1220/01, 1220/05, 1220/07, 1220/11, 1220/12, 1220/13 received by the Local Planning Authority on 26th June 2015 and the supporting statement received 11th September 2015, extract details received 21st December 2015 and drawing number 1220/03 rev B received by the Local Planning Authority on 5th January 2015 and any other conditions attached to this permission.

Reason

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

Condition 3

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site PT07049A outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason

To protect the amenity of local residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 4

Prior to first use of the development hereby permitted, a noise assessment shall be carried out (by a competent person i.e. member of the IOA) to ensure that 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 nearby 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. This report shall be submitted to the Local Planning Authority and approved in writing before the use commences.

Reason

To protect the amenity of local residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

The extraction flues hereby permitted must be a minimum of 1 metre above the roof's eaves of the application site.

Reason

To ensure adequate dispersal of fumes in the interests of the amenity of occupiers of nearby properties, in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 6

The extraction equipment installed in pursuance with this permission shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the

Reason

To ensure that the use does not result in excessive cooking odours outside the premises and that the amenity of occupiers of nearby properties is protected, in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 7

Prior to the use of the extraction flue hereby permitted, the odour neutralisation equipment, as detailed within the document entitled “**KITCHEN EXTRACT SYSTEM DETAILS**” submitted on the 7th January 2016, to suppress and disperse fumes and/or smell produced by cooking and food preparation, shall be installed and be in full working order to the satisfaction of PT07049A the Local Planning Authority and shall be effectively operated for as long as the use of the building as a hot food shop continues.

Reason

To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties, in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 8

The use hereby permitted shall only be allowed to operate between the hours of 10.00-23:00 Monday to Sunday including bank holidays.

Reason

In the interests of the amenities of existing residential property in the locality in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 9

The loading and unloading of service and delivery vehicles together with their arrival and departure from the site shall not take place outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason

To safeguard the amenities of the locality in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 10

Prior to the commencement of development a scheme for the provision of refuse recycling and storage shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and thereafter maintained for the life of the development.

Reason

In the interests of amenity in accordance with policy BE.4 of the Second Deposit City of Gloucester Local Plan (2002). This information needs to be submitted before the use commences as it is fundamental to the waste management of the site.

Condition 11

The proposed cladding and painting of the flue shall be completed in accordance with drawing number 1220/03 E before the building is brought into use

Reason

To preserve the character of the area in accordance with policy BE.21 of the Gloucester City Council Second Deposit Local Plan 2002”

NPPF

In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application, thus enabling the applicant to be kept informed as to how the case was proceeding.

Notes to Applicant

1.Your attention is drawn to the requirements of the Building Regulations, which might be needed as a separate consent to this planning decision. You are advised to contact the Gloucester City Council Building Control Team on 1452 396771 for further information.