

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **12<sup>TH</sup> APRIL 2016**

**ADDRESS/LOCATION** : **GLOUCESTER QUAYS – LAND AT BAKERS QUAY, LLANTHONY AND MONK MEADOW**

**APPLICATION NO. & WARD** : **14/01386/FUL  
WESTGATE**

**EXPIRY DATE** : **18<sup>TH</sup> MAY 2016**

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

**PROPOSAL** : **Variation of Conditions 5, 6 and 7 of the Gloucester Quays outline planning permission ref. 14/00709/FUL to alter the masterplan and schedule of development  
Original development is 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**

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

**NO. OF APPENDICES** : **SITE PLAN  
EXISTING AND PROPOSED MASTERPLANS**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The Gloucester Quays proposal involves a mixed-use development of some 25 hectares of land at Bakers Quay, Monk Meadow and land at and around Llanthony Priory.
- 1.2 It encompasses land on both sides of the Gloucester and Sharpness Canal. On the east side of the canal the site is bounded by Llanthony Road to the north, the rear of Southgate Street properties to the east, and St Ann Way to the south. On the west side the site is bounded by the business park and Llanthony Road to the north, Hempsted Lane to the west and the Bloor

Homes residential scheme to the south. Part of the site at the north either side of the canal is within the Docks Conservation Area. The site contains 14 listed buildings and at Llanthony Priory a Scheduled Monument.

- 1.3 The original application was granted outline planning permission by the Secretary of State following a Public Inquiry, in June 2006, subject to 73 conditions and 3 legal agreements/undertakings. A renewal of that permission was granted in January 2016 that now allows the submission of further reserved matters applications.
- 1.4 Some significant parts of the development have now been constructed, comprising the factory outlet centre at Bakers Quay and a Sainsbury's food store at Monk Meadow. In addition, the college has been developed north of the Priory, a hotel has been constructed at the corner of Southgate Street and St Ann Way and the bridge across the canal has been constructed, under separate permissions. Various additional uses have been brought forward on the Bakers Quay 'outlet centre' part of the site under separate permissions including the cinema, additional restaurants, antiques centre and gym.
- 1.5 Most notably for this application a public house has been developed at the corner of Llanthony Wharf at the Hempsted Lane/St Ann Way junction, and an elongated roundabout has been installed at the Hempsted Lane/Secunda Way/Sainsburys and tip road accesses, again under separate permissions.
- 1.6 The applicants wish to update the masterplan and schedule of development to reflect these changes that have occurred on the ground. This would allow them to move forward with a real-world masterplan, as some of the current masterplan could not now be implemented with the public house and roundabout in place.
- 1.7 The proposed amendments to the masterplan and schedule of development involve the re-organisation of the built form around the roundabout at Hempsted Lane/Secunda Way, the removal of Block C4 where the public house has now been developed, and the re-arrangement of floorspace between some of the development blocks. While the layout of the blocks remains broadly the same, the frontage blocks to Hempsted Lane (the office/workshop Block A5 and the residential blocks to the north) are proposed to be shifted back slightly from the road edge. The small residential Block A4 in the middle of this part of the layout is proposed to be deleted and the footprint of residential Block A14 is refined. A new access point is also now shown off the existing access road off the elongated roundabout into Sainsburys to access Block A14.
- 1.8 The applicant has also advised that the re-arranged floorspace proposals can be accommodated within the masterplan and associated scale parameters.
- 1.9 For reference, the remaining parts of the development to be built comprise the following (proposed changes in bold type):

- The residential development, indicated at 1000 units, principally on Bakers Quay and Monk Meadow, with an additional block south of Llanthony Priory:

*Bakers Quay*

B10 – The listed Downings Malthouse (for which a reserved matters scheme has been approved but never implemented) for 24,800sq ft of residential

B11 – The listed Provender warehouse for 46,700sq ft residential and 20 parking spaces

B12 – The listed engine house and an additional building for 11,500sq ft residential (likely in the new-build) and 20 parking space

B13 – The listed Downings Malthouse extension for 85,000sq ft residential

B20 – New build of 39,600sq ft over 4 storeys with 60 parking spaces

B21 – New build of 19,300sq ft over 4 storeys with 120 parking spaces

(\* A separate permission and a listed building consent for this land have resolutions to approve from the Planning Committee).

*Monk Meadow*

**(A4 – New build of 7,250sq ft over 4 storeys with 8 parking spaces now deleted)**

A6 – New build of 62,400sq ft of 3 storeys with 70 parking spaces

A7 – New build of 140,700sq ft over 4 storeys with 290 parking spaces

A8 – New build of 49,500sq ft over 4 storeys with 60 parking spaces

A9 – New build of 40,900sq ft over 3 and 4 storeys with 61 parking spaces

A10 – New build of 59,280sq ft over 3 and 4 storeys with 75 parking spaces

A11 – New build of 17,200sq ft over 4 storeys with 20 parking spaces

A12 – New build of 17,200sq ft over 4 storeys with 29 parking spaces

A13 – New build of 25,180sq ft over 3 storeys with 26 parking spaces

**A14 – New build of 31,000sq ft (reduced from 35,500sq ft) over 4 storeys with 35 parking spaces (reduced from 40)**

A15 – New build of 25,180sq ft over 3 storeys with 26 parking spaces

**A16 – New build of 8,440sq ft (increased from 2,250sq ft) over 4 storeys with 15 parking spaces (increased from 8)**

A17 – New build of 31,500sq ft over 3 storeys with 33 parking spaces

**A18 – New build of 23,780sq ft (increased from 21,000sq ft) over 3 storeys with 25 parking spaces (increased from 22)**

**A19 – New build of 23,780sq ft (increased from 21,000sq ft) over 3 storeys with 25 parking spaces (increased from 22)**

*South of Llanthony Priory*

C3 – New build of 32,300sq ft over 4 storeys with 25 parking spaces

- A 120-bed 4-storey hotel south of Llanthony Priory at the canalside (Building C1) with 74 parking spaces

- Employment development at Bakers Quay, Monk Meadow and south of Llanthony Priory:

*Bakers Quay*

B19 – New build of 10,840sq ft for offices

*Monk Meadow*

**A5 – New build of 34,400 sq ft (increased from 27,350sq ft) over 2 storeys for workshops/offices with 58 parking spaces (increased from 50) (\* the footprint has been refined as the original plot has been partially taken by the new ‘frankfurter’ roundabout)**

*South of Llanthony Priory*

C2 – New build of 14,583sq ft over 4 storeys for offices with 20 parking spaces

**(C4 – New build of 40,000sq ft over 3 storeys for offices with 50 parking spaces now deleted) (taken by the Marstons public house).**

- A residual amount of Factory Outlet Centre retail floorspace at Bakers Quay:

B14 – Part conversion / part new-build of the current ‘Numold’ site for 12,644sq ft over 2 storeys

- A residual amount of leisure floorspace at Bakers Quay:

B10 – 14,400sq ft

B12 – 11,500sq ft

B14 – 8,611sq ft

The floorspace changes result in a net loss of 32,950 sq ft / 3061sq m of office accommodation from the inability to deliver Block C4 where the public house is sited. Some of the floorspace is reallocated to Block A5 (also with an increase in parking provision), the rest is lost.

The floorspace changes do not result in any net loss or gain of residential floorspace, it is rearranged between Blocks A4 (deleted), A14 (reduced), A16, A18 and A19 (all increased).

- 1.10 The original application was an Environmental Impact Assessment (EIA) development and was accompanied by an Environmental Statement (ES) including the following chapters:

Landscape and visual impact

Archaeology

Cultural heritage and built environment

Ecology

Social and economic effects

Traffic and transportation

Noise

Air quality

Land contamination and ground conditions

Water quality

Flood risk

- 1.11 An EIA scoping exercise was undertaken prior to the current application and the Authority resolved that ecology, traffic and transportation, and flood risk matters should be re-examined given the passage of time and events since the original ES. The remaining environmental impacts have not changed significantly since the original considerations. As such, the current application is accompanied by an Addendum ES updating the consideration of those topics. This statement must be taken into account in coming to a decision.
- 1.12 The application is referred to the Planning Committee given it is accompanied by an Environmental Statement.

## **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 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 of the Bakers Quay land).
- 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.
- 2.6 An outline application for a mixed-use scheme at Monk Meadow and Llanthony Wharf was submitted in 1997 by British Waterways and Henry Boot development from Monk Meadow dock to Llanthony Road and from the canal

to Hempsted Lane, excluding the 125 business park, the Priory and other privately owned land). It involved food and non-food retail, a petrol filling station, business accommodation, residential, hotel, restaurants, car parking and landscaping, and was not determined by the Council either.

02/00271/OUT

- 2.7 This was the application for Outline Planning Permission for the Gloucester Quays site relevant to the current application. 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 22<sup>nd</sup> June 2006.

04/00607/FUL & 05/00646/FUL

- 2.8 The first proposal was a full application by Gloscat for a Further Education College and parking, which was granted by the Committee in 2004 subject to conditions and a legal agreement. This was later amended by 05/00646/FUL and this revised scheme was implemented.

06/00358/FUL

- 2.9 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 6<sup>th</sup> June 2006.

06/01338/FUL

- 2.10 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 9<sup>th</sup> January 2007.

07/00444/FUL

- 2.11 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 3<sup>rd</sup> July 2007.

07/00708/REM

- 2.12 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 4<sup>th</sup> September 2007.

07/00710/FUL

- 2.13 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 4<sup>th</sup> September 2007.

07/00711/CON

- 2.14 This was an application for conservation area consent for the demolition of existing structures and buildings within 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 7<sup>th</sup> September 2007.

07/00945/FUL

- 2.15 This application was for the erection of a 2 storey infill building to create part ground floor A.1; A.3; A.4 or A.5 uses and part flat above in conjunction with the conversion of neighbouring properties. It was granted subject to conditions on 31<sup>st</sup> August 2007.

07/01150/REM

- 2.16 This was a reserved matters application for the construction of a vehicular access to the foodstore (Phase C). It was granted on 18<sup>th</sup> June 2008.

07/01191/CON

- 2.17 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 29<sup>th</sup> October 2007.

08/00017/REM

- 2.18 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 11<sup>th</sup> March 2008.

08/00024/FUL

- 2.19 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 11<sup>th</sup> March 2008.

08/00090/REM & 08/01499/REM

- 2.20 The first application was for reserved matters approval comprising a food store and associated structures, car park, petrol filling station, access arrangements and landscaping (Phase C). It was approved subject to conditions on 19<sup>th</sup> March 2008. It was later amended by 08/01499/REM which was granted subject to conditions on 10<sup>th</sup> February 2009.

- 08/00206/FUL
- 2.21 This application was for the construction of a new road junction as part of the south west by-pass including provision of access roads and combined pedestrian and cycle access to the Gloucester Quays Site (the 'frankfurter' roundabout). It was granted subject to conditions on 3<sup>rd</sup> July 2008.
- 08/00681/FUL
- 2.22 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
- 2.23 This application was for the erection of a kiosk (Use class A3) in Pillar and Lucy Square. It was granted subject to conditions on 2<sup>nd</sup> October 2008 and constructed but has since been demolished.
- 08/01208/FUL
- 2.24 This was an application for external alterations to the Grade 2 listed Sudbrooke House associated with its conversion and re-use. It was granted subject to conditions on 23<sup>rd</sup> October 2008.
- 08/01319/FUL
- 2.25 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 6<sup>th</sup> January 2009.
- 08/01326/FUL
- 2.26 This was the first application to amend conditions 13, 14 and 15 of the Gloucester Quays outline permission to vary the type and price of goods sold (for Thorntons and Cadburys). The application was withdrawn prior to determination.
- 08/01566/COU
- 2.27 This application was for the change of use of the first and second floors and part of the ground floor of the former Matthews Furniture Warehouse (known as building P of the Gloucester Quays development) for retail use by the Antiques Centre. It was granted subject to conditions on 9<sup>th</sup> March 2009.
- 08/01591/FUL
- 2.28 This was the revised application to vary conditions 13, 14 and 15 of planning permission 02/00271/OUT (as amended) and add two further conditions to alter the limitations on the type and price of goods for sale (for Thorntons and Cadburys). It was granted permission subject to conditions 6<sup>th</sup> March 2009.



- 09/00088/FUL
- 2.29 This application was to vary condition 66 of the Gloucester Quays outline permission to alter the hours during which servicing activities can take place at the service yard to the rear/west of Southgate Street properties (known as service yard B of the Gloucester Quays development). It was granted subject to conditions on 23<sup>rd</sup> April 2009.
- 09/00284/FUL
- 2.30 This was an application to vary condition 19 of the outline planning permission (as varied), to vary the maximum number of retail units of less than 100 sq. metres at any one time from 6 to 21. It was granted permission subject to conditions 12th June 2009.
- 09/01096/REM
- 2.31 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 23<sup>rd</sup> February 2010.
- 09/01097/FUL
- 2.32 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 10<sup>th</sup> February 2010.
- 09/01164/FUL
- 2.33 This application was for alterations to the access road and petrol filling station layout, including installation of traffic island, creation of new tanker egress and associated structures at Phase C - the foodstore. It was granted subject to conditions on 4<sup>th</sup> December 2009.
- 09/01213/FUL
- 2.34 This was an application for the use of the 'upper deck' structure at the centre of the outlet centre for private functions, events and exhibitions. The Planning Committee gave delegated powers to approve the application subject to there being no Highway Authority objection. However no Transport Statement was ever received and the application was withdrawn prior to determination.
- 09/01281/COU
- 2.35 This application was for the change of use of the upper floor of Building E of Gloucester Quays development from office, storage and service space to retail use for the Antiques Centre, with associated ground floor access, and alterations to and use of connecting bridge over High Orchard Street for the Antiques Centre. It was granted subject to conditions on 9<sup>th</sup> February 2010.
- 10/00522/FUL
- 2.36 This was an application for the variation of Condition 16 of the outline planning permission to allow the hire of clothing from unit 56/57 only of the factory

outlet centre (the Suits You/Young's Hire unit). It was granted permission subject to conditions on 4<sup>th</sup> August 2010.

10/01287/REM

- 2.37 This was an application for reserved matters approval for the construction of an access road from the extended St. Ann Way to 'Phase E' of the Gloucester Quays development (also known as Llanthony Wharf) and associated works. It was granted subject to conditions on 27<sup>th</sup> April 2011.

11/00409/FUL

- 2.38 This was an application for the erection of public house and associated residential unit, external seating area, access road, and associated parking and landscaping/re-grading. It was granted permission subject to conditions on 7<sup>th</sup> July 2011.

11/01291/FUL

- 2.39 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 23<sup>rd</sup> July 2012.

12/00244/FUL

- 2.40 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 24<sup>th</sup> May 2012.

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

- 2.41 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 29<sup>th</sup> May 2013.

13/00724/FUL

- 2.42 This was an application for external alterations to the listed Pillar & Lucy House, including alterations to windows and doors. It was granted subject to conditions on 5<sup>th</sup> September 2013.

13/00870/OUT

- 2.43 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 11<sup>th</sup> February 2014.

13/01172/FUL

2.44 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 24<sup>th</sup> March 2014.

15/01144/FUL & 15/01152/LBC

2.45 These were applications for the 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 a 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. The planning committee resolved to grant consent subject to conditions and to grant permission subject to conditions and subject to completion of a s106 agreement.

2.46 A large number of additional applications have also been dealt with relating to such matters within the application site as listed building consents, demolition approvals and advertisements but are not listed in full here.

### **3.0 PLANNING POLICIES**

Central Government Guidance - National Planning Policy Framework

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

*Decision-making*

The NPPF does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

In assessing and determining applications, Authorities should apply the presumption in favour of sustainable development. For decision-making, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent, or relevant policies are out of date, granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
- specific policies in the NPPF indicate development should be restricted.

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

*Core planning principles*

Planning should:

- Be genuinely plan-led;
- Be a creative exercise in ways to enhance and improve places;
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Secure high quality design and a good standard of amenity;
- Take account of the different roles and character of different areas;
- Support the transition to a low carbon future, take account of flood risk and encourage the use of renewable resources;
- Contribute to conserving and enhancing the natural environment and reducing pollution;
- Encourage the effective use of land by reusing brownfield land;
- Promote mixed use developments;
- Conserve heritage assets in a manner appropriate to their significance;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- Take account of and support local strategies to improve health, social and cultural wellbeing and deliver sufficient community and cultural facilities and services to meet local needs.

The NPPF is topic based on a similar basis to the previous PPGs and PPSs:

*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.

An appropriate desk-based assessment and where necessary a field evaluation is required where an application site includes or has the potential to include assets with archaeological interest.

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.

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determination. In weighing applications that affect such non-designated assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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

#### *Planning obligations and conditions*

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

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

Planning conditions should only be imposed where they are

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

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

#### The Development Plan

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

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

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

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

#### Local Plan

3.3 The statutory development plan for Gloucester remains the City of Gloucester Local Plan (Adopted 1983 and partially saved until the Local Development Framework is adopted). Under the terms of the NPPF, weight can be given to these policies according to their degree of consistency with the NPPF.

3.4 Relevant saved 1983 Local Plan policies are as follows:

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.

A5e – The use of Llanthony Priory for uses associated with leisure will be supported subject to some public access for visitors to the ancient monument being maintained.

T1e – Pedestrian priority within traffic management measures.



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

T4a – Differential charging of short and long stay car parks to discourage inappropriate use.

T6 – Measures will be introduced to encourage cycling.

S1 – The sub-regional shopping status of Gloucester will be maintained and strengthened within the context of its position in the pattern of shopping facilities in Gloucestershire. All comparison shopping facilities will be concentrated within the city centre other than where expressly stated to the contrary.

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.

(The two industrial allocations at Llanthony Sidings and part of Monk Meadow have not been continued).

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

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

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

The following policies are of relevance:

Western Waterfront mixed use allocation

B.3 – Sites of nature conservation interest

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.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.9 – Design criteria for large commercial development

BE.12 – Landscape schemes

BE.13 – Landscape strategy

BE.14 – Native species

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.27 – The principle of enabling development

BE.28 – Linking enabling development to the heritage objectives

BE.29 – Development within conservation areas

BE.30 – Demolition of non-listed buildings in 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.3 – St Anne’s Way bridge

TR.4 – Developer contributions to St Anne’s Way bridge link

TR.5 – South west bypass

TR.6 – Developer contributions to the south west bypass

TR.7 – Land west of the canal

TR.9 – Parking standards

TR.11 – Provision of parking for people with disabilities

TR.12 – Cycle parking standards

TR.15 – Additional coach parking facilities  
 TR.16 – Shared parking  
 TR.17 – Proposed car parks – Western Waterfront  
 TR.18 – Safe and secure car parks  
 TR.21 – Cross Centre public transport service  
 TR.28 – Contributions towards bus priority routes and facilities  
 TR.31 – Road safety  
 TR.32 – Protection of cycle/pedestrian routes  
 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  
 S.6 – Monk Meadow (food superstore)  
 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.6 – Provisions of open space by other development  
 CS.11 – Developer contributions for education

### Emerging Plan

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

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

- The stage of preparation of the emerging plan

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

The following policies of the 2014 Submission Version Joint Core Strategy Document are of relevance:

SP1 - The Need for New Development  
 SP2 – Distribution of new development  
 SD1 – Presumption in favour of sustainable development  
 SD2 – Employment  
 SD3 – Retail hierachy  
 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

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

#### **4.0 CONSULTATIONS**

##### External consultees

- 4.1 The Highway Authority raises no objection.
- 4.2 The Highways Agency has confirmed it has no comments.
- 4.3 The County Council Planning Department has not commented.
- 4.4 The County Council Asset Management and Property Services Officer has not commented.
- 4.5 Forest of Dean District Council raises no objection.
- 4.6 Stroud District Council has not commented.

- 4.7 Tewkesbury Borough Council has not commented.
- 4.8 Cheltenham Borough Council has not commented.
- 4.9 Severn Trent Water raises no objection subject to a condition to secure details of drainage proposals.
- 4.10 Natural England has confirmed it has no comments.
- 4.11 Historic England has confirmed it has no comments.
- 4.12 The Civic Trust has not commented.
- 4.13 The Canal and River Trust has confirmed it has no comments.
- 4.14 The Environment Agency has not commented.
- 4.15 The Police have not commented.
- 4.16 None of the heritage amenity groups (Ancient Monuments Society, Council for British Archaeology, Georgian Group, Society for Protection of Ancient Buildings, Twentieth Century Society) have commented.
- 4.17 The Secretary of State through the National Planning Casework Unit has been notified but no observations have been received.

City Council consultees

- 4.18 The Planning Policy Officer notes the loss of office space but is pleased to see that Block A5 remains for employment development, and that a substantial amount of residential accommodation will be delivered on a brownfield site. The new masterplan would allow the ongoing delivery of regeneration.
- 4.19 The Urban Design Officer and City Archaeologist have not commented.
- 4.20 The Conservation Officer raises no objection.
- 4.21 The Housing Strategy and Enabling Officer has not commented.
- 4.22 The Environmental Planning Service Manager has agreed that there is no need for any further survey work to support the application.
- 4.23 The Environmental Protection Officer raises no objection.
- 4.24 The Drainage Engineer raises no comments on the basis that previous conditions are carried forward.
- 4.25 There is no objection from the Contaminated Land consultants subject to the contaminated land condition being applied again.

4.26 The Landscape Architect, Tree Officer and Streetcare team have not commented.

## **5.0 PUBLICITY AND REPRESENTATIONS**

5.1 246 neighbouring properties were notified, and press and site notices were published. A second period of notification was undertaken relating to changes to the application. No comments have been received.

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

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=14/01386/FUL>

## **6.0 OFFICER OPINION**

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

- The Environmental Statement
  - Traffic and transport
  - Flood risk
  - Ecology
- Urban design and community safety
- Consideration of other matters relating to the permission:
  - Retail and other economic development
  - Residential amenity
  - Heritage/conservation
  - Housing
  - Open space
  - Sustainability
  - Regeneration
- Legal agreements
- Conditions

### *NPPF decision-taking*

6.2 Paragraph 14 of the NPPF sets out what the presumption in favour of sustainable development means for decision taking. This is not a proposal that directly accords with the 1983 adopted development plan. As such the NPPF instruction is to grant permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in (the NPPF) taken as a whole; or
- Specific policies in (the NPPF) indicate development should be restricted.

### The Environmental Statement

6.3 As noted earlier, the addendum ES covers traffic and transport, ecology and flood risk matters. These were considered to be the matters that were likely to

have changed significantly since the original decision. I have given full consideration to the ES in arriving at my recommendation.

***Traffic and transport***

- 6.4 In determining the original application, the Secretary of State concluded that the development was consistent with national policy on transport, would promote more sustainable transport choices and would reduce the need to travel, especially by car. The Highway Authority and Highways Agency were satisfied that with appropriate conditions and obligations that the development would be acceptable in traffic terms and would not lead to gridlock. The bus station originally envisaged in the proposal was later removed.
- 6.5 Given the time that has passed, an updated Transport Assessment was produced for the ES. Notably the St Ann Way bridge has been delivered associated with this scheme, and also the south west bypass and new bus stops outside the Outlet Centre on St Ann Way. Improvements have also been made north of the outlet centre to pedestrian access. The effect of the proposed development on accessibility by foot, cycle and public transport is assessed to be moderate beneficial. The traffic effect for the construction phase for the unimplemented parts of the development would be minor negative and temporary. Both reflect the original ES.
- 6.6 A review of the TRICS Database was undertaken to determine the current vehicle trip rates for the uses yet to be built out. The likely traffic generation rates of the unimplemented parts are now expected to be lower than those assumed in the original assessment. The only slight increase is that the remaining Bakers Quay development (as in this application – not the separate proposals recently considered) is likely to create an extra 6 two-way movements in the evening peak (the morning peak is 7 movements less than previously assumed - considered to be due to the increased leisure offer at Gloucester Quays now). At Monk Meadow the uses are predicted to generate 26 less two way movements in the morning peak and 27 less in the evening peak, at Llanthony Wharf 46 less in the morning peak and 43 less in the evening peak. The overall two way generation is now shown to be 79 less movements in the morning peak and 65 less in the evening peak. The construction traffic for future phases is unlikely to differ from the permitted development and no new access points are likely to be required that might cause additional disruption. Compared to the baseline traffic generation the proposal will result in a minor beneficial effect.
- 6.7 The scheme is associated with financial contributions to the local highway network (the bypass), public transport and pedestrian links, of which several instalments have been paid and some facilities implemented. This is commented on in more detail later in the legal agreements section.
- 6.8 The Highway Authority is satisfied that the implemented key highway improvement works will continue to fully mitigate the impact of the development and that no further mitigation is required over and above that already secured. In terms of future construction phases, the Highway

Authority is also satisfied that the current improved highway network can safely accommodate the traffic likely to be generated.

*Traffic and transport conclusions*

- 6.9 The traffic flows are actually now predicted to be less than previously envisaged. No additional mitigation measures are proposed or necessary. The ES sets out that the construction phase would have a minor negative, but temporary, impact. Given the lower traffic generation during the operational phase, the Statement sets out that the proposal would have a minor beneficial effect compared to the baseline position. It would have a moderate beneficial effect on accessibility by foot, cycle and public transport. A review of the previously imposed conditions has already been undertaken in this context, and a deed of variation would be necessary to secure the remaining financial contributions as mitigation for the development.
- 6.10 The NPPF advises that development should only be refused if the residual effect of the development would be severe, and this would not be the case. No objection is raised in terms of traffic and transport subject to the continuation of certain conditions and the securing of the outstanding obligations by legal agreement.

***Flood risk***

- 6.11 The approved flood mitigation strategy and potential risk of flooding of the site and surroundings were reviewed in light of recent events, the Strategic Flood Risk Assessment and other up to date data.
- 6.12 The 2007 floods come within the range studied in the original assessment and the flood data from this event (peak level of 10.92m AOD) falls significantly below the predicted flood level, providing some validation of the robustness of its results and the use of the 11.18m AOD as a flood plain level. The floodplain level of 11.18m AOD was accepted by the Environment Agency and other parties in recent applications for the site.
- 6.13 The Strategic Flood Risk Assessment does not raise any particular matters of relevance other than the potential impact of the Sud Brook culvert re-alignment. The modified channel provides a smoother transition and would appear to be more efficient.
- 6.14 The wider development removes floodplain capacity therefore mitigation measures were and are proposed to create flood storage capacity. The calculations were based on the hypothetical raising of all land below the 11.78m AOD level and are robust on that basis. The mitigation measures include the removal of the dock branch railway below the floodplain at Over, in three stages. Two have been completed (zone A and part zone C), the other (zone B and remainder of C) is programmed to be completed by March 2025. The volume of material required by a legal agreement with the Environment Agency to be taken from the embankment is from zone A approximately 6926m<sup>3</sup>, part zone C 7500m<sup>3</sup>, and zone B and remainder of C approximately 22,400m<sup>3</sup>. This formed the basis for the approval under Condition 46 of the original permission. As it turns out a topographical survey indicates that the



works undertaken to date have actually removed 16,005m<sup>3</sup> and so in excess of that required to date. There is both currently a net benefit and an overall net benefit once the final phase of works is undertaken, in volume but also in terms of flood flows by removing the barrier formed by the railway embankment. The volume associated with the addition of the public house at Phase E remains within the compensation volume removed.

- 6.15 Of the remaining floodplain sites, areas C3 and C4 (the residential phases around Sainsbury's) have been filled to raise them out of the floodplain, so there will be no residual impact on loss of floodplain when developed. Areas G1 and G2 (south and west of the Monk Meadow dock) are still occupied by buildings and part raised, however the 'spare' flood plain mitigation indicates that the impact in effect is mitigated, and this should be clarified in reserved matters applications. Any significant deviation leading to a negative effect may need to be further mitigated.
- 6.16 A supplementary statement on Sustainable Urban Drainage Systems has previously been provided that has satisfied the requests of the Council's Drainage Engineer. This includes a minimum 20% betterment for surface water runoff rates and a minimum of two SuDS treatment stages for runoff from vehicular areas, and can be taken forward by approval of details under Condition 44.
- 6.17 The Environment Agency and Drainage Engineer have not raised any objections and it is proposed to reimpose the relevant 'flood risk' conditions.

*Flood risk conclusions*

- 6.18 The updated analysis shows that changes in policy are not significant to the original conclusions, the original flood level used is still valid and the minimum ground floor level of 11.78m AOD provides a freeboard of +600mm, there are no additional matters raised by the Strategic Flood Risk Assessment, and that the mitigation measures are still appropriate and off-set the proposals.
- 6.19 With the mitigation measures (the net benefit in removing the Dock branch railway embankment) and the flow improvements in the re-aligned Sudbrook culvert the development is assessed to have a 'minor beneficial' impact. This is similar to the conclusions of the original ES. No objection is raised in flood risk terms subject to the continuation of certain conditions.

***Ecology***

- 6.20 New surveys and data collection were undertaken to inform the ES, including an extended Phase 1 habitat survey and bat and reptile surveys. Assessment of buildings on land outside GQLLP control was made from the exterior. There are no statutory-designated sites within the application site. Llanthony Priory is recorded as an unconfirmed non-statutory wildlife site; locally important for the grounds and the pond habitat – previous surveys have found a numbers of bat species, newts in the pond and butterflies and moths. There are a number of statutory and non-statutory sites in the wider area.

*Phase 1 habitat survey*

6.21 In terms of the buildings, these were found to be of value to nesting birds, with up to 'site' value, although their ecological importance could increase if bats were found. All the vegetation on the site (ephemeral and tall ruderal vegetation, scrub, semi-improved grassland and standard trees) was found to be of 'local' value, although the trees could be of greater importance if roosting bats were found to be using them. The pond and canal as water bodies that could support wildlife were found to be of 'local value', although this could be higher if protected species were found. It was considered possible that several protected species could be present. Further surveys were undertaken to reflect these observations.

#### *Bats*

6.22 Some bats were recorded during the initial emergence surveys and a low number were recorded foraging/commuting across the site. The buildings with roost potential that would be affected by the proposals were concentrated on, and up to two bats were recorded at any one time. The roosting bat value on site was considered to be negligible on the basis of the buildings surveyed, however the level of data from other buildings on the site and possible emergence evidence indicates that that it is likely that roosts are present and further assessment would be necessary in advance of works. The commuting and foraging bat value of the site was considered to be of 'local' value.

6.23 Further bat surveys were also undertaken to complete the staged assessment over the year, on the unimplemented phases of the development – Phase E (Llanthony Wharf), F (remainder of Bakers Quay) and G (remainder of Monk Meadow). Low numbers of bats were recorded, of the following species; Common pipistrelle, Noctule, Myotis spp (likely to be Daubenton's, whiskered, Brandt's, or Natterer's), Soprano pipistrelle and Lesser horseshoe. Brief passes and commuting bats were recorded more often than sustained foraging. The commuting and foraging bat population on site is considered to be of local value. The areas where most activity was recorded will not be directly affected by construction – the Priory and the canal, although the southern edge of Monk Meadow was also found to support higher activity and would be subject to building works based on the current masterplan. Again it was concluded that the commuting and foraging bat value of the site is of 'local' value. The loss of brownfield habitat is likely to have a negative effect on a low number of foraging and commuting bats. Lighting can also cause disturbance, as can noise/vibration/etc during the construction phase. Furthermore, increased public use can degrade habitats and reduce prey availability.

6.24 The consultants consider that the mitigation measures implemented and proposed as part of the 2004 statement suitably address the potential impacts to foraging and commuting bats on site. Condition 36 arose from that previous analysis and requires an Ecological Action Plan, and Condition 35 an up to date survey of and report on all likely bat roosts, which was considered an appropriate approach to the buildings and remains necessary as a condition. Both are proposed to be re-imposed.

#### *Reptiles*

6.25 No reptiles were recorded during the survey. A number of common frogs and toads were recorded at Monk Meadow close to the southern boundary. While the brownfield habitats that would be affected by the proposals have the potential to support reptiles, as none were identified the population on site is considered to be negligible. Specifically, no great crested newts were recorded during the survey. Again while the pond in the Priory and surrounding brownfield land that would be affected by proposals has the potential to support them, no great crested newts were identified and the population on site is considered to be negligible.

*Construction phase*

6.26 There may be temporary negative effects from construction on ecology notably the Llanthony Priory unconfirmed non statutory wildlife site, but would not be significant. Works may also harm birds and bats, and the canal and brownfield habitats without mitigation. Therefore mitigation through the requirements of conditions continues to be necessary.

*Operational phase*

6.27 The operational phase would harm the Priory wildlife site without mitigation. Again the mitigation measures in conditions continue to be necessary.

6.28 It is unlikely that other development in the vicinity would result in potentially cumulative effects on ecology.

*Ecology conclusions*

6.29 No objection has been received from Natural England, the Environmental Planning Manager or the County Council, and the relevant conditions should be carried forward as mitigation.

6.30 Associated works including land remediation and new sustainable drainage systems are likely to lead to improvements such as lowering the leaching of contaminants and sediment into the canal habitat.

6.31 The works remaining to be done could enhance the biodiversity of the area. The most valuable habitats of the Priory and canal will be retained and protected, with measures to secure enhancement. The Addendum ES sets out that the site receptors have up to 'local level' ecological interest, no overall negative significant residual effect would result on such receptors, and that the confidence level in these findings is 'probable'. This is in line with the findings of the original ES.

6.32 The NPPF continues the general thrust of previous national policy on ecology/biodiversity, as do the local policies. It is considered that the proposals with the measures proposed would mitigate impacts and assist in providing net gains in biodiversity, and no objection is raised.

*Urban design and community safety*

6.33 As noted with the renewal application, the principles established in the original permission generally remain relevant.

- 6.34 The amendment to the footprint and location of commercial block A5 and residential blocks A17, A18 and A19 would maintain frontage to Hempsted Lane with a setback to allow a little breathing space between the road and the residential properties. The slightly revised footprint of Block A14 and removal of Block A4 are not objectionable in design terms.
- 6.35 The scheme gives the ability to secure good quality design when it comes to reserved matters applications working within the parameters of the masterplan. The applicant has confirmed it can accommodate the re-arranged amount of development within the proposed masterplan building footprints and scales.
- 6.36 I have previously set out in the report on the renewal application that the Monk Meadow area, particularly its canalside edge, requires development to respond to its context with a good quality of design. This is acknowledged by the Inspector in the original scheme, who concluded that houses would be likely to form a small percentage of the development for that design reason. Rolling out a 'standard' house format across this area is highly unlikely to be acceptable. This is even more the case for the residential plot adjacent to the Priory although the footprint of the plot suggests that a flatted scheme remains more likely and that would give more scope to achieve a high quality design that respects its setting.
- 6.37 There are not considered to be any matters raised that would indicate that the proposals are unacceptable. No design objection is raised subject to taking forward the relevant conditions.

#### Other matters

- 6.38 A range of other issues have been relevant in considering the proposals and are considered here by way of update:

#### *Retail and other economic development*

- 6.39 The retail elements of the scheme have largely been implemented – the foodstore at Monk Meadow and the factory outlet centre at Bakers Quay although there is an additional amount of outlet shopping floorspace allocated on land outside the control of GQLLP (at the Numold site). The restaurant/leisure proposals have also been partially implemented at the outlet centre. There also remains a range of office proposals and a hotel to be implemented.
- 6.40 These elements of the proposals were considered to be acceptable subject to conditions in the renewal permission 14/00709/FUL. No new issues arise in this regard.

#### *Employment*

- 6.41 The scheme has generated job opportunities and further opportunities would be created through implementation of the outstanding development as well as construction-phase jobs. With the relocation of Hobbs Oil to Spinnaker Road the pre-existing employment businesses that were across the site have all moved with the exception of Numold at Bakers Quay.

### *Residential amenity*

6.42 I noted previously that development of neighbouring land means that the relationships between the site and adjacent properties have altered in some respects since the masterplan was first considered. This is notably the case at the 'Monk Meadow' housing scheme by Bloor Homes to the south of the site on the west side of the canal. The change in Block A5 would not alter the previous conclusions that the scheme is broadly acceptable in these terms, although care will need to be taken with the reserved matters scheme at the southern edge of all these Blocks at the boundary given the proximity of the residential units beyond. I recommend again that a note be added to any permission to flag this issue up to the developer.

6.43 Other new development does not change amenity considerations to any significant level. The traffic levels are shown to come down from the original assessment so there would not be additional noise or air quality issues associated with this.

### *Heritage/conservation*

6.44 The site includes numerous heritage assets and a new scheme for the Bakers Quay part of this site has been agreed by the Planning Committee. Heritage assets are only affected by the current application proposals in respect of Block C4 south of Llanthony Priory (which is part designated as a scheduled monument and includes several listed buildings), however this proposed change is simply to reflect the public house already built and considered to be acceptable in heritage terms. The duties under the 1990 Planning (Listed Buildings and Conservation Areas) Act for special regard to be paid to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, and for special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area continue to be satisfied and there would be no adverse effect on archaeological remains. No harm arises against the NPPF heritage tests or those of the relevant local plan documents. Conditions would be re-imposed on any permission to address these matters.

### *Housing*

6.45 The proposals would not alter the previous conclusions about the contributions to housing requirements, affordable housing (by condition), efficient use of land, accessibility and the suitability of the site.

### *Public open space*

6.46 The proposals would not alter the conclusions around the compromises on public open space previously accepted. Conditions are proposed to be re-imposed to secure details.

### *Sustainability*

6.47 Conditions were originally imposed to secure sustainable development measures for each phase and the proposals would not change this.

### *Regeneration*

- 6.48 The proposals would not alter the conclusions around regeneration of brownfield land. Granting the amended masterplan and schedule of development would give the practical ability to deliver the regeneration on the ground through the outline permission.

Legal agreements

- 6.49 Two obligations were secured with the renewal application and require deeds of variation to continue to provide mitigation for the development. These would have the effect of mitigating the impact of the development and are considered to comply with the CIL Regulations – Regulation 122 tests and those in the NPPF mentioned above:

*The Highways agreement*

- 6.50 The outstanding payments of £960,000 (up to the original sum of £2.98million) towards highways measures were secured alongside the renewal permission. I am advised that the first of four payments of £240,000 has been made to the Highway Authority. Therefore the outstanding payments totalling £720,000 need to be secured before granting planning permission.

*The construction training undertaking*

- 6.51 An undertaking to deliver construction training and to clarify that no further work will be carried out pursuant to the original permission needs to be secured.

Conditions

- 6.52 The conditions of the renewal permission need to be re-imposed with the appropriate amendments to Conditions 5 and 6 to reflect the updated masterplan and schedule. Several of the original conditions from the 2006 decision were removed entirely although the numbering was retained for ease of tracing details through the complex history of the site.

**7.0 CONCLUSION**

- 7.1 The application seeks to update the masterplan and schedule of development to reflect changes on the ground. It would enable the submission of reserved matters application to build out the scheme and correct inconsistencies that currently exist.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise
- 7.3 The Secretary of State previously concluded that the proposal was in accordance with the development plan and national planning policies, other than she did not consider that the sequential approach had been applied in line with PPS6 (the then retail policy statement) however that was not considered an overriding objection to the proposal as a whole when weighed against other factors. Furthermore, no material considerations were considered of sufficient weight to determine otherwise.

- 7.4 The updated assessment of the ecology, traffic and transport and flood risk chapters of the ES reveals that the conclusions of the original Statement can be considered reliable as to the likely significant environmental effects of the project. No cumulative effects have been identified. There are some slight changes of effect in terms of ecology due to the creation of new brownfield habitats through the demolition works already undertaken but mitigation measures offset this. Overall the addendum ES sets out that the balance of environmental effects from the project is 'significant positive', in line with the original Statement. The likely environmental effects of the proposal have been fully considered. The policy context and the surrounding environment are also different from the time of the original Secretary of State decision. In terms of policy the development plan is older now with a limited number of 'saved policies, also the NPPF has been published and is a significant material consideration. All new policy and environmental factors were taken into account in the most recent 'renewal' application and further modest changes since that decision do not have a significant bearing on the recommendation.
- 7.5 The changes currently at hand would enable the benefits of the scheme to be delivered, and would not cause significant harm in any planning consideration to make the application unacceptable. In the context of Paragraph 14 of the NPPF and overall, I see no overriding reason to differ from the Secretary of State's original decision or the Authority's decision on the renewal application to grant permission - with the amended masterplan and rearrangement of development.

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

- 8.1 That subject to the completion of deeds of variation and/or additional legal agreements or undertakings to secure the terms set out at Paragraphs 6.50 and 6.51 above the application be granted subject to the following conditions:

### **The reserved matters and time limit conditions**

#### Condition 1

Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority prior to the commencement of development on any phase (as defined and approved under the phasing condition) except as provided for by other conditions in respect of site remediation, building demolition, principal access road construction and drainage works. The reserved matters for each phase are specifically to include details of access arrangements, which shall include details of the principal accesses to the site, and all other access details for respective development phases, and landscaping of the site for each phase, and a programme for the provision of the approved landscaping.

#### 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

Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

#### Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

#### Condition 3

Application for approval of the reserved matters shall be made to the Local Planning Authority before 4<sup>th</sup> January 2024.

#### Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

#### Condition 4

The development hereby permitted shall begin either before 4<sup>th</sup> January 2021, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

#### Reason

Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

#### Condition 5

This outline planning permission relates solely to the description of the development set out above and in the following application plans and documents:

Application site plan dwg ref. 1331 P-01 dated 19/03/02

ES documents (as updated)

**ES Non Technical Summary dated February 2004, Addendum ES Non Technical Summary dated June 2014, Addendum ES Non Technical Summary dated November 2014**

**ES Main Report, dated February 2004, Addendum to Environmental Statement dated June 2014, Addendum to Environmental Statement dated November 2014.**

**ES Technical Appendix 1: ES Scoping Report, and Addendum ES Technical Appendix 1: Scoping Report**

ES Technical Appendix 2: Landscape and Visual Impact Appraisal

ES Technical Appendix 3: Archaeology

ES Technical Appendix 4: Cultural Heritage – Built Environment



**ES Technical Appendix 5: Ecological Appraisal, and Addendum ES Technical Appendix 3: Ecology Report (including Update Bat Activity Report dated November 2014)**

ES Technical Appendix 6: Statement on Retail Planning Issues

**ES Technical Appendix 7: Transport Statement, and Addendum ES Technical Appendix 4: Transport Assessment**

ES Technical Appendix 8: Air and Noise Quality Assessment

ES Technical Appendix 9: Land Contamination and Water Quality

**ES Technical Appendix 10: Outline Flood Risk Assessment, and Addendum ES Technical Appendix 5: Review of the existing Flood Risk Assessment**

**Fig. ES34 Rev. M, dated November 2014 (Revised Schedule of Proposed Development**

**Fig. ES 33/01. Rev. M, dated 09/07/2014 (Revised Illustrative Layout Plan)**

Reason

To define the terms of the permission.

**The Environmental Assessment and Masterplan conditions**

Condition 6

Unless otherwise agreed in writing by the Local Planning Authority all applications for approval of reserved matters shall accord with the submitted masterplan (**drawing ref. ES 33/01. Rev. M, dated 09/07/2014**) except where specific conditions listed in this permission require otherwise.

Reason

To ensure that the development is undertaken in accordance with the submitted plans.

Condition 7

All floorspace figures, building storey heights, housing numbers, hotel bedspaces and car parking numbers stated in the documents listed at Condition 5 are hereby deemed as maximum parameters used for the Environmental Assessment. They shall not be exceeded, and this permission shall not be deemed to guarantee that those maximum development parameters are achievable at the reserved matters stage.

Reason

To ensure that the development accords with that assessed in the Environmental Statements.

**The phasing conditions**

Condition 8

Development shall accord with a Strategic Phasing Scheme to be submitted and approved in writing by the Local Planning Authority. The Strategic Phasing Scheme shall indicate;

- the development phases and their order;
- the order and approximate timescales of the site remediation and demolition works;
- a strategy for landscaping;
- a strategy for public art;
- the approximate location of a public display for the interpretation of the archaeological remains discovered within the site after the submission of the application for planning permission and (if any) during the course of development;
- masterplans for each phase showing (where applicable):
  - Site accesses
  - Principal roads
  - Key pedestrian and cycle routes
  - Public transport and car park infrastructure
  - Provision of open space

#### Reason

To ensure that the development is progressed in a structured fashion with due regard to highway safety, land remediation, and the provision of landscaping and open space, public art and the dissemination of archaeological information.

#### Condition 9

No development of a phase (as identified in the approved Strategic Phasing Scheme) shall be commenced until a Phase Principles Scheme relating to that phase has been submitted to and approved in writing by the Local Planning Authority. The Phase Principles Scheme shall accord with the approved Strategic Phasing Scheme. It shall also provide detail on the following within that phase where relevant;

- Estate roads and associated highway improvements;
- A repair programme for historic and listed buildings;
- Implementation of Ecological Action Plan proposals for the phase;
- Provision of recreational facilities;
- Utility infrastructure;
- Provision and implementation of public art;
- The public display for the interpretation of the archaeological remains discovered within the site after the submission of the application for planning permission and (if any) during the course of development
- Implementation of the Landscaping Strategy.

#### Reason

To ensure that the development is progressed in a structured fashion with due regard to highway safety, historic buildings, ecology, and the provision of landscaping, recreational facilities and open space, utilities, public art and the dissemination of archaeological information.

#### Condition 10

The development of each phase shall proceed in accordance with the Phase Principles Scheme approved for that phase. The developer shall inform the Local Planning Authority as soon as is practical of any proposed amendment to the Phase Principles Scheme for its written approval. The Phase Principles Scheme shall not be deemed amended until the Local Planning Authority has provided written approval, subsequent to which development of that phase shall proceed in accordance with the amended Phase Principles Scheme.

#### Reason

To ensure that the development is progressed in a structured fashion with due regard to highway safety, land remediation, and the provision of landscaping and open space, public art and the dissemination of archaeological information.

### **The control of retail use conditions**

#### Condition 11

The net retail sales area of the proposed food superstore shall not exceed 4,622 square metres with a minimum of 65% of that net sales area for convenience goods and a maximum of 35% of that net sales area for comparison goods, and the building shall not be subdivided into a number of smaller shops or units unless otherwise agreed to in writing by the Local Planning Authority.

#### Reason

To define the terms of the permission against that assessed to be acceptable, to avoid a significant adverse impact on the vitality and viability of the City Centre 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 12

The Factory Outlet Shopping Area, as shown coloured green on plan ref. 33/01-03-01 Rev. D dated 19/6/07, shall be used only for factory outlet shopping and uses within Classes A3, A4 and/or A5 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Class A3, A4 and A5 uses within this area shall not exceed 3,279sq metres of gross floorspace in total.

#### Reason

To define the terms of the permission against that assessed to be acceptable, to avoid a significant adverse impact on the City Centre 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 13

Save as provided for in conditions 15A and 15B below, all retail sales from the Factory Outlet Shopping Area shall only be by manufacturers selling their branded seconds, surplus stock, or discontinued lines all at discounted prices or other retailers selling rejects, returned goods, seconds, clearance goods and surplus stock directly supplied to them by such manufacturers all at discounted prices.

#### Reason

To define the terms of the permission against that assessed to be acceptable, to avoid a significant adverse impact on the City Centre 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 14

Save as provided for in conditions 15A and 15B below, not less than 85% of the total gross retail floorspace of the Factory Outlet Shopping Area shall offer goods for sale at a price at least 30% below either recommended retail price (if available) or, if that price is not available, the price at which such a good is, or has normally been, offered for sale at the manufacturers', or their retailers' high street outlets.

#### Reason

To define the terms of the permission against that assessed to be acceptable, to avoid a significant adverse impact on the City Centre 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 15

Save as provided for in conditions 15A and 15B below, the remainder of the total gross retail floorspace of the Factory Outlet Shopping Area shall offer goods for sale at a price at least 20% below either the recommended retail price (if available) or, if that price is not available, the price at which such good is, or has normally been offered for sale at the manufacturers' or their retailers' high street outlets.

#### Reason

To define the terms of the permission against that assessed to be acceptable, to avoid a significant adverse impact on the City Centre 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 15a

For so long only as a maximum of two units only within the Factory Outlet Shopping Area, as shown coloured green on plan ref. 33/01-03-01 Rev. D dated 19/6/07 are mainly used for the retail sale of confectionery and using a trading style which is not used in retail areas other than factory outlet shopping areas, then no more than 12 square metres of one only of those units may be used for retail sales free from the restrictions imposed by conditions 13, 14 and 15 above.

#### Reason

To ensure that the use of the unit is confined to a specific confectionery use as will only be found in a factory outlet shopping area and to ensure that the local planning authority can control future non confectionery uses so as to ensure that the Factory Outlet Shopping Area within the development remains as such, to avoid a significant adverse impact on the City Centre 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 15b

For so long only as a maximum of two units only within the Factory Outlet Shopping Area, as shown coloured green on plan ref. 33/01-03-01 Rev. D dated 19/6/07 are mainly used for the retail sale of confectionery and using a trading style which is not used in retail areas other than factory outlet shopping areas, then no more than 28 square metres of one only of those units may be used for retail sales free from the restrictions imposed by condition 13 above and all of the floorspace in that unit may be used for retail sales free from the restrictions imposed by conditions 14 and 15.

#### Reason

To ensure that the use of these units is confined to a specific confectionery use as will only be found in a factory outlet shopping area and to ensure that the local planning authority can control future non confectionery uses so as to ensure that the Factory Outlet Shopping Area within the development remains as such, to avoid a significant adverse impact on the City Centre 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 16

The retail units other than those in Class A3, A4 and A5 shall not be used for any of the purposes within Class A1 of The Town and Country Planning (Use Classes) Order 1987 as amended other than for the sale of goods by way of factory outlet shopping, with the exception of one unit only within the Factory Outlet Shopping Area as shown coloured green on plan ref. 33/01-03-01 Rev. D dated 19/6/07 which is permitted to include an element of clothing for hire (full price) in an area not exceeding 10 square metres. The retail units shall not be used for the sale of carpets, motor vehicles, pets or pet food or for the purposes of hairdressers, funeral director, post office or launderette, and the

sale of newspapers/magazines, cigarettes and pharmaceuticals shall only be from vending machines

Reason

To avoid a significant adverse impact on the City Centre 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 17

Unless otherwise agreed in writing by the Local Planning Authority no retail unit in the Factory Outlet Shopping Area as shown coloured green on plan ref. 33/01-03-01 Rev. D dated 19/6/07 shall have a gross floor area less than 50sq metres.

Reason

To avoid a significant adverse impact on the City Centre 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 18

Unless otherwise agreed in writing by the Local Planning Authority no retail unit in the Factory Outlet Shopping Area as shown coloured green on plan ref. 33/01-03-01 Rev. D dated 19/6/07 shall have a gross floor area greater than 1,200sq metres.

Reason

To avoid a significant adverse impact on the City Centre 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 19

There shall be not more than 21 retail units with a gross floor area in the Factory Outlet Shopping Area as shown coloured green on plan ref. 33/01-03-01 Rev. D dated 19/6/07 of less than 100sq metres at any one time.

Reason

To avoid a significant adverse impact on the City Centre 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

There shall be not more than 6 retail units in the Factory Outlet Shopping Area as shown coloured green on plan ref. 33/01-03-01 Rev. D dated 19/6/07 with a gross floor area of more than 600sq metres at any one time.

Reason

To avoid a significant adverse impact on the City Centre 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 21

The gross retail floorspace of the Factory Outlet Shopping Area as shown coloured green on plan ref. 33/01-03-01 Rev. D dated 19/6/07 shall not exceed 20,000sq metres.

Reason

To avoid a significant adverse impact on the City Centre 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 22

Not more than 15,000sq metres gross of the total gross floorspace referred to in Condition 21 shall be used for the sale of clothing and/or footwear or uses ancillary thereto.

Reason

To avoid a significant adverse impact on the City Centre 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 23

Not more than 5,000sq metres of the total gross floorspace referred to in Condition 21 shall be used for the sale of items other than clothing and/or footwear.

Reason

To avoid a significant adverse impact on the City Centre 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 24

No goods shall be stored or displayed for sale outside any retail unit.

#### Reason

In the interests of the visual amenities of the area, to preserve the character and appearance of the Conservation Area and setting of the listed buildings, in accordance with Policies BE.23, BE.29 of the 2002 Second Deposit City of Gloucester Local Plan, Policies SD5 and SD9 of the Joint Core Strategy Submission Document 2014 and the National Planning Policy Framework.

#### Condition 25

There shall be no internal alterations to the retail units so as to increase the total gross floorspace thereof without the written consent of the Local Planning Authority.

#### Reason

To ensure that the quantum of development accords with that assessed, to avoid a significant adverse impact on the City Centre 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 26

The approved and implemented fingerpost signs, taxi call points, travel information boards, signs to the Primary Shopping Area of Gloucester shall be retained as installed for the duration of the use of the factory outlet shopping centre unless otherwise agreed to in writing by the Local Planning Authority.

#### Reason

In the interests of legibility and highway safety and supporting the vitality and viability of the primary shopping area, in accordance with Policy TR.31 of the City of Gloucester Second Deposit Local Plan 2002, Policies SD5, INF1 and INF2 of the Joint Core Strategy Submission Document 2014 and Paragraphs 23, 32 and 58 of the NPPF.

--- No Condition 27 ---

### **The Class A3, A4, A5 and/or food and drink conditions**

#### Condition 28

No Class A3, A4 or A5 use as defined in *The Town and Country Planning (Use Classes) Order 1987* as amended shall commence until ventilation and cooking fume control measures have been installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the equipment shall be operated and maintained in accordance with the manufacturer's instructions and the use shall only take place whilst the equipment is operational.

#### 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 29

Any Class A3 or Class A5 use as defined in *The Town and Country Planning (Use Classes) Order 1987* as amended shall only be open for the admission of customers between the hours of 0700 to 0000 on any day, unless the Local Planning Authority gives written permission for any variation and no customer shall be admitted outside such hours.

#### Reason

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

### **The leisure use conditions**

#### Condition 30

Details of the nature, scale and type of each Class D2 use and any Class A3, A4 and/or A5 use as defined in *The Town and Country Planning (Use Classes) Order 1987* as amended shall be included with each submission for reserved matters approval.

#### Reason

To ensure that the planning issues can be given full and proper consideration in the interests of highway safety and residential amenity, in accordance with Policies FRP.10, FRP.11, BE.21 and TR.31 of the City of Gloucester Second Deposit Local Plan 2002, Policies SD15, INF 1 and INF2 of the Joint Core Strategy Submission Document 2014, and Paragraphs 17, 32, 120 and 123 of the NPPF.

### **The open space, trees, landscaping strategy, landscape schemes and ecology conditions**

#### Condition 31

No phase containing residential development shall commence until details of new areas of amenity space, public open space and enhancements to existing open space (including the grounds of Llanthony Secunda Priory) have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, treatment, function, fencing, planting, paths, bins (litter and dog fouling) and play facilities. These shall be implemented concurrently with the phase (or to an alternative programme to be submitted

to and approved in writing by the Local Planning Authority) and retained thereafter.

#### Reason

To secure provision of facilities for future residents of the development in accordance with Policies BE.4, BE.5, BE.12, BE.17, BE.23, BE.29, OS.2, OS.3 and OS.4 of the City of Gloucester Second Deposit Local Plan 2002, Policies SD5, SD9 and INF4 of the Joint Core Strategy Submission Version 2014 and Paragraphs 17, 58, 69 and 73 of the NPPF.

--- No Condition 32 ---

#### Condition 33

All trees to be retained shall be protected in the course of construction works by secure fencing, of a type and location to be agreed in writing by the Local Planning Authority, prior to the commencement of development of any phase. The protective measures are to accord with the advice in BS 5837:2012 and shall be retained throughout the construction period, and no materials, plant or other equipment shall be placed within the protected area.

#### Reason

To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area in accordance with Policies B.10 and BE.4 of the Second Deposit City of Gloucester Local Plan (2002) and Paragraph 17 the National Planning Policy Framework.

#### Condition 34

All landscape schemes submitted and approved pursuant to Condition 1 shall be implemented in accordance with the programme approved pursuant to Condition 1 unless the Local Planning Authority gives written consent to any variation. Any trees or plants which, within a period of 5 years from the date of the completion of the landscape scheme, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

#### 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 35

No development work, including demolition work, shall be undertaken within a phase until an up to date survey of and report on all likely bat roosts has been

carried out. The report shall include appropriate mitigation and protection measures in the light of the survey findings. The survey document shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development (including demolition) within that phase and any approved measures shall thereafter be strictly adhered to.

#### Reason

In the interests of the preservation of any bats within the site 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 36

Development shall accord with an Ecological Action Plan to be submitted to and approved in writing by the Local Planning Authority and that Plan shall thereafter be implemented in accordance with the Phase Principles Scheme. The Plan shall include;

- Measures to mitigate the impact of the construction phase including restricting movements of plant and other vehicles, and the location of compounds and stockpiling;
- a Method Statement detailing means of preventing sediment from entering the Gloucester and Sharpness canal during the construction phase. Implementation shall be in accordance with the Method Statement;
- details of enhancing the ecological corridor of the Gloucester and Sharpness Canal, including restoring suitable conditions for historic seed bank/flowering plants;
- mitigation/enhancement proposals for the College and Priory and the habitat management;
- details of bird box erection including their type and number;
- details of bat mitigation strategy including works to existing buildings, bat box erection including type and number, and the securing of sensitively designed lighting;
- native tree and shrub planting;
- details of an ecological clerk of works, including a job description and reporting procedures.

#### Reason

To secure biodiversity mitigation and enhancement in accordance with the Environmental Statement and 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.

### **The archaeology conditions**

--- No Condition 37 ---

#### Condition 38

Unless an alternative programme is submitted to and approved in writing by the Local Planning Authority, no development shall take place within the area to the south east of Llanthony Priory, as defined as Zone 3 of Figure 18 in the ES Technical Appendix 3: Archaeology, until a programme of archaeological work has been carried out in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should provide a controlled excavation of all significant deposits and features which are to be disturbed by the proposed development. Thereafter the building works affecting this zone shall incorporate any building techniques and measures approved in writing by the Local Planning Authority as necessary to mitigate the loss or destruction of any archaeological remains, and to preserve in-situ any archaeological remains of national importance.

#### Reason

The site contains significant heritage assets. The Council requires that provision be made for a programme of archaeological mitigation. This is in accordance with Policy BE.31 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD9 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraph 131 of the NPPF.

#### Condition 39

No further development shall take place within Zone 2 on Figure 18 in the ES Technical Appendix 3: Archaeology until a programme of archaeological work has been carried out in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work is to provide a controlled watching brief during ground works on the site, with provision for excavation of any significant deposits or features encountered.

#### Reason

The site may contain significant heritage assets. Should such assets be present the Council requires that provision be made for a programme of archaeological mitigation. This is in accordance with Policy BE.31 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD9 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraph 131 of the NPPF.

### **The surfaces, materials and means of enclosure conditions**

#### Condition 40

No development of a phase, other than site remediation, demolition or infrastructure provision, shall take place until details of all building facing materials and finishes in respect of that phase (which should be locally sourced where possible) 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

In the interests of the visual amenities of the area, the preservation of the special interest of the listed buildings and their settings, and preserving the character and appearance of the Conservation Area in accordance with Policies BE.7, BE.17, BE.22, BE.23 and BE.29 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition 41

No development of a phase, other than site remediation, demolition or infrastructure provision, shall take place until details of the surface material finishes for the highways, footpaths, cycle ways, private drives and hard surfaces 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

In the interests of the visual amenities of the area, the preservation of the special interest of the listed buildings and their settings, and preserving the character and appearance of the Conservation Area in accordance with Policies BE.7, BE.17, BE.22, BE.23 and BE.29 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and SD9 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition 42

No development of a phase, other than site remediation, demolition or infrastructure provision, shall take place until details of screen walls, fences and other means of enclosure 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

In the interests of the visual amenities of the area, the preservation of the amenities of future occupants, the preservation of the special interest of the listed buildings and their settings, and preserving the character and appearance of the Conservation Area in accordance with Policies BE.7, BE.17, BE.21, BE.22, BE.23 and BE.29 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5, SD9 and SD15 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 58 and 131 of the National Planning Policy Framework.

**The land contamination condition**

### Condition 43

Unless otherwise agreed to in writing 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 3 of this condition 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 3 has been complied with in relation to that contamination.

#### *1. 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.

#### *2. 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 known 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.

#### *3. 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, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 1 of this condition, 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.

#### *4. Long Term Monitoring and Maintenance*

A monitoring and maintenance scheme, and the provision of reports on the same must be prepared prior to occupation, 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 for approval prior to occupation.

#### 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 FRP.15 of the Second Deposit City of Gloucester Local Plan (2002).

### **The drainage conditions**

#### Condition 44

No development of a phase, other than site remediation or demolition, shall commence until a comprehensive scheme for the provision of works for the disposal of foul sewage and surface water drainage that employs a Sustainable Urban Drainage System has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include method statements; measures to prevent sediment entering the Gloucester and Sharpness Canal; measures to maximise grey water recycling and rainwater harvesting, and measures to prevent the pollution of water courses and groundwater. The approved scheme shall thereafter be implemented to serve the development, and no buildings or dwellings shall be occupied until satisfactory foul and surface water drainage facilities for these buildings are in place and operational.

#### Reason

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

#### Condition 45

Unless otherwise agreed in writing by the Local Planning Authority, the finished floor levels of all new buildings within the area identified as below the 100 year floodplain on Figure ES 30 February 2004 – Flood Risk – Areas of Site to be Raised shall be set at least at 11.78m AOD.

#### Reason

To ensure mitigation of buildings against flooding, in accordance with Policy FRP.1a of the City of Gloucester Second Deposit Local Plan 2002, Policy INF

3 of the Joint Core Strategy Pre-Submission Document 2014, and Paragraphs 100 and 103 of the NPPF.

#### Condition 46

Unless otherwise agreed to in writing by the Local Planning Authority, the outstanding elements of the flood mitigation scheme as set out in the following documents (the outstanding elements comprising the removal of Zone B and remainder of Zone C of the Dock Branch Railway embankment) shall be implemented in line with the details within these documents:

- Outline Flood Risk Assessment Rev H (February 2004)
- Flood Plain Compensation Report Rev E (June 2004)
- Capita Symonds Structures update report on flood mitigation pursuant to condition 46, received by the Local Planning Authority 27<sup>th</sup> April 2007.
- Legal Agreement between the Environment Agency and British Waterways dated 24<sup>th</sup> November 2005. Received by the Local Planning Authority 17<sup>th</sup> December 2008.
- Deed of variation between the Environment Agency and British Waterways dated 14<sup>th</sup> December 2006. Received by the Local Planning Authority 17<sup>th</sup> December 2008.
- Copy of the as built survey of the embankment dated 12<sup>th</sup> February 2007. Received by the Local Planning Authority 17<sup>th</sup> December 2008.
- Flood Plain Assessment Update Report produced by Capita Symonds Structures dated 9<sup>th</sup> March 2009 (SS015464 : Rev. 02). Received by the Local Planning Authority 9<sup>th</sup> March 2009.

Written confirmation shall be provided to the Local Planning Authority of the completion of the works.

#### Reason

To ensure that the approved flood mitigation scheme is completed, in accordance with Policies FRP.1a and FRP.3 of the City of Gloucester Second Deposit Local Plan 2002, Policy INF 3 of the Joint Core Strategy Pre-Submission Document 2014, and Paragraphs 100 and 103 of the NPPF.

--- No Condition 47 ---

### **The sustainability conditions**

#### Condition 48

A Waste Minimisation Statement for the Demolition and Construction Period must be submitted as part of reserved matters applications for each phase. The Waste Minimisation Statement will form part of any subsequent approval and shall include details of the types and volumes of construction and demolition waste likely to be generated including measures to minimise, re-use and recycle that waste, and minimise the use of raw materials. Thereafter all of these provisions shall be implemented in accordance with the agreed



Waste Minimisation Statement unless any variation is agreed in writing by the Local Planning Authority.

Reason

In the interests of waste minimisation in accordance with Policies SD4 and SD15 of the Joint Core Strategy Pre-Submission Document 2014, and Paragraph 17 of the NPPF.

Condition 49

A Waste Minimisation Statement for the Occupational Life of the Development must be submitted as part of reserved matters applications for each phase. The Waste Minimisation Statement will form part of any subsequent approval and shall include;

- Provision within the residential development of on-site storage receptacles for recycling at identified locations appropriate in size and location to the number of residential units;
- Provision within commercial and business areas of facilities or allocated areas to sort, store, treat and manage a majority of the waste produced internal to each of those parts of the site; and
- Suitable processing arrangements for recycling/waste collection vehicles.

Thereafter, within each Phase to which the Waste Minimisation Statement for the Occupational Life of the Development refers, no building may be occupied until the provisions set out in the approved Statement have been implemented. All the approved measures shall thereafter be retained unless any variation is agreed in writing by the Local Planning Authority.

Reason

In the interests of waste minimisation in accordance with Policy BE.4 of the City of Gloucester Second Deposit Local Plan 2002, Policies SD4, SD5 and SD15 of the Joint Core Strategy Pre-Submission Document 2014, and Paragraphs 17 and 58 of the NPPF.

Condition 50

Within each phase no development, other than remediation, demolition or infrastructure provision, shall commence until a detailed strategy for the adoption and incorporation of sustainable development principles, including energy efficient measures to be incorporated into the buildings, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with that strategy unless the Local Planning Authority gives written consent to any variation.

Reason

To support the move to a low carbon future, in accordance with Policy SD4 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 95, 96 and 97 of the NPPF.

## **The environmental conditions**

### Condition 51

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.

### 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 52

No development of a phase shall commence until a detailed dust, noise and pollution strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall cover all aspects of air and noise pollution during the construction and post construction periods and shall be adhered to at all times.

### Reason

To safeguard residential amenity and prevent pollution in accordance with policies FRP.9, 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, 109, 120 and 123 of the NPPF.

### Condition 53

Construction work and the delivery of materials shall be limited to the hours of 0800 hours to 1930 hours Monday to Saturday and no construction work or deliveries shall take place on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

### Reason

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.

## **The disabled access conditions**

### Condition 54

Each reserved matters application in respect of buildings, car parks, areas of public open space or pedestrian routes or linkages shall include a statement

detailing measures employed to make the scheme fully accessible to disabled people as defined in the Disability Discrimination Act 2005. The measures shall include disabled persons' parking, accessible to, from and across buildings and land, and the provision of accessible entrances at each principal public entrance. The development shall thereafter be implemented in accordance with such details as approved under each reserved matters application.

#### Reason

In the interests of making the development accessible for all, in accordance with Policy BE.6 of the 2002 City of Gloucester Second Deposit Local Plan, Policy SD5 of the Joint Core Strategy Submission Document 2014, and Paragraphs 17, 58 and 69 of the NPPF.

### **The roads, access, transportation and construction traffic, and public safety conditions**

#### Condition 55

Unless otherwise agreed in writing by the Local Planning Authority, the Car Park Management Plan as set out in the following documents shall be complied with for the duration of these respective retail uses:

In respect of Phases D and F1 – The Factory Outlet Shopping Area

- Specification of Vehicle Management System (WP7810) by RPS Gregory; Drawings DY(47)1-1-001 Rev. 05, DY(47)1-2-001 Rev. 06, DY(47)1-3-001 Rev. 05 and DY(47)1-4-001 Rev. 05 (received 17<sup>th</sup> February 2009);
- The amended tariff set out in the WYG letter dated 22<sup>nd</sup> July 2011 (received by the Local Planning Authority on 26<sup>th</sup> July 2011);
- Schedule of concessionary parking set out in the WYG letter dated 9<sup>th</sup> May 2012 (received by the Local Planning Authority on 10<sup>th</sup> May 2012);

In respect of Phase C – The Foodstore

- Connect Consultants Car Park Management Plan for Sainsbury's Supermarkets Limited dated 8<sup>th</sup> November 2007 (received by the Local Planning Authority on 2<sup>nd</sup> January 2008).

#### 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.

--- No Condition 56 ---

#### Condition 57

Unless an alternative arrangement is agreed to in writing by the Local Planning Authority, the taxi rank provision (as shown on plan ref. DY(TP)8- -0-057 Rev. 07 received by the Local Planning Authority 24<sup>th</sup> February 2009) shall be retained for the duration of the permitted uses.

Reason

In the interests of the organised and safe functioning of the outlet centre in accordance with Policies BE.4, BE.5, BE.6, TR.31 and TR.40 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and INF1 of the Joint Core Strategy Submission Document 2014 and Paragraphs 32 and 58 of the NPPF.

Condition 58

Unless an alternative arrangement is agreed to in writing by the Local Planning Authority, the coach and bus facilities on St Ann Way (as shown on plan ref. DY(40)8- -0-031 Rev. 02 received by Local Planning Authority 14<sup>th</sup> May 2009) shall be retained for the duration of the retail use.

Reason

In the interests of the organised and safe functioning of the outlet centre in accordance with Policies BE.4, BE.5, BE.6, TR.15 and TR.31 of the 2002 City of Gloucester Second Deposit Local Plan, Policies SD5 and INF1 of the Joint Core Strategy Submission Document 2014 and Paragraphs 32 and 58 of the NPPF.

--- No Condition 59 ---

Condition 60

Unless otherwise agreed in writing by the Local Planning Authority, prior to the occupation of any element of the development likely to employ more than 15 employees a detailed Travel Plan in accordance with "A Travel Resources pack for Employers" by TransportEnergy shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be implemented in accordance with the approval.

Reason

To encourage sustainable forms of travel in accordance with Policy TR1 of the 2002 City of Gloucester Second Deposit Local Plan, Policy INF1 of the Joint Core Strategy Submission Document 2014 and Paragraphs 32 and 36 of the NPPF.

--- No Condition 61 ---

--- No Condition 62 ---

#### Condition 63

No new building shall be occupied until the means of vehicular, cycleway and pedestrian access necessary to serve that part of the development from the adopted highway have been constructed in accordance with a plan and programme submitted to and approved in writing by the Local Planning Authority before that part of the development commences.

#### Reason

In the interests of highway safety by ensuring the access is suitably laid out and constructed in accordance with Policy TR.31 of the City of Gloucester Second Deposit Local Plan 2002, Policies INF1 and INF 2 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraph 32 of the NPPF.

#### Condition 64

The reserved matters submissions in respect of each development component shall include covered cycle parking provision at a level and in a manner to be agreed with the Local Planning Authority.

#### Reason

To ensure that adequate cycle parking is provided and to promote cycle use, in accordance with Policy TR.12 of the Second Deposit City of Gloucester Local Plan (2002) and Paragraph 32 of the NPPF.

#### Condition 65

There shall be no open storage within the development, other than for cycle parking and the provision of recycling facilities, without the prior written approval of the Local Planning Authority.

#### Reason

In the interests of the visual amenities of the area, preserving the character and appearance of the Conservation Area and setting of the listed buildings and highway safety in accordance with Policies BE.4, BE.9, BE.23, BE.29 and TR.31 of the City of Gloucester Second Deposit Local Plan 2002, Policies SD5 and SD9 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 17, 32, 58 and 131 of the National Planning Policy Framework.

#### Condition 66a

The proposed service yard to the rear (west) of properties in Southgate Street shall only be used for servicing activities during the hours listed below, unless otherwise agreed in writing with the Local Planning Authority:

0600hrs to 1800hrs<sup>1</sup> Monday to Saturday

0800hrs to 1600hrs<sup>1 2</sup> Sundays

0900hrs to 1600hrs<sup>1 2</sup> Bank Holidays

(<sup>1</sup> subject to the limitations in Condition 66b below)

(<sup>2</sup> no more than 10 vehicle movements per day, excluding refuse collections)

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 66b

Notwithstanding the times indicated in condition 66a above, the operation of the service yard shall be limited to the arrangements set out in the revised Service Yard Vehicle Management Strategy (received by the Local Planning Authority on the 24<sup>th</sup> March 2009 under planning ref. 09/00088/FUL), notably the further phasing of delivery times (at section 2.3) and use of electric vehicles for refuse and maintenance (at sections 1.2 and 1.6).

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 67

No development of a phase shall commence until details of measures to prevent mud, dirt and other construction arising from the site being deposited on the highway have been submitted to and approved in writing by the Local Planning Authority. The measures shall include construction vehicle routes and associated signing, vehicle wheel cleaning facilities, physical demarcation of a vehicle route to ensure that all vehicles have to pass through the wheel wash facility, and monitoring and remedial measures to ensure that the adjacent highways are regularly inspected by site operatives and any mud deposits left on the highway are removed immediately. These measures shall be retained, operated and implemented as all times during the period of construction.

Reason

To preserve highway safety in accordance with Policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002), Policy INF1 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraph 32 of the NPPF.

Condition 68

No development of a phase shall commence until details of temporary car parking and accommodation for site operatives have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. All temporary buildings

and car parks shall be removed and the land reinstated within 2 months of the date of completion of development on any phase.

Reason

To preserve highway safety in accordance with Policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002), Policy INF1 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraph 32 of the NPPF.

Condition 69

Each construction phase site shall be securely fenced during the period of construction in accordance with details to be approved in writing by the Local Planning Authority prior to the commencement of development on that phase.

Reason

In the interests of public safety and prevention of crime in accordance with Policy BE.5 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD 5 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 58 and 69 of the NPPF.

Condition 70

Once provided, the public display for the interpretation of the archaeological remains approved pursuant to Condition 8 shall thereafter be retained.

Reason

The site may contain significant heritage assets. Should such assets be present the Council requires that provision be made for dissemination of the evidence uncovered. This is in accordance with Policies BE.37 and BE.38 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD9 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 137 and 141 of the NPPF.

--- No Condition 71 ---

Condition 72

Not less than 15% of the residential units in the development shall be constructed as Lifetime Homes in accordance with the Gloucester Local Plan Supplementary Planning Guidance 5: Lifetime Homes.

Reason

To secure the provision of an appropriate type of housing in accordance with Policy H.18 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD12 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraph 50 of the NPPF.

Condition 73

No residential development pursuant to this planning permission, other than remediation, demolition or the provision of infrastructure, shall commence until a scheme for the provision of affordable housing (“The Affordable Housing Scheme”) has been submitted to and approved in writing by the Local Planning Authority. The Affordable Housing Scheme shall include the following components:

- (i) The identification of the areas of land and / or buildings (conversions) for the provision of affordable housing units, which shall be based on the principle of spreading the affordable homes across the residential development.
- (ii) A total proportion of affordable home numbers being 20% of the total number of homes proposed on the site.
- (iii) A broad mix of housing unit types and sizes reflecting the profile of local housing need and recognising the characteristics of the site and the proposed development.
- (iv) A mix of rented and shared ownership tenures where the rented proportion comprises at least 75% of the total affordable housing unit numbers.
- (iv) The remediation of the identified areas of land as necessary together with the provision of vehicular and pedestrian access and mains services to enable the affordable homes to be provided.
- (v) A mechanism for the procurement and delivery of the affordable homes.
- (vi) A programme for the delivery of the affordable homes linked to the completion of market housing phases.

#### Reason

To secure the provision of an appropriate level and type of affordable housing in accordance with Policies H.15, H.16 and H.18 of the Second Deposit City of Gloucester Local Plan (2002), Policies SD12 and SD13 of the Joint Core Strategy Pre-Submission Document 2014 and Paragraph 50 of the NPPF.

#### **ENVIRONMENTAL IMPACT STATEMENT**

The environmental information (as defined within the Environmental Impact Assessment Regulations) has been taken into consideration in determining this application.

#### **Notes**

The conditions of this permission are numbered to reflect the original permission for ease of tracing the submitted details (i.e. with deliberate omissions and additions in the numbering).

In line with Condition 7, this permission shall not be deemed to guarantee that the maximum development parameters are achievable at the reserved matters stage. This is particularly to be noted by the applicant or subsequent developer at the southern edge of the site at Monk Meadow where careful attention will be required to the relationships to the adjacent residential



development to the south in order to protect the living conditions of residents of those existing properties.

This permission is associated with two planning obligations dated \_\_\_\_\_ (Gloucestershire County Council obligation) and dated \_\_\_\_\_ (Gloucester City Council obligation).

Decision: .....

Notes: .....

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Person to contact: Adam Smith  
(Tel: 396702)