

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **6TH SEPTEMBER 2016**

ADDRESS/LOCATION : **LAND AT THE DOCKS (FORMER BRITISH WATERWAYS CAR PARK)**

APPLICATION NO. & WARD : **16/00829/FUL
WESTGATE**

EXPIRY DATE : **1ST SEPTEMBER 2016**

APPLICANT : **GLOUCESTER QUAYS LLP**

PROPOSAL : **Construction of new public square, associated engineering works and hard landscaping (including relocation of heritage features) (proposed as an interim scheme pending implementation of previously approved scheme of works ref. 14/00415/FUL).**

REPORT BY : **ADAM SMITH**

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

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises part of the 'square' of land previously used for car parking between The Waterways Museum and the Barge Arm East flat block, Llanthony Road and the dock inlet.
- 1.2 A scheme of works has previously been granted for this site and extending to a wider area, and this has been partially implemented by the removal of the covered transit sheds for the Rugby World Cup Fanzone.
- 1.3 This application proposes an 'interim' scheme of works for the square. Their supporting report states "at this juncture the desire is to implement an 'interim' scheme ... to improve the appearance and functionality of the site until the 2015 planning permission is fully implemented".
- 1.4 The new scheme involves:
- Resurfacing with coloured asphalt, with two distinct areas of resin bound gravel within it, and installation of a line of reclaimed bricks as a detail around the southern section (the existing rail lines across the square would be retained);

- Installation of a series of benches;
- Installation of a series of lighting columns and lighting of the retained shed;
- Historic artefacts would be retained;
- The existing steps and ramp on the southern side would be retained to provide access to Llanthony Road.

1.5 The application is referred to the planning committee because it involves a scheme previously determined by the Planning Committee that is now proposed in a different manner.

2.0 RELEVANT PLANNING HISTORY

98/00568/OUT

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

04/00777/REM

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

05/01022/FUL

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

09/00398/FUL

2.4 This was an application for 'Phase 2' of the Docks public realm works to the east and north of Victoria basin, including resurfacing, new terracing and steps, erection of walls and screening structures, street furniture, lighting, planting and art features including the public art 'spear'. It was granted subject to conditions 28th July 2009.

14/00415/FUL

2.5 This was an application for the construction of a new public square, associated engineering works, canopy and hard landscaping (includes removal of existing structures, walls and railings), and works to Llanthony Road. It was granted subject to conditions 9th April 2014.

3.0 PLANNING POLICIES

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

Statutory Development Plan

- 3.2 The statutory Development Plan for Gloucester remains the partially saved 1983 City of Gloucester Local Plan ("1983 Local Plan").
- 3.3 Paragraph 215 of the National Planning Policy Framework ("NPPF") states that '*...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*'
- 3.4 The 1983 Local Plan is more than thirty years old and, according to the Inspector who dealt with an appeal relating to the Peel Centre, St. Ann Way (13/00559/FUL), '*...its sheer ages suggests it must be out of date...*' (par. 11 of the Inspector's report). Members are advised that the 1983 Local Plan is out-of-date and superseded by later planning policy including the NPPF.

Central Government Guidance - National Planning Policy Framework

- 3.5 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 includes relevant policy on;

- Building a strong, competitive economy and Ensuring the vitality of town centres
- Promoting sustainable transport, including the statement that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.
- Requiring good design
- Promoting healthy communities
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

Planning obligations and conditions

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

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

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.

In respect of heritage considerations, the 1990 Listed Buildings and Conservation Areas Act includes;

S66, which states “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”;

S72, which states “In the exercise, with respect to any buildings or other land in a conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Emerging Development Plan

Draft Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury

- 3.6 The City Council is currently working on a new Development Plan that will replace the 1983 Local Plan. The new Development Plan will comprise the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury (“JCS”) and Gloucester City Plan (“City Plan”) once they are adopted.
- 3.7 The JCS was submitted to the Government for Inspection in November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration.
- 3.8 Paragraph 216 of the NPPF states that weight can be given to relevant policies in 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 NPPF
- 3.9 The JCS is part way through the Examination process and the Inspector published an Interim Report in May 2016. However, a number of proposed modifications are expected to be made to the policies in the plan. The Council has received legal advice to the effect that the JCS can only be given limited weight at this time.
- 3.10 Relevant policies from Draft JCS are:
SD1 – Presumption in favour of sustainable development
SD5 – Design requirements
SD9 – Historic environment
SD15 – Health and environmental quality
INF1 – Access to the transport network
INF2 – Safety and efficiency of the transport network
INF3 – Flood risk management

Gloucester City Plan

- 3.11 The Gloucester City Plan (“City Plan”) is at a much less advanced stage than the JCS. The City Plan will be presented in three parts: Part 1 will set out the context for the City Plan, including the main challenges facing the city, a strategy for development and key development principles. Part 2 will identify development management policies. Part 3 will identify development opportunities.

3.12 Part 1 was subject to consultation in 2012 and is to be reviewed. Part 2 was subject to consultation in 2013 on potential future development sites in the City as well as a draft vision and strategy for the city centre. Parts 2 and 3 have also yet to be completed.

3.13 On adoption, the Joint Core Strategy, City Plan and any Neighbourhood Plans will provide a revised planning policy framework for the Council.

Gloucester Local Plan, Second Stage Deposit 2002

3.14 Regard is also 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, albeit of limited weight.

2002 Plan allocations

3.15 Conservation Area
Area of principal archaeological interest
(Mixed use allocation)
(Major commercial leisure commitment)

3.16 Members are advised that the following “day-to-day” development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight:

3.17 2002 Plan Policies

FRP.1a – Flood risk
FRP.6 – Surface water runoff
FRP.10 – Noise
FRP.11 – Pollution
BE.4 – Criteria for the layout, circulation and landscape of new development
BE.5 – Community safety
BE.6 – Access for all
BE.7 – Architectural design
BE.21 – Safeguarding of amenity
BE.23 – Development affecting the setting of a listed building
BE.29 – Development in Conservation Areas
BE.31 – Preserving sites of archaeological interest
BE.37 – Recording and preserving archaeology
TR.11 – Provision of parking for people with disabilities
TR.31 – Road safety
T.1 – Visitor attractions in the central area

Gloucester Docks Draft Planning Guidance January 2006

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

Preservation and enhancement of historic buildings and environment
 Introducing a lively mix of uses with day round appeal
 High quality architecture in an historic context
 Creating a safe and attractive public realm
 Improving linkages to and integration with the city centre and Gloucester Quays
 Reducing the impact and use of cars
 Improving pedestrian circulation and maintaining access to and along the waterside
 Providing a new, high quality residential, tourism, leisure and working quarter for the city
 Public realm development must take account of and respect all existing historic docks artefacts, use opportunities for interpretive materials, should be capable of hosting public art displays, and should be overlooked and well lit.

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

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

Gloucester Docks: Public realm strategy 2006

- 3.19 This sets out guidance to ensure a consistent, high quality approach, including the following;
- Use of Forest of Dean sandstone paving in untrafficked public areas between buildings away from the dock edge;
 - Use of granite paving for trafficked areas;
 - Use of resin bound aggregate for dock edges up to coping stones;
 - Retention of historic features;
 - Specified ranges of street furniture – seats, bins, lighting, signs;
 - Requirement for public realm to be accessible for the disabled.

The Docks Conservation Area Appraisal & Management Proposals

- 3.20 This reviews and sets out management proposals for this Conservation Area and includes commentary on the quality and design of modern floorscape and items in the public realm, noting “much of this conservation area is pedestrianised. Except on the periphery, cars are secondary. The floorscape of the spaces between the conservation area’s many historic buildings affects the setting of nearby buildings and is a vital element in the conservation area’s distinctive character and appearance.” Management recommendations include Policy CA3/7: “The Council has published a Public Realm Strategy for Gloucester Docks to ensure a consistent, high quality approach is taken to the treatment of the public realm at various stages in the redevelopment and enhancement of the Docks. The Council will ensure that all new developments adhere to the guidelines in the Public Realm Strategy”.

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

4.0 CONSULTATIONS

- 4.1 The Highway Authority raises no objection.
- 4.2 The Canal and River Trust is considering the surface material chosen and the length of time this interim proposal is likely to be place for, and we await their formal comments. Members will be updated at the Committee meeting.
- 4.3 The Police have not commented. Any comments received will be reported at the Committee meeting.
- 4.4 The Civic Trust notes that their panel is at a loss to understand why one of the biggest development companies in Britain is pleading poverty for failing to complete a major feature of the Gloucester Docks Conservation Area which is rated of national and international importance. This “temporary” scheme is unacceptable. Coloured tarmac is no substitute for the granite setts and Forest of Dean stone of the original proposal. We urge further negotiations to establish how long is temporary. Any temporary planning permission should have a time limit.
- 4.5 The Conservation Officer objects to the proposal. The Officer notes that the site is highly prominent and is a primary route from the Quays to the City Centre; the area also provides a setting for the designated heritage asset of Llanthony Warehouse, the Waterways Museum which has recently been refurbished. The current interim proposal seeks to undertake a temporary scheme, which is of an undefined time period, and would introduce a lower quality materials than those granted as part of the 2014 consent. Presently the revised scheme proposes a coloured tarmac with areas of resin bound gravel, since 2009 the public realm schemes have introduced high quality materials with resin bound, granite setts and natural stone paving in the docks conservation area. These materials have preserved and enhanced the setting of the designated conservation area and its assets and therefore the Officer is concerned by the proposed introduction of a coloured tarmac to the area. The area is also highly used by service vehicles and the coloured tarmac has proven not to stand up to high use within the Kimbrose public realm scheme which has been stained and needed numerous repairs.

The Officer cites the Docks Conservation Area Management recommendations as noted above. Therefore due to the materials being proposed being of a low quality and not following the standard of public realm materials which have been used within the conservation area the Officer recommends that the scheme is refused. The used of coloured tarmac does not meet policy CA3/7 of the Docks Conservation Area Management Recommendations which requires a consistent and high quality approach across the Conservation Area.

- 4.6 The Urban Design Officer has not yet commented. Any comments received will be reported at the Committee meeting.
- 4.7 The Environmental Health Officer raises no concerns but wishes to impose the same conditions in respect of the construction phase as per the earlier permission.
- 4.8 The Contaminated Land consultant raises no objection.
- 4.9 The City Archaeologist raises no objection.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 Neighbouring properties were notified and press and site notices were published. The consultation period has expired.
- 5.2 One representation has been received;
Conversion of this former carpark to a well-designed public space is welcomed, however hope its potential is fully realised and done to a high standard and somewhat in keeping with its historic setting. The name Orchard Square would suggest its previous use and would like to see this captured again with the inclusion of some trees similar to those introduced elsewhere around the docks. There is visitor interest in the historic elements of the docks and any reduction or depletion of these features should be avoided.
- 5.3 The full content of all correspondence on this application can be inspected at Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/00829/FU>
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6.0 OFFICER OPINION

- 6.1 It is considered that the main issues with regard to this application are as follows:
- Design and conservation
 - Economic considerations
 - Traffic and transport
 - Residential amenity
 - Archaeology

Design and conservation

- 6.2 It was concluded in respect of the previous scheme that with the use of a good quality paving, the scheme would improve the appearance of the area and would be more respectful to the surrounding buildings including the listed Waterways Museum warehouse. The new application is far less aspirational in its use of materials.

- 6.3 It was also noted that the earlier scheme would result in extended periods between events and particularly in winter months in being a rather open and 'windswept' space, and this is not overcome in the new scheme either, although it is a by-product of seeking open areas that could be used flexibly for events.
- 6.4 The retained shed at the north end would remain. The wall/railing at Llanthony Road, previously agreed to be demolished, would also be retained for the time being with this new scheme. The railway tracks and water trough in the existing square are to be retained in this new scheme. The existing goods wagon and cranes are outside the current application site boundary, as are the mooring rings and other features along the dock inlet, and would be retained. There would therefore be limited impact on the standing historic features themselves.
- 6.5 The resin bound gravel proposed for the two 'feature' areas could match that used elsewhere in the Docks. The reference point for the coloured asphalt proposed for the main area of resurfacing appears to be that used at the shared space on Commercial Road/Southgate Street, which is outside the Docks and the surfacing options are constrained by highways standards and are of a lesser quality than the surfacing materials in the Docks area. It is a much weaker reference point in my view.
- 6.6 The difficult issue with this planning application is the question of whether it would truly be an interim scheme. We have a far more aspirational scheme 'waiting in the wings' that would improve the area and accord with the public realm improvements elsewhere in the Docks and the public realm guidance. The application notes that "the current temporary appearance of the site is not considered to be presenting the most appropriate form for the city or immediate area in terms of attracting tourists or investment. Whilst our client is not yet in a position to fully implement the 2015 planning permission ... there is a desire and recognition that the former Waterways car park area needs to be 'tidied up' in the meantime" and "the timescale for the implementation of the remainder of the 2015 planning permission is to be determined and, as such, it is considered prudent in the meantime to seek approval for a range of interim improvements". It does however later note that "... at this point there is no desire to implement the significant engineering works inherent in the 2015 planning permission". I have asked the applicant for further details of their commitment to construction of the earlier scheme but to date no response has been received.
- 6.7 Members should be aware that although the scheme is described all through the supporting information as an 'interim' scheme, granting planning permission as it stands would not ensure its removal after a certain time, nor guarantee the full implementation of the earlier scheme, and no mechanism is offered by the applicant to do so. It could therefore come to represent a permanent solution. If this is truly an interim scheme and the earlier scheme is fully implemented in the relatively near future, then there are no concerns. The applicant has confirmed that none of the currently-proposed works would prejudice the implementation of the earlier scheme. However if that does not

happen then we would be left with a scheme of much poorer quality permanently.

- 6.8 The Authority needs to consider whether the proposals would preserve the setting of listed buildings, and would preserve or enhance the character and appearance of the conservation area. The current condition of the site is of poor quality with patched asphalt interspersed with red brick sett paving and is part of the existing character and appearance of the conservation area. I consider a new surfacing treatment, downgraded in quality from that in the previous application, but one that would tie in with the public realm strategy and that delivered elsewhere in the Docks, could be a modest enhancement over and above the existing, and would therefore be acceptable.
- 6.9 As noted above, the resin bound gravel could match that used elsewhere and referred to in the public realm guidance, albeit better quality materials are sought for public squares. The coloured asphalt would not match the enhanced Docks materials nor that in the public realm guidance. Also, the proposed colour finish of the asphalt surfacing seems to be similar to that used at the shared space on Commercial Road/Southgate Street which has suffered from tyre marking. As the area would be used by delivery vans/lorries making turning manouvres, this seems likely to occur again. I would like to explore with the applicant the options of a) replacing the asphalt with a resin bound gravel to accord with that used elsewhere and in the public realm guide and not mark up under vehicle movements or such other materials that may be more appropriate. This may have implications in terms of the structural resistance of resin bound gravel to such vehicle movements and an alternative more suitable material may be an option; or b) whether there is a commitment that could be secured to the temporary nature of the proposed scheme and implementation of the earlier scheme, if so, the asphalt element may be accepted as truly being only an 'interim' solution.
- 6.10 Further clarity could also be secured by the approval of details if permission is granted. The proposed street furniture should match in with the existing in the Docks to help tie the area together, or if a distinct style is sought they should blend in comfortably with the general style.
- 6.11 The Police have previously raised concerns about misuse of materials and street furniture. The current scheme does not introduce any elements that are of concern over and above the approved scheme. I understand that the area would effectively be operated as part of the Quays management arrangements and would also be well overlooked from residential and commercial premises. Considered selection of materials and furniture can assist with issues around cleaning, replacement/repair from damage and deterring misuse.
- 6.12 Under the proposed options, the proposals would comply with the duties under S66 and S72 of the 1990 Listed Buildings and Conservation Areas Act as to the setting of listed buildings and Conservation Areas.

Economic considerations

6.13 As previously considered, the square provides the direct approach to the Waterways Museum, Gloucester Brewery and Wetherspoons, as well as a route to the Quays leisure area and the Barge Arm café's frontage. The works are likely to make this approach somewhat more attractive and the resulting public square would create a slightly better environment for events and would likely have a modest beneficial effect in terms of economic development. The loss of the car park has already been dealt with and accepted in the earlier application.

Traffic and transport

6.14 Vehicular access for servicing would not change from the existing – existing business would continue to be serviced across the square. I understand that the applicant is legally obliged to maintain this anyway.

6.15 Service vehicles would enter the square from the north via Southgate Street and leave to the south via Llanthony Road with the exception of articulated vehicles which would enter and exit to the north. Rising bollards are proposed at the north and south ends of the square at the vehicular approaches.

6.16 As with the previous scheme the arrangements involve large vehicles making turning manoeuvres across this public space and is a source of potential conflict with pedestrians. Again a condition is recommended to secure a management plan.

6.17 The Highway Authority is content that suitable turning space will be available for service vehicles within the square. Furthermore additional vehicle tracking has been provided for Llanthony Road which shows that in the unlikely event of the automated bollard failing, emergency vehicles would still be able to access the site via the removable bollard.

6.18 Most of the levels changes across the site have been removed already but the resurfacing would slightly further improve the convenience for pedestrians/cyclists to cross the area.

6.19 The Canal & River Trust was keen to retain disabled parking within the square close to the museum and this is achieved with three disabled spaces proposed in the new scheme. As before, this will need some management system as they could be used by visitors on an ad-hoc and are beyond the line of bollards from either direction.

6.20 The Highway Authority concludes that the impact of the scheme on the highway network would be broadly the same as the permitted scheme. No severe residual impact would arise subject to conditions and no objection is raised.

Residential amenity

6.21 Similar considerations apply as to the earlier application. The area is already used for sporadic events through the year and this would continue. The proposal is likely to reduce the number of vehicle movements in front of the flats (this has effectively happened already), and the works ought to make a

slightly more pleasant environment in terms of their immediate surroundings. The lighting proposals would assist with crime prevention aims and details of the light spill would assist in consideration of the impact on the amenities of residents.

- 6.22 With suitable conditions to control times of construction, noise and dust management, and lighting I do not consider that the works would have any significant adverse impact on the amenities of local residents.

Archaeology

- 6.23 The City Archaeologist has noted that the works are minimally intrusive with no sizeable groundworks. Given the nature of the works they are unlikely to have any impact on archaeological remains and no objection is raised and no condition is necessary.

Other planning considerations

- 6.24 The area of flood zone 2 around the Docks partially encroaches into the application site at the north west. However given the nature of the proposal I do not consider the sequential test to be of assistance here and do not consider there to be any overriding flood risk concerns given the existing site and the nature of the proposal. Existing drainage channels are proposed to be retained.

- 6.25 There are no significant contaminated land concerns and no condition is necessary.

- 6.26 The representation also refers to the inclusion of trees. None are proposed in the current scheme. The inclusion of trees in the Docks divides opinion about whether they are historically incongruous or a welcome 'softening' feature. No trees were included in the earlier scheme and it is not considered necessary to insist on their inclusion.

7.0 CONCLUSION

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 7.2 The proposal would lead to a modest enhancement in the appearance of the area that could be consistent with the existing Docks public realm and/or the public realm guidance if the asphalt could be replaced with a more appropriate material (and would not prejudice implementation of the earlier scheme). The proposal would slightly improve useability by pedestrians and for events, and would likely make a modest contribution to economic development. It would be a significant downgrade from the previously-consented scheme and although proposed as an interim scheme, could be delivered and retained permanently if granted. If a commitment could be secured to its temporary nature, the asphalt option may be taken as a truly interim solution. It is not

immediately apparent how this could be done but could be discussed with the applicant. With suitable controls no significant harm is likely to the amenities of local residents.

- 7.3 Subject to conditions the proposal, under the proposed course of events in the Officer recommendation, would comply with the above-cited policy context.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 8.1 That delegated authority is given to the Development Control Manager to discuss with the applicant about securing either

A) replacement of the proposed coloured asphalt with an alternative material that ties in acceptably with the existing new public realm works within the Docks and/or that in the Gloucester Docks Public Realm Strategy 2006 and any associated amendments to the scheme layout in liaison with the Chairman of Planning Committee; or

B) a commitment by legal agreement to a temporary period for the proposed resurfacing (including the proposed coloured asphalt) and setting a timescale for completion of the earlier scheme of public realm works for the square (ref. 14/00415/FUL);

and on the basis of securing either option A or B, grant planning permission subject to the following conditions subject to there being no issues raised by the Canal & River Trust that have not been considered and cannot be overcome by the approval of details under condition. If neither option A nor B can be secured, the application will be referred back to the Planning Committee for determination.

Condition 1

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

Reason

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

Condition 2

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

(M 5392-100 Rev. D06 - Interim Landscape Proposal * as may be amended)
(M 5392-200 Rev. D02 – Interim public realm – sections * as may be amended)

(received by the Local Planning Authority on 5th July 2016), except where otherwise required by conditions of this permission.

Reason

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

Condition 3

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

Reason

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

Condition 4

Items of street furniture (including benches, lighting, walls, bollards, balustrades) shall be implemented only in accordance with details to be submitted to and approved in writing by the Local Planning Authority in advance of their installation. Details of the pole mounted lighting shall include a plan of their arrangement and resultant light levels across the site. Details of ground mounted lighting shall include details of their fixing and maintenance in respect of vandalism, water ingress or other damage.

Reason

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

Condition 5

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

Reason

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

Condition 6

No development shall take place until drainage plans for the disposal of surface water have been submitted to and approved by the Local Planning Authority unless the existing drainage system is retained in situ. If a new system is proposed it shall subsequently be implemented only as approved.

Reason

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

Condition 7

Construction and demolition work and the delivery of materials shall be limited to the hours of 0800 hours to 1800 hours Monday to Friday and 0800 hours to 1300 hours on Saturdays and no construction work or deliveries shall take place on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

Condition 8

No development shall commence until a scheme for the management of noise and dust from the construction process shall be submitted to and approved in writing by the Local Planning Authority and development shall be undertaken only in accordance with the approved scheme.

Reason

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

Condition 9

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

Reason

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

Condition 10

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

Reason

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

Condition 11

Development shall comply with the submitted Waste Minimisation Statement dated July 2016 and received by the Local Planning Authority on 5th July 2016.

Reason

To minimise waste in accordance with Policy 36 of the Gloucestershire Waste Local Plan 2004 and Policy WCS2 of the Gloucestershire Waste Core Strategy November 2012.

Notes

Every effort should be made to supply the deliveries management plan to tenants of properties needing to be serviced off the new public square, and advise them of the management arrangements for the disabled parking spaces for customer use.

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

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

Decision:

Notes:

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Person to contact: Adam Smith
(Tel: 396702)

16/00829/FUL

Llanthony Wharf Car Park
Llanthony Road
Gloucester

Planning Committee

