

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **6TH DECEMBER 2016**

ADDRESS/LOCATION : **LLANTHONY WHARF, ST ANN WAY
(GLOUCESTER QUAYS)**

APPLICATION NO. & WARD : **16/00634/FUL
WESTGATE**

EXPIRY DATE : **20TH SEPTEMBER 2016**

APPLICANT : **McCARTHY & STONE RETIREMENT
LIFESTYLES LIMITED & YOUR LIFE
MANAGEMENT SERVICE LTD**

PROPOSAL : **Erection of assisted living extra care
accommodation (55 units) (use class C2)
and 28 retirement apartments (category II
type) (use class C3), access, car parking
and landscaping**

REPORT BY : **ADAM SMITH**

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

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises land immediately north of St Ann Way, accessed off the existing junction that serves the public house. The site sits adjacent to the canalside path to the east side, and Llanthony Priory to the north. To the west side is the existing spur road and the public house. To the south is St Ann Way and then the Sainsbury supermarket. The site is within the Llanthony Priory scheduled monument, partially within the Docks Conservation Area and in close proximity to the grade 1 and 2 listed buildings within the Priory complex. The grade 2 listed buildings on Bakers Quay are across the canal.
- 1.2 The scheme proposes a development of two buildings – one a retirement living block and one an assisted living block.
- 1.3 The retirement block is broadly T-shaped and would sit between St Ann Way and the access road looping down to the north. It is proposed at up to 3 storeys at maximum with a 2 storey section to the north west corner. It would comprise of 28 units, 14 1-bed, 14 2-bed.

- 1.4 The assisted living block would be sited fronting the canalside and aligned broadly north-south. It would comprise 4 storeys, the elevation split into 4 main blocks, brick faced and with pitched roofs, linked together by flat-roof sections between (likely clad in a timber weatherboarding). A series of balconies are proposed randomly across the elevations. It would comprise of 55 units.
- 1.5 The access road would continue off the existing spur in the same general manner as proposed in the Gloucester Quays masterplan for this area linking into a car park between the two buildings. An external seating area is proposed in the area north of the car park adjacent to the Priory, where the site would be graded down to match levels.
- 1.6 The application is referred to the planning committee given its scale and because it affects the setting of a scheduled monument.

2.0 RELEVANT PLANNING HISTORY

02/00271/OUT >> 14/00709/FUL

- 2.1 This is the Gloucester Quays outline planning permission for mixed use regeneration, comprising re-use of buildings and new build to accommodate residential, employment, retail and leisure uses and an education centre for Gloscat including enhancement works to listed buildings and Llanthony Priory together with public transport facilities, improvements to the road network including a new bridge over the canal and associated landscaping, car parking and servicing. It was originally granted by the Secretary of State in 2006 following a Public Inquiry and the latest revision to the permission was granted in January 2016. Relevant intervening changes included masterplan alterations to amend the hotel footprint to a linear building fronting the canal and increase the number of hotel bedrooms permitted.

Adjacent sites:

15/01271/FUL

- 2.2 This is the redevelopment of Llanthony Priory including the re-use of the medieval range, farmhouse and brick range for Class D1 use, works to those buildings and associated car parking and landscaping. It was granted subject to conditions on 5th February 2016 and is not yet implemented.

16/00357/FUL

- 2.3 This is the change of use to open space and facilitation of the remainder of the Priory Masterplan on the Gloucester Quays-owned wedge of land next to the towpath. It was granted subject to conditions on 15th June 2016 and is not yet implemented.

11/00409/FUL

- 2.4 This is the full permission for the public house and associated works west of the site at the junction of St Ann Way/Llanthony Road/Hempsted Lane. It was granted subject to conditions on 7th July 2011 and has been implemented.

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 age 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;

Promoting sustainable transport, including the statement that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.

Delivering a wide choice of high quality homes

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.

For the purposes of making decisions, the NPPF sets out that policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the NPPF. In these circumstances due weight

should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

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

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 the 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. Weight can be given to the evidence base supporting the plan as this is the latest assessment of need.
- 3.10 Relevant policies from the Draft JCS are:

SD1 – Presumption in favour of sustainable development
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 contribution

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 Western Waterfront mixed use allocation
Conservation Area
Area of Principal Archaeological Interest
Floodplain
Scheduled monument
Adjacent to Site of nature conservation interest, public open space

2002 Plan policies

- 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:

B.3 – Sites of nature conservation interest
B.4 - Corridors
B.7 – Protected species
B.10 – Trees and hedgerows on development sites
FRP.1a – Flood risk
FRP.6 – Surface water run-off
FRP.8 – Renewable energy
FRP.10 – Noise
FRP.11 – Pollution
FRP.15 – Contaminated land

BE.1 – Scale, massing and height
 BE.2 – Views and skyline
 BE.4 – Criteria for the layout, circulation and landscape of new development
 BE.5 – Community safety
 BE.6 – Access for all
 BE.7 – Architectural design
 BE.8 – Energy efficient development
 BE.12 – Landscape schemes
 BE.14 – Native species
 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.23 – Development affecting the setting of a listed building
 BE.29 – Development within conservation areas
 BE.31 – Preserving sites of archaeological interest
 BE.32 – Archaeological assessment
 BE.33 – Archaeological field evaluation
 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.2 – Travel plans – planning obligations
 TR.9 – Parking standards
 TR.12 – Cycle parking standards
 TR.31 – Road safety
 TR.33 – Providing for cyclists/pedestrians
 TR.39 – Footpaths/cycleways along the river and canal
 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 a – Supported and special needs housing
 OS.2 - Public open space standard for new development
 OS.3 - New housing and public open space
 OS.4 – Design of public open space
 OS.5 - Maintenance payments for public open space
 (H.1 – Allocations for mixed use including housing)

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

4.0 CONSULTATIONS

4.1 The Conservation Officer makes the following comments on the amended scheme;

Height and massing impacting on Grade I Brick Range has been reduced through the amendment to the roof line on the retirement living accommodation.

The number of openings on the side elevations on the assisted living scheme has been increased but I note that there have been no changes to the St Ann Way elevation whereby there were discussions on adding in high level fixed windows to break up the facade. Greater areas of glazing within the scheme were recommended especially within communal living areas such as dining rooms and lounges - there have been no changes. Further details of window and door reveals will be required by condition.

The infill sections were recommended to be a lighter material and this is welcomed but detailed information will be required in the form of a materials palette for all materials to be approved. These should be high quality and locally distinctive and will be required by condition.

On the plans submitted as part of my comments in July it was noted that the enclosure of the site with railings behind the Grade I listed brick range had been omitted and planting only was proposed, this is also illustrated on the landscaping scheme however I note that the amended application includes railings again which is of concern. The enclosure of this site is not required and will have an adverse impact on the setting of the Grade I Brick Range, there are no objections to planting but this should not impede any maintenance or access for the brick range.

Landscaping to the canal side should respond to the industrial setting and therefore a landscaping plan and materials palette will need to be submitted by condition to agree all furniture and hard landscaping.

The landscaping proposals to step the boundary change into the Priory would be acceptable subject to detailed level sections being submitted and agreement of boundary treatments by condition.

The Officer had previously commented and raised concerns about the scale and prominence of the buildings, and impact on the nearby listed buildings, sought enhanced designs for the end elevations, greater areas of glazing, an alternative, lighter material for the linking sections, the removal of railings behind the listed buildings, a managed access between the site and the Priory land to north, s106 contributions to the Priory scheme, interpretation panels, and protection of remains in the site and the adjacent site.

As no further amendments have been made, the Conservation Officer concludes that the principle area where harm is identified is that of the proposed landscaping and enclosure of the site from the canal side and Llanthony Priory. The canal side should preserve the industrial character of the Docks Conservation Area and the proposals at present are a generic scheme which does not respond to this. The second issue is the proposed railings to the rear of the brick range Grade I Brick Range and those which enclose the site from Llanthony Priory grounds whereby it is proposed for a

raised ground level and further railings. This landscaping will result in some harm impacting on the setting of the scheduled monument and in particular the Grade I Brick Range. Overall the scheme is considered to have less than substantial harm in regards to setting of the scheduled Monument and the Grade I Brick Range and conditions are recommended to agree a landscaping which reduces this impact identified and responds to the industrial character and setting of the Priory site.

- 4.2 The Civic Trust considers the scheme, as amended, to be acceptable. They had previously commented noting that they did not wish to see archaeological remains stripped as well as the topsoil, two silver birch trees required protection, queried the separation of the scheme from the quay, found the general design acceptable but disappointed that it was not more adventurous but the end elevations were not acceptable, and that the treatment of the boundary to the adjacent medieval stable block needed great care so that its restoration was not dominated by the new build.
- 4.3 The Highway Authority raises no objection subject to conditions to secure the implementation of the vehicular access, maintenance of vegetation adjacent to the proposed pedestrian crossing point, provision of car parking, a survey to establish on street parking demand on the access road, and a travel plan.
- 4.4 The Urban Design Officer had no objection subject to some minor amendments.

Benefits of scheme design

The re-development of this site is another very positive part of the continuing regeneration of Gloucester which will enhance the area and provide buildings and spaces which could, if necessary, be adapted over time to meet changing needs of the community. The proposals provide retirement and assisted living apartments, over two blocks of three and four storeys. The separation of the two blocks allows for a defined and partially enclosed car park, which is overlooked mainly from the 4- storey assisted living block adjacent to the canal. The parking area itself is well landscaped with shrub and tree planting breaking up rows of parking spaces. The parking area is divided into a retirement and assisted living area, with tree planting indicated on the Landscape Plan along the southern boundary alongside St Ann Way.

The buildings themselves are well designed and proportioned, with the larger warehouse-styled block along the canal (opposite the Quays historic area of warehouse and industrial buildings) and the lower scale block to the west, adjacent to, and more closely related to, the smaller buildings within Llanthony Priory. The range of scales and forms gives the overall proposal an interesting balance. The predominant facing materials are brick, which will relate well to the character of the surrounding areas. The darker linking feature elements within the assisted living block help to form distinct brick sections and their set back nature helps add interest and depth to the canal elevation.

The assisted living block uses roof forms which directly relate to other forms in the area, notably the sloping mono-pitch forms seen in the adjacent

Sainsbury's supermarket building and the various north-light structures found locally. There is also an interesting connection between the proposed scheme and the roof form of the Downings Malthouse Extension, which also uses an irregular series of slopes across the two section of the building. Overall, the roof form is both appropriate to its context and a modern interpretation.

Issues for amendment

There are a number of elements which need to be either amended or considered in further detail.

- Are there clear and direct links to the priory grounds? It would seem a real missed opportunity to not connect this development properly with the surrounding area. One of the main benefits of this development in the location adjacent to the interesting historic areas to the north and east and access to these areas should be a priority.

- I would suggest that both narrow ends of the main canalside block (NE and SW elevations) need further design work. In particular, the north east elevation facing the grounds of the priory lacks interest. This is a key elevation, being the main defining element facing the large area of open space, with longer distance views south along the canal. There could be some merit in placing main balconies on this elevation, to make good use of the positive views to the north and NW, and to enliven the facades. Living rooms are positioned along this elevation which should give some flexibility in window and balcony movement.

- There seems to a greater concentration of balconies nearer to the bridge, which seems an odd approach. There will be noise impacts from the elevated road and there is a steady noise from vehicles rolling over the different bridge levels. I would suggest placing a greater concentration of the balconies further away from the elevated bridge, in order to benefit from less noise impacts and a more pleasant environment, with better views over the Quays development.

- It would seem sensible to provide disabled parking spaces within the parking areas.

- One of the locally distinctive features found within the Docks and Quays warehouses, the Medieval Range and the Victorian Farmhouse (both within the Priory grounds), are the projecting eaves, which help to define the main facades and add definition to the appearance. The proposed visuals and plans show very limited projecting eaves for the assisted living block and no eaves projections at all for the retirement block. One of the issues with this is that there will need to be gutters and down-pipes installed somewhere, unless the water drainage system is completely internal. Generally, some projection to the eaves is useful in order to project runoff rainwater from the roof away from the elevations and off the roof. If gutters and drainpipes are to be used, these need to be shown on the elevations.

- Gloucester has a significant seagull issue, particularly during nesting season. The linking sections between the brick structures within the assisted living block, could provide ideal nesting sites and a method statement for mitigating and dealing with this issue should be provided.

- The verified visual montage image 6 shows the grey metal balcony support standing just outside the line of the boundary railings, which does look rather awkward. The two elements need to be designed together so that the metal support possibly forms part of the boundary, rather than projecting beyond it.

Materials and detailing

It will be extremely important to get the materials for this development right, given the highly prominent location and viewing angles from all sides. The assisted living elevations plan lists some of the materials. The Wienerberger New Red Multi Gilt Stock brick could be an appropriate choice but until we have seen samples and a panel built on-site, it won't be possible to confirm this choice.

As a general comment on the brick selection, I would suggest that the bricks found locally should be the first reference point, particularly the brick type which is seen within the walls of the remains of the stable block building just to the north of the retirement block. These bricks can also be found within the priory wall which runs alongside the western boundary of the priory, adjacent to Llanthony Road. These bricks have a very distinctive appearance and it would seem appropriate to reference these.

For the assisted living block, a variant on that brick type could be used, possibly which also takes into account the more industrial character of the Quays buildings. The approach of using two main facing bricks would help to add interest to the design and ground it more within the context. A development for a site just to the west of the priory grounds used the brick within the priory grounds wall as its main brick reference. The chosen bricks have a very good colour variation across a larger area, but each brick has its own distinct colour, which means a multi effect is achieved which gives more interest.

The link and feature elements are identified as black weatherboard, which will be a good choice, which links to the timber detailing within the warehouse buildings within the Docks and provides a link to the more traditional style of architecture. I would suggest a dark grey colour finish to these connecting elements, rather than black as this could provide a link to the colour of the window frames. The dark timber applied to the walls which face the balcony areas is another positive feature.

A fairly light grey standing seam metal roof is shown in the visualisations. A sensible approach would be to link the grey colour of the metal balconies, window frames and roof together, with an overall slightly darker grey (mid-grey) probably being more appropriate.

The proposed window design could be improved. I suggest less framing with larger areas of fixed glazing as a principle. Access to very good levels of natural light and clear views is vital for the assisted living residents (and people in general). If someone is sitting in a chair or lying in a bed for long periods, they will need larger windows with a greater proportion of glazing, to be able to feel a connection with the outside environment. Some framing within each window opening is unavoidable, but providing more areas of clear glazing should be achievable.

As a small consideration, if all of the windows (if side hung) opened away from the St. Ann Way Bridge, this could mean less noise entering each apartment.

The elevation plan will need updating as the floorplan shows balcony doors which are wider than the glazing to each side, while the elevation plan shows equal width standard windows to the balconies. Again, removing many of the framing elements will make a positive difference to the appearance of the scheme.

The proposed aluminium cladding to the balcony frames is an interesting idea but we would need to see further details of this and how each balcony support column connects to each horizontal surface.

A condition is needed which would require the submission of samples of the main external materials. Due to the use of brick as the primary facing material, I would suggest that the applicant should build a sample panel on-site and provide a justification as to why that main material is appropriate for this site.

- 4.5 Historic England raises no objection to the amended plans;
The revised landscaping drawing (Dwg No. MI_2232_AC_03_017) shows an amendment of the garden area on the north side of the development. This garden area is located over the former southern boundary of, and partly extends into, the former precinct of Llanthony Priory. The southern boundary was formed by a series of buildings associated with the former south gatehouse to the Priory. A section of the southern wall of one of these buildings still stands and has recently been restored.

The proposed development lies at least 1.5m above the level of the Llanthony Priory site. This is to bring the development out of any flood risk. This means that the development will be at a higher level than the majority of the scheduled area. The treatment of the change in level needs to be carefully thought through to prevent harm being caused to the monument and its significance.

Where the wall survives along the southern boundary this provides a visual break between the two levels and hides some of the level change. Around the garden area of the proposed development the applicant originally proposed a retaining wall. However it would have provided a very stark change in the levels between the two areas and a false idea of where the priory's original boundary was.

The redesign now has a sloping grass bank to soften the change in levels. Although there will still be a visual impact with this, especially with the use of a security fence along the top, it is an improvement on the retaining wall.

Historic England are concerned that this development has not fully explored all options with regards to the landscaping in this area. The various projects and planning applications in recent years around this site do not seem to have coordinated their landscaping designs to provide a holistic design. This

development and the adjacent ones are all within the scheduled remains of the Priory and as such we feel a more holistic view on the landscaping needs to be taken forward. A meeting of all parties involved with the monument has been suggested and we feel this would be an opportune moment for that to happen.

With regards to this application Historic England does not object to the granting of planning permission on heritage grounds (subject to any specific conditions or amendments). However we would like to see further options explored to better integrate the area into a more holistic design across the scheduled area.

Historic England had previously commented prior to the above. This noted that as part of the wider regeneration of the city and dockside Historic England supports the principle of development on this site and did not object subject to the imposition of suitable conditions or amendments. Also, that the impact of the proposed buildings on the setting of the Priory buildings and monument would be minor, and that there would be potential harm to the buried archaeology through the removal of the contamination; this has been minimised through an agreed methodology for excavation and recording.

- 4.6 The Environment Agency raises no objection. It makes comments noting the flood compensation works agreed as part of the Gloucester Quays development and the majority being completed, the majority of site being Flood Zone 2 and this 'more vulnerable' development being appropriate, the floor levels being sufficient to protect the development from flooding internally over its lifetime, and that safe access can be provided to and from the development.
- 4.7 The County Council seeks a contribution of £16,268 to libraries.
- 4.8 The Canal and River Trust has the following general advice to offer:

The site is wholly within the Llanthony Priory scheduled monument area and there is extensive archaeological reporting from CgMs and Cotswold Archaeology, all of it focused on the Priory. The proposed development has been designed to avoid the most sensitive buried archaeology. The works are unlikely to impact on CRT historic fabric.

Although the development sits between a scheduled medieval priory and a range of listed waterside warehouses on the opposite side of the canal, the design adds very little to the historic location or the character of Gloucester Docks. On the other hand it is fairly neutral in appearance in contrast to college building and it is far enough away from the dock basin to not seriously impact on that setting.

It will significantly alter the view of the Priory from St Anne's bridge and the towpath below it but not views from directly opposite the priory which includes 125m of open space and towpath and the Gloucester Quays waterfront. The new building will also be very noticeable in the long view down the canal from

the north side of Gloucester Docks and the Dock Office. However this is mitigated by being sandwiched between the college and the more interesting Sainsbury's frontage and St Anne's bridge.

Design and appearance

The architectural form and appearance is suitable to the location, borrowing heavily from local dockside precedents, but taking a modern approach to avoid pastiche, and successfully using step backs to break up the overall mass of the building. The setting of Llanthony Secunda Priory has already been heavily compromised by the new bridge crossing and the regional college building, and I find this proposed development much more in keeping with the area than the college.

The scheme has taken acknowledgements to industrial heritage in the scale, mass and roof line of the building fronting the canal. The arrangement of brick faced elevations divided by timber fronted links at least breaks up the front elevation but the interrupted roof line looks a bit odd.

Unfortunately the scheme includes more balconies which in other developments in the docks are generally unused except for storage of bulky items. Are these necessary on retirement accommodation? Separating the building from the towpath with metal railings and planting helps to soften the impact of the loss of open space.

Landscaping

The landscape plan is a little sketchy, and further consideration is needed for the shrub planting along the boundary which should be of native species, preferably of local provenance.

Accessibility

The site fronts the canal towpath, which is popular cycle and walking route not only in the docks and on to the town centre but to access the local supermarket. The revised plans include an access point from the site onto the adjacent land and therefore onto the towpath via a footpath of the planned footpaths.

Whilst this is welcomed the access is of little use if the path to provide access onto the towpath is not in place. The plans mention that discussions are taking place to formalize this with the Priory Trust. It is not clear why the path could not have come directly onto the towpath at the side of the building.

The means of controlling the provision of this new access and the associated pathway needs further consideration to ensure that it is available when the residential units are brought into use and maintained to ensure it remains available and fit for purpose. It is assumed that a lockable entrance will be most appropriate as there is no intention to provide general access to or through the site for security reasons.

Part of the attraction of the site to future residents will be its proximity to the historic docks and McCarthy & Stone will market the site on that basis.

Regardless of whether there is a direct or indirect access to the towpath it is likely that the staff, residents and visitors to the site will create a substantial increase in usage for the towpath.

The towpath opposite the site still has visible railway lines which are the last evidence of a large GWR marshalling yard and branch lines to timber yards and industrial sites along the western side of the Gloucester & Sharpness canal. These should be retained for their heritage value, but at present there is an issue with surface degradation creating a potential hazard for cyclists, pedestrians and wheel chair users. This issue will worsen as a result of increased usage from this development and therefore it is reasonable that a contribution is made towards improving safety for staff, residents and visitors. A resin bound surface (spray tar and chip) could be a suitable durable material and the Trust would like to discuss this matter in more detail with the council.

We are aware that this section of towpath possibly should be re-surfaced by Peel and it is important to ensure that adequate controls are put in place this section of path is resurfaced before this development has taken place.

National Policy

The National Planning Policy Framework (NPPF) requires that a safe and suitable access can be achieved for all people. Whilst the proposal clearly provides this the inclusion of an additional pedestrian access onto the towpath would enhance accessibility.

Paragraph 34 of the NPPF states that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. An additional access onto the towpath will enhance the opportunity to use sustainable methods of transport to reach the site for visitors and staff as well as improve opportunities for residents to access local facilities centre and docks more easily.

Local Policy

The Gloucester City Revised Deposit Local plan states at paragraph 5.71 Public rights of way are an essential part of the City's pedestrian network and provide an important recreational facility as well as useful shortcuts in the built environment. The Definitive Rights of Way map will be used to ensure that the present footpath network is protected and where possible, improved.

5.72 continues 'it is particularly important to provide pedestrian routes, and associated facilities such as signs and interpretation boards, along the River Severn and the Canalside. We will therefore seek to enter into legal agreements with developers of land adjacent to these attractive watercourses to provide access for pedestrians and, where appropriate, cyclists, accompanied by appropriate interpretation facilities.

Policy TR.39 Footpaths/Cycleways along the River and Canal states;

In determining applications for development adjacent to the River Severn, the City Council will seek to enter into a legal agreement for the developer to contribute towards the provision of a public right of way alongside the waterside, as well as appropriate interpretation facilities and signs, for the use of pedestrians and, where appropriate, cyclists; similar agreements will be sought in relation to the Gloucester and Sharpness Canal for the provision of public access by agreement with the operator of the canal.

- 4.9 The City Archaeologist raises no objection subject to conditions to secure a written scheme of investigation; a detailed method statement for the removal of the overburden and remediation; a method statement for the backfilling that preserves the archaeological remains; a detailed scheme showing the scope and arrangement of the foundation design and ground works (including drains and services), approval of an amended landscaping plan to ensure the landscaping does not inhibit maintenance of the adjacent standing heritage assets, and securing details of the treatment of levels at the northern boundary adjacent to remains and any proposals to undertake works to or bank up against, any standing remains of historic walls that may be exposed as part of the site remediation and preparation. Under the terms of the NPPF, the City Archaeologist identifies less than substantial harm to buried assets given the physical impact on assets that would occur, although in the context of the existing permission and the limit to what a developer can provide at the present time he has already accepted that it is reasonable to proceed subject to conditions in this instance.
- 4.10 The Environmental Planning Manager has commented on the ecology report which has now been supplemented by the required further surveys. No objection is raised subject to conditions to secure a method statement for site clearance, bat and bird boxes, external lighting details, seagull management, recycling details, and seeks an energy strategy.
- 4.11 The Lead Local Flood Authority raises no objection subject to conditions to secure a detailed drainage strategy and a SuDS maintenance plan.
- 4.12 The Drainage Engineer raises no objection subject to securing the detailed drainage design and SuDS maintenance by condition.
- 4.13 The Police crime Prevention Design Advisor considers that the following points should be considered in order to improve security and reduce the fear of crime.

Retirement Apartments

- The easy access from either the pedestrian crossing or the pub car park, combined with the restricted surveillance opportunities due to the balconies above and the layout of the building will leave the ground floor corner apartments vulnerable to attack and burglary.
- The arrangement of the balcony supports and the boundary fence need to be redesigned as they currently offer a suitable climbing aid to the first floor balcony.

- The building design and the placement of balconies should reflect the location. While some will enjoy waterfront views, others will have to contend with a busy traffic junction and a petrol station.
- If the car park in front of the retirement block is full, how will the bins be emptied?
- Any vehicles parked near entrance of the Retirement block are likely to get damaged by pedestrian movement, mobility aides and shopping bags.
- The area outside of the mobility scooter park is limited by the proximity of the car park, leading to difficult access and egress, and damage to private property.

Assisted Living Apartments

- The boundary treatment along the waterfront should be designed and specified to a minimum 1.5m to discourage opportunistic burglary.
- Staff working in and around the lobby and reception should actively engage with visitors and residents to create a secure environment for the more vulnerable residents.
- External doors to ground floor apartment should be BS PAS 24: 2012 and subject to a management programme to maintain security.

Both buildings

- The design of both buildings are aimed at a particular age group, yet the car park offers the bare minimum parking bay and has no provision for disability parking.
- The landscaping around both buildings should be maintained to offer clear lines of sight from within the building and through the street scene.
- Each fire exits within each building should be fitted with an alarm to deter misuse.

Conclusion

Gloucestershire Constabulary's Crime Prevention Design Advisors are more than happy to work with the Council and assist the developers with further advice to create a safe and secure development. Should the application be successful the design and technical specifications should encourage security, adhere to the Secured by Design guidance and meet the Approved Document Q: Security - Dwellings.

4.14 The Housing Strategy and Enabling Officer made the following comments;

Meeting Affordable housing Need in the City

Two separate residential blocks are proposed, an Assisted Living Extra Care scheme (55 units) and a Retirement/Sheltered housing scheme (28 units).

The most recent Strategic Housing Market Assessment identifies that meeting the need of an aging population will be one of the challenges that Gloucester City faces in the future. The provision of specialist housing for older persons will assist in meeting this need. The recently updated SHMA identifies that within the OAN there is a need for 91 Market units per year and 69 sheltered and extra care housing units per year across the JCS area. In addition to this

there is a need for a further 425 bed spaces in Gloucester, over and above the OAN over the JCS plan period.

The JCS Inspector's interim findings confirm that there is an annual need across the JCS authorities for 638 Affordable Housing units. The average annual delivery in Gloucester has been approximately 168 homes over the period 2006-2015. The Inspector's concerns regarding the deliverability of Affordable housing are such that she has included five percent uplift on the Objectively Assessed Housing Need figure to off-set under delivery.

The JCS *Note for the Inspector on Older Peoples Housing* is relevant to mention in this case- 'Private sheltered/retirement accommodation is self-contained accommodation that is available to the open market for sale or rent. In some cases a concierge service may be provided as opposed to on site care and some communal cleaning and laundry services. Ultimately however these tend to be age restricted market accommodation. An example of this would be the McCarthy and Stone independent living model. This will always be considered to be housing'.

Assisted Living Extra Care Scheme Block

Further detail on how any Extra Care might be funded is of interest. Currently our understanding is the County Council is reviewing their commissioning of Extra Care services with a proposal that a small number of approved providers be commissioned to provide peripatetic care within Extra Care Schemes. It would be helpful to confirm the commissioner's view on funding services in such a scheme or whether the proposal is solely focused on those able to self-fund.

The JCS Submitted version (Nov 2014) and JCS Update on policy SD13 Affordable Housing (Feb 2016) states that the Affordable housing policy 'applies to dwellings (as defined in use class C3) and also any self-contained units of accommodation within a residential institution (use class C2)'. (4.13.3) 'The need for affordable housing extends to specialist accommodation including housing for older people. Where these types of accommodation create self-contained units, they are expected to contribute to the provision of appropriate affordable housing to help meet the wider housing need of the district. Self-containment is where all the rooms (including kitchen, bathroom and toilet in a household's accommodation are behind a single door which only that household can use. There is sometimes confusion as to whether these units fall into use class defined as residential institution (C2) or a dwelling house (C3). Our approach is that the development which creates living spaces that retain the essential characteristics of a self-contained dwelling, even if some care is provided, will be subject to the Affordable housing policy'.

The planning officer would therefore need to satisfy himself that the Assisted Living Extra Care is not subject to an affordable housing contribution. Consideration of some of the following would be prudent:

- Extent and integration of communal facilities (catering etc) and level of support services appropriate for a C2 use classification
- Extent of care provision (inc personal care) on-site and overnight appropriate for a C2 use classification
- Registration of the 'Residential Institution' with the Care Quality Commission (as opposed to just the care provision itself)
- Age restriction on occupation and details of qualified persons
- Level of basic care package (including minimum hours) residents are obligated to receive
- How the assessment of residents is carried out prior to occupation to ensure residents are in need of an appropriate level of care for C2 use classification
- Suitable legal restrictions on purchase and occupation will also need to be secured

Retirement/Sheltered Housing Block

14 x 1 bed apartments and 14 x 2 bedroom apartments are proposed. There is currently no detail on the level of Affordable housing to be provided. Further detail is required in this respect.

In accordance with Gloucester City council revised deposit local plan Policy H15, the expectation is that 11 affordable housing units (40%) should be provided in accordance with our Affordable Housing policy. The SPD Affordable Housing states that the requirement applies to all forms of residential development including sheltered housing.

1. House types proposed

A mixture of 1 and 2 bedroom apartments is proposed which is suitable for the age of the proposed residents.

If the full 40% Affordable housing policy was applied (11 units) on just the Sheltered housing scheme, then I would recommend the following Affordable housing mix-

- 6 x 1 bed Affordable Rent units
- 2 x 2 bed Affordable rent units
- 3 x 2 bed Shared Ownership units

2. Density of Affordable Housing

Further details required.

3. Special Needs Housing

There is an identified need for affordable housing designed for wheelchair users and any affordable housing provision for older persons to meet our growing need would be welcomed. Furthermore, building affordable homes for older persons can make available larger family homes with gardens to those families in need on our Housing Register.

4. Design and Environmental Standards

No comment at this stage

5. Liaison with Registered Providers

There are several specialist Affordable Housing Providers that provide housing for older persons that operate in Gloucester and they can be engaged when the level of affordable housing provision is confirmed.

6. Off Site Contributions

The National Planning Policy Framework identifies that planning authorities should seek on site contributions. Any agreement to an off-site contribution needs to be robustly justified.

In light of the viability appraisal undertaken subsequently, the Officer has since advised that a commuted sum is acceptable given the particular case and the viability appraisal, but seeks a re-appraisal if not started within 24 months and a clawback provision.

- 4.15 The City Council waste team has provided the developer guidance notes on waste collection. The applicant has advised that they would use the local service so these have been sent to the applicant to ensure compliance.
- 4.16 The Environmental Health Officer raises no objection subject to conditions to secure a Construction Method Statement, restriction of construction hours, preventing burning, securing a scheme of odour control, a noise restriction on plant, securing and testing of noise mitigation measures, and a scheme of refuse storage.
- 4.17 The Landscape Architect makes the following comments;

The site layout plan appears to indicate 'trees' along the canal frontage boundary. Although we very much welcome the introduction of trees into this otherwise very hard landscaped area, it is not clear whether there is sufficient space for trees to grow and there is no indication of what type of trees these might be. Interestingly, the previously submitted landscape plan (dwg 744/001A) did not indicate trees along this boundary, so the site layout plan is somewhat misleading in this respect. Also, some of the trees indicated do not appear to be within the applicant's site boundary and this needs to be clarified.

The Civic Trust comments mention the two mature silver birch trees on the boundary with the Priory land. These are identified as category B trees on the tree survey and ideally should be retained. There does not appear to be any reference to these on the landscape plan or site layout plan, please can we have clarification of their proposed retention/removal?

The '1.4m post and rail type boundary treatment' should be of metal construction rather than timber, as this would be more robust and appropriate in the dockside location. Please can further details of this fencing be provided?

Any planting along the canal boundary should be low growing, so that it does not obscure views from ground floor windows.

In principle the proposed planting to the other areas is acceptable, however, a detailed planting plan will be required, as the previously submitted plan did not provide full details.

- 4.18 The Contaminated Land Consultant recommends no objection subject to the imposition of the standard contaminated land condition.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 16 neighbouring properties were notified and press and site notices were published. Second and third consultation period were held, with the latter expiring on 26th October 2016.

- 5.2 5 representations have been received noting the following;

Totally supportive

Docks needs a more diverse residents profile

Accommodation for older people very needed/welcome

Site gives good level access into town and excellent array of shops/services nearby

Will reduce car usage in the City

Will enable city to cater for needs of everyone

Apartment will add value to city's economy

Site is an eyesore empty site

Proposal should be allowed

Retirement accommodation is much needed

Area needs a sympathetic building

Convenient location for shopping and reasonable near town centre

Scheme would greatly enhance area and provide vital accommodation for elderly people

The Llanthony Priory Trust considers the slope within the application site boundary towards the Priory site shown in the latest amended plan is much better. Their only concerns now are that on the drawing it specifies a 1.4 post and rail fence. The Trust were assuming railings or something more substantive, it would be important to see the detail before agreeing with it. With respect to the building they are not clear what the finish will be on the elevation of the large building that faces the site. Finally, the Trust is concerned to note that the applicant cannot use the new restored southern Priory wall as a retaining wall.

- 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.

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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:

- Principle
- Conservation and design
- Archaeology
- Traffic and transport
- Residential amenity
- Economic considerations
- Viability / S106 contributions
- Drainage and flood risk
- Land contamination
- Ecology

Principle

6.2 In the 2002 City of Gloucester second deposit local plan the site is allocated within the Western Waterfront mixed use designation including housing. Furthermore, the Gloucester Quays permission establishes the principle of development on this plot, and the residential use of it (specifically in that permission there was a hotel at the canal side, with residential and office use behind).

6.3 The NPPF states at paragraph 47 provisions to “boost significantly the supply of housing”. The NPPF further states at paragraph 49 that “housing applications should be considered in the context of the presumption in favour of sustainable development”.

6.4 The NPPF requires that local authorities should be able to demonstrate a five year supply of housing land plus a buffer. For Gloucester, the buffer is 5% because of its past record of housing delivery (local authorities with persistent under delivery are required to provide a 20% buffer).

6.5 The Council cannot currently demonstrate a five year supply of housing land as otherwise required to do so by paragraph 47 of the NPPF. The following issues are factors:

The JCS Inspector’s Interim Report recommends that the objectively assessed housing need for the JCS be uplifted by 5% from 33,500 new homes to 35,175 homes; and

The delivery of housing through the JCS is reliant on strategic housing sites coming forward on Greenbelt land. Such land is nationally protected and this strategy has not been formally endorsed through adoption of the JCS, which is anticipated in early 2017. The City Council’s adopted development plan

dates from 1983 and this document does not have up to date allocations for new housing sites coming forward.

- 6.6 In practice then, the City has a route to ensuring its 5 year supply but it is not formally in place yet. Paragraph 49 of the NPPF sets out that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 6.7 The proposals would provide 83 units across the two blocks. 28 retirement flats would contribute to the City's housing need figures. The remainder provide specialist accommodation in the context of demand for provision for an ageing population. Both elements would provide 'downsizing' accommodation that would release other homes to the market.
- 6.8 In support of the application the applicant sets out the contribution it makes to meeting current and projected needs for special needs housing for the elderly in the area and addressing the national shortfall, citing the NPPG reference to the need to provide housing for older people being critical given the projected increase in the number of households aged 65 and over, also the ability to free up houses that are under occupied. They also cite the SHMA referring to large increases in the elderly population in Gloucester.
- 6.9 As this is a site where there is an existing permission for residential, the proposal would not provide additional housing capacity; rather it would help deliver on commitments already part of the housing supply figures. It is important that all sites that have the potential to deliver housing are brought forward in order that the City can continue to deliver housing in accordance with national policy. It would help to ensure that the City maintains a healthy housing land supply.
- 6.10 The five year supply position is clearly important in considering applications for housing but it is not considered to be decisive in this case. Specific policies are not in this case resisting appropriate residential development of the site. Other planning considerations are dealt with in the remaining sections of the report.
- 6.11 Overall no objection is raised to the principle of such uses in this part of the City. The site is within the built up area of the City and is a sustainable location for residential and care home use, close to amenities and facilities. It would reuse a brownfield site and would contribute to housing supply.
- 6.12 Paragraph 14 of the NPPF states that *where the development plan is absent, silent or relevant policies are out of date, local planning authorities should grant planning permission unless ... specific policies in this framework indicate development should be restricted.* The Policies of the 1983 Plan are out of date. The site is however within a designated heritage asset and a location at risk of flooding, therefore Paragraph 14 is not engaged and a normal planning balance applies in decision making. Assessment of other planning issues is undertaken below.

Conservation and design

- 6.13 The site is in a location that is both prominent in its own right and sensitive in heritage terms. It is within the Llanthony Priory scheduled monument area and in close proximity to Grade 1 and 2 listed buildings within that complex, notably the grade 1 listed stable building immediately north of the site, and is across the canal from the Grade 2 listed warehouses and transit shed at Bakers Quay. It is partly within the Docks Conservation Area. The Conservation Area Appraisal identifies an important view across the canal from north of this site, which would not be affected.
- 6.14 The Gloucester Quays permission sets a context for this development. The approved masterplan and schedule of development provides for a 120 bed hotel at plot C1 (the location of the assisted living block), at 4 storey and up to 15m in height. The maximum height of the proposed 4 storey building in this new application to the roof ridge is 15m.
- 6.15 The Quays permission also sets out for plot C2/C3 (the location of the retirement living block) development of up to 4 storeys and 16m and 14m in height. The maximum height of the proposed 3 storey building in this new application to the roof ridge is 11.5m. It also drops down to two storeys in the direction of the listed stable block immediately across the access road. This is welcome in terms of impacting on the surroundings of the listed building.
- 6.16 The overall scale of the buildings is considered to be acceptable and as above they are in line with the approved masterplan and schedule for the Gloucester Quays scheme. Historic England notes that the building on the southern of the Priory would reinforce the original enclosed nature of the monastic site and define the green space that forms the setting of the buildings within the heritage asset. They consider that the impact of the larger buildings on the setting of the Priory buildings and monuments would be minor. The current untidy state of the land has detracted from the setting of the monument and buildings for many years.
- 6.17 The form of a long linear building on the canalside has been established in the Gloucester Quays masterplan. The scheme would provide frontage definition to the canal which is welcomed and would assist in natural surveillance. The design proposes a gable-facing arrangement in the manner of the listed Pillar and Lucy House and Provender Mill warehouses across the canal, with the large mass of the building broken down into four main brick clad components with linking sections between. It provides a modern interpretation of the industrial/warehouse aesthetic that is considered appropriate.
- 6.18 The St Ann Way elevation of the block is large and in a prominent location and while articulated with balconies at the corner to add interest much of the rest is blank brick which is somewhat bland. The Conservation Officer has raised concerns about this and also about not having more glazing in the building.

- 6.19 The materials – a red multi brick, a weatherboard system to the link sections on the canalside block, and a standing seam metal roof, appear to be broadly acceptable subject to reviewing the specific products in detail.
- 6.20 Overall despite the concerns raised by the Conservation Officer I consider that the building design is acceptable in its context. The St Ann Way elevation would only briefly be seen direct on in passing – in the context of views on the approach the overall effect has sufficient interest that the bland south wall is not significantly harmful to its appearance. The development would provide activity and natural surveillance to the immediate environs which is welcome in terms of designing out crime.
- 6.21 A small amount of amenity space is provided around the buildings. The applicant has noted that in their experience, the provision of larger areas of amenity space would generally be unused and unnecessary and therefore a waste of a valuable resource.
- 6.22 A link has now been provided out of the site to the north. Its ultimate success in linking out to the towpath would be reliant on Gloucester Quays delivering the remaining part of the path, but the provision is welcomed as an improvement to the connectivity of the site. The site otherwise connects to the towpath via St Ann Way and the stepped access adjacent to the bridge.
- 6.23 The improvement of the towpath is also an important issue in my view, is supported by policy TR.39 of the 2002 Plan and an improved surfacing seems particularly relevant given the applicant's figures of about 60-70% of occupants being aged 78 or over. Residents of the scheme would benefit from the use of the towpath as a key access to the city centre and to other local amenities and this supports its sustainable credentials. Immediately outside the site there is a deteriorating area of path with potential trip hazards that is not desirable for pedestrians particularly the elderly/vulnerable.
- 6.24 Towpath improvements have previously been discussed with Gloucester Quays several years ago. I have attempted to ascertain whether those works are intended to be done by them and what level of certainty we could have over delivery. I can only assume on the basis of the current information that there is no intention to do them nor means offered to secure them, so I recommend that any permission is subject to a mechanism to secure towpath improvement works in the vicinity of the site.
- 6.25 The relationship of the scheme to the Priory site to the north has proven difficult to resolve particularly in relation to the precise position of the existing historic walls and the levels changes. In Officers' view a drastic levels change at the edge of the proposed garden area into the Priory would be undesirable visually, in terms of the setting of listed buildings and the scheduled monument, and by implying a false historic boundary to the complex. The latest refinement of this moves on from a vertical retaining wall of 1-1.5m and a sharp slope, to a more gradual slope that provides a transition of that levels change over a span of c4.5m. The vertical boundary treatment would be provided at the perimeter of the garden at the top of the slope. This is broadly

acceptable now to consultees and to the Priory Trust. The levels change needs to be achieved somehow and I consider that while it will still be clearly perceived in views of the Priory and beyond, the new arrangement mitigates its effect sufficiently so as not to be harmful to the heritage assets.

- 6.26 The boundary treatments require further consideration notably at this northern boundary where they will be clearly visible at the boundary to the Priory site and where there are concerns about their impact on the setting of the Brick Range. I consider this can be managed by condition.
- 6.27 The landscaping is broadly acceptable however the Conservation Officer maintains concerns and I consider it needs to be refined slightly under condition to seek to ensure that no maintenance difficulties are created for the listed Brick Range adjacent. This process would also resolve the Landscape Architect's concerns. Concerns are raised by the Priory about the implied use of the southern wall as a retaining wall but I consider this is a misleading annotation on the submitted plans. There is a gap between the application site and this wall so it would not be possible anyway, but there is actually an existing breeze block retaining wall also. It is proposed that details of this transition are sought by condition to ensure an appropriate relationship to the historic structures – a slope would probably be the most desirable solution.

Archaeology

- 6.28 The site is within the Scheduled Monument of Llanthony Secunda Priory and is of national significance. The applicants also require Scheduled Monument Consent from Historic England separately. Supporting archaeological justification has been provided. Trenching was undertaken prior to the application being submitted looking to identify the position and level of preservation of two walls extending into the spoil heap that was removed from the site.
- 6.29 The building proposed at the canalside would sit over known archaeological remains of the medieval priory. The western building would sit over an area shown by previous investigations to have limited surviving archaeology of interest.
- 6.30 The foundations of the canalside building have been designed to minimise physical impacts to archaeological remains present by raising finished floor levels and using piled foundations. This would sit the building over the medieval remains, other than piles and drainage where there is some scope for physical loss of remains. Piling locations are not fixed and there is some scope for flexibility to reduce impact. This could be managed by condition.
- 6.31 In addition to the highly sensitive nature of the site from an archaeological perspective, development of the site is further complicated by land remediation requirements and the proposals have needed to address the reconciliation of the two interests.
- 6.32 The basic principles of the archaeological works are as follows;
- Removal of the modern overburden, and remediation of contaminates;

- Exposure of the archaeological horizon
 - Cleaning of the archaeological horizon followed by, where necessary, limited excavation works to characterise the remains and ensure the areas to be impacted are well understood (this may include more extensive excavation where significant archaeological remains are shown to be contaminated and their removal is required);
 - Siting of piling to either avoid impact or allow for archaeological mitigation;
 - Protection of remaining archaeological deposits with appropriate materials;
 - Backfilling of site with clean materials;
 - Implementation of the construction programme, which has been designed to avoid unacceptable harm to the significant buried remains;
- 6.33 The precise nature of impacts in respect of the remediation works cannot be determined until the site is exposed. The proposed scheme would be produced by a remediation expert and then reviewed by the archaeologist as to its impact.
- 6.34 The general approach for archaeological conservation is a combination of preservation of key remains and archaeological excavation and recording of selected areas where the impact dictates. It is recommended that a written scheme of investigation is secured by condition to control the works.
- 6.35 I agree with the applicant that the current state of the site does little to enhance the appearance of the scheduled monument and appropriate development could lead to an enhancement of the appearance of the site.
- 6.36 While the proposal will involve some physical impact to buried remains, the City Archaeologist is broadly happy with the proposed strategy including the draft drainage proposals, but a series of conditions are necessary to control the works; securing a written scheme of investigation; a detailed method statement for the removal of the overburden and remediation; a method statement for the backfilling that preserves the archaeological remains; a detailed scheme showing the scope and arrangement of the foundation design and ground works (including drains, services and tree pits); approval of an amended landscaping plan to ensure the landscaping does not inhibit maintenance of the adjacent standing heritage assets, and securing details of the treatment of levels at the at the northern boundary adjacent to remains and any proposals to undertake works to or bank up against, any standing remains of historic walls that may be exposed as part of the site remediation and preparation.

Overall heritage conclusions

- 6.37 In terms of the assessment required against the NPPF, the Conservation Officer identifies less than substantial harm to the significance of designated heritage assets. It is of note that concerns raised about the landscaping and boundary treatments can be managed by condition. The City Archaeologist identifies less than substantial harm to buried assets although in the context of the existing permission and the limit to what a developer can provide at the present time he has already accepted that it is reasonable to proceed subject to conditions in this instance.

- 6.38 The 'less than substantial harm' identified engages the assessment under Paragraph 134 of the NPPF, whereby for proposals leading to less than substantial harm, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In my view the public benefits of the regeneration of a site with a broadly acceptable design and the delivery of housing for the elderly/vulnerable, as well as modest economic benefits, clearly outweigh the limited harm identified.
- 6.39 The requirements of sections 66 and 72 of the Listed Buildings and Conservation Areas Act 1990 are taken into the overall consideration as are the draft Joint Core Strategy/Local Plan heritage policies identified above and it is considered that, subject to conditions, the proposal is acceptable in terms of heritage impacts.

Traffic and transport

Access

- 6.40 The existing stub road would be extended into the site serving a central car park, continuing the existing 7.4m width of the road. A turning head is proposed at the end of the road with sufficient room for a refuse vehicle to turn without entering the car park (refuse stores are provided in the rear parts of the buildings and collection is proposed to be on street). Gates are proposed to the car park.

Parking

- 6.41 74 car parking spaces are set out in the approved Gloucester Quays schedule. The assisted living development has 28 parking spaces (for 55 flats) and the retirement living development has 22 parking spaces (for 28 flats). The applicants propose that this is sufficient to cater for resident, staff and visitor demand and no overspill parking would occur locally. The Highway Authority considers that the proposed levels of parking have been reasonably justified.
- 6.42 The applicant proposes that their analysis demonstrates very low cycle parking demand from their schemes – and this could be incorporated into the mobility scooter storage. Motorcycle use across their schemes is also very low and no provision is made. The Highway Authority also accepts this.

Accessibility

- 6.43 Public transport - Bus stops are located on St Ann Way by Sainsbury and the public house. Services run to the city centre and south to Kingsway and into Stroud District. The Train station is approximately 1.6km away, and can be reached via the bus service and walking across from the bus station.
- 6.44 Pedestrian infrastructure - The footway would be extended down the access road into the site, linking it to the St Ann Way footway. Automated gates are proposed. Access out of the site to the intervening Gloucester Quays land also provides for the delivery of a connection to the towpath. As already mentioned in my view the towpath needs upgrading in the vicinity of the site.

Trip generation

- 6.45 The consented use on the plot is for a 120 bedroom hotel, residential and office development. TRICS analysis for the hotel use indicates 33 two way movements in the AM peak and 26 in the PM peak, 363 overall daily.
- 6.46 TRICS data for retirement flat and assisted living flats indicate the scheme as a whole would generate 16 movements in the AM peak and 9 in the PM peak, 166 overall daily. Specific analysis of McCarthy and Stone schemes indicate 8 movement in the AM peak and 10 in the PM, 144 over a 12 hour period, slightly below the TRICS analysis.
- 6.47 The net impact is substantially below that of the consented hotel (not considering the residential and office development also permitted on the plot). The Highway Authority is satisfied that no further assessment of the impact on the highway network is required.

Highway safety

- 6.48 Analysis of the personal injury collision data for the immediate surrounding highway has not identified any significant safety issues.
- 6.49 The issue of the ad hoc parking that takes place along the existing spur road is identified in the road safety audit. The applicant considers that this would cease upon use of the site or could be dealt with under the s38 agreement. The Highway Authority note that it is not clear what would occur but there seems the prospect of it simply being displaced along the access road rather than be displaced entirely, given that it appears to be commuter and student parking. As the s38 is a voluntary agreement the Highway Authority does not consider this has sufficient power to address the matter and a condition is recommended to secure a survey and measures to be implemented if there is an issue.

Existing s106 obligations relating to the application site

- 6.50 Part of the highways s106 contribution for the wider Gloucester Quays scheme totalling £720,000 remains outstanding. A payment of £240,000 is due on commencement of phase E1/E3 which is the land subject to this application. It is not offered in this application and will need to be addressed in the latest deed of variation for the wider Quays proposal. I am advised that this has already been put forward by the County Council's Highways Officer and Solicitor.

Conclusion

- 6.51 No severe residual cumulative impact would arise in terms of the assessment under paragraph 32 of the NPPF. The proposal would comply with the above cited policy context in terms of traffic impact.

Residential amenity

- 6.52 The nearest existing residential properties are around 170m to the west, however there are consented residential sites to the south and across the canal as close as 45m away. The buildings and use themselves are unlikely

to cause any significant harm to residential amenities, however I recommend conditions to control the construction phase suitably.

Future residents

- 6.53 A noise report has been submitted in support of the application and it identifies that the main noise source affecting the scheme is traffic noise from the adjacent St Ann Way. An assessment was made through an afternoon and overnight. At worst the site is exposed to high noise levels. This influenced the layout and design, and the inclusion of enhanced acoustic glazing and acoustically treated ventilation systems in some areas. With these measures the internal noise levels would not exceed acceptable limits and the proposal is suitable for residential occupancy. It is recommended that these should be secured by condition. Due to the building layout, the 2 large external sitting out areas would have suitable noise levels. Noise levels at the other terrace/balcony areas offered to the apartments would exceed the 55dB LAeqT limit, however the applicants propose that the British Standard recognises that guideline values are not achievable in all circumstances where development might be desirable, and a compromise might be warranted in high noise areas such as urban areas adjoining the transport network, and also that alternative external seating is provided elsewhere in the scheme.
- 6.54 The Environmental Protection Officer raises no objection subject to conditions. Subject to these, the proposals would comply with the above cited policy context in terms of amenity and nuisance.

Economic considerations

- 6.55 The applicants estimate that the scheme would create approximately 70 full time jobs, although elsewhere in the document it refers to a typical 50 unit scheme equating to 14-17 full time equivalent posts which would relate to about 28 FTEs for this scheme pro rata. There is also an estimated 50-80 jobs through the construction phases.
- 6.56 The applicants' own paper indicates considerable increased local spend arising in the area. This has not been independently verified, but it does appear likely to be an economic benefit from the scheme. Collectively these impacts would weigh modestly in favour of the application.

Viability / s106 contributions

- 6.57 The scheme attracts requests for s106 contributions as set out below.

Affordable housing

- 6.58 The latest draft version of Policy SD13 of the JCS sets a requirement for 20% affordable housing in recognition of the weaker housing market in Gloucester. This lower threshold is based on recent viability evidence commissioned by the three JCS authorities that has been formally tabled to the Inspector.
- 6.59 Members are advised that the original version of Policy SD13, submitted as part of the JCS Submission in November 2014, set out a requirement for 40% affordable housing on larger sites. This policy was modified in February 2016

to 20% affordable housing delivery by way of a note for the Inspector (“EXAM 178”). This followed new viability evidence presented by the Plan Viability, Community Infrastructure Levy and Affordable Housing Study (February 2016). That report demonstrated that viability across the JCS area can differ significantly. Therefore, under those draft amendments, sites of 11 homes or more in Gloucester only require a 20% contribution to ensure that developments remain viable and can be delivered. This threshold assumes the requirement for the developer to pay the relevant Community Infrastructure Levy (“CIL”), which is not yet in place.

- 6.60 However, the amendment to Policy SD13 made in February 2016 was a draft modification and has not been subject to consultation. It can therefore only be given limited consideration. Indeed, the note provided to the Inspector states that: ‘...this is a draft policy to reflect the findings of the viability study. There still needs to be a review of the level of requirements by the JCS authorities to determine the appropriate balance between affordable housing provision and contributions towards infrastructure needs. There may also be further amendments to this policy following JCS examination sessions on viability, affordable housing and infrastructure.’
- 6.61 It is pertinent that the Inspector’s Interim Report identifies the need to boost affordable housing across the JCS further. The Inspector suggests that this could be achieved by increasing the overall housing requirement for the JCS area: ‘Consequently, in accordance with the PPG, consideration should be given to increasing the total housing figures in the JCS to help deliver the required number of affordable homes. Increasing the housing requirement by 5% would assist in delivering these much needed affordable homes.’ (par.18 of the Inspector’s Interim Report) How the JCS authorities deal with the issue of increasing affordable housing supply is unclear at this time. But the Inspector’s comments indicate that there is uncertainty at this time around affordable housing delivery and in turn whether a 20% affordable housing requirement for Gloucester will be adopted.
- 6.62 The legal advice to the planning department is that the 40% requirement for affordable housing, as indicated in the original JCS submission in November 2014, should be used ahead of the draft modified policy requirement of 20%. The policy requirement is 40% and would be applied to the 28 Class C3 retirement units.
- 6.63 The emerging JCS policy SD13 also refers to class C2 uses attracting affordable housing contributions but the weight to be afforded to it is limited given by the status of the draft plan. Given the position with securing contributions on the Class C3 element, I recommend a condition to secure the C2 use of the canalside block as it is the basis for non-provision of affordable housing for this element of the scheme at the present time. In any respect, given the nature and location of the scheme the applicants have provided a viability appraisal and assessment of this leads to a maximum supportable affordable housing contribution from the scheme.

- 6.64 This s106 contribution is mitigation for the development, to contribute towards the affordable housing policy requirement

Open space

- 6.65 An open space contribution is applicable theoretically to the 28 Class C3 units. There is limited comment from the applicant on open space contributions although they appear to consider that the smaller on-site amenity space is appropriate for their scheme. 2002 Second Deposit Plan Policy OS.3 notes in relation to open space that schemes catering for special groups such as elderly persons homes and other residential institutions will be considered more flexibly and assessed for the needs of the residents.
- 6.66 The Gloucester Quays outline permission again provides context. It secured no financial contribution to open space, but refers to Llanthony Priory and improvements to it, although I am not aware of any improvements provided to it by Gloucester Quays, nor any programmed to do so. These are now being undertaken by Llanthony Priory Trust, although Gloucester Quays have now proposed the area between the north/south retaining wall and the towpath for open space. It is not offered for adoption by the Council as far as I am aware. I assume it is to be public but it is not clear how that would be secured in the long term.
- 6.67 Given the historic decisions of not securing contributions to open space, and the nature of the scheme, no s106 request is sought (particularly where limited viability constrains the ability to support that anyway). However the link out from the site into the quasi-public Priory grounds/canalside area and improvements to the towpath seem to me to be the least that should be secured as a contribution.

Libraries

- 6.68 A contribution of £16,268 is sought by the County Council. This is to mitigate the additional demand on services as a result of the additional residents that would live in the development.

Viability

- 6.69 As noted above a viability statement has been submitted with the application. It assumes a profit level of 20% on gross development value. The applicant's viability consultants note that this level of profit is the current accepted norm for flatted sheltered/assisted housing. This report concludes that there is no surplus that could support s106 contributions.
- 6.70 The NPPG provides guidance on this issue and notes that a viability assessment "should be informed by the particular circumstances of the site and the proposed development in question". It states that "a site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken". In respect of costs, it states that "All development costs should be taken into account including" ... "the full cost of planning standards, policies and obligations will need to be taken into account". In terms of land value it states that "the most appropriate way to

assess land or site value will vary from case to case but there are common principles which should be reflected. In all cases, land or site value should: reflect policy requirements and planning obligations ...” and “provide a competitive return to willing developers and landowners” and “be informed by comparable, market-based evidence where possible. Where transacted bids are significantly above the market norm, they should not be used as part of this exercise”. Further, it notes that “a competitive return for the land owner is the price at which a reasonable land owner would be willing to sell their land for the development. The price will need to provide an incentive for the land owner to sell in comparison with the other options available”.

- 6.71 The Council’s appointed viability consultant considers that the scheme is in fact able to support £124,209 of s106 contributions. The available s106 sum is significantly less than that expected from a policy compliant scheme but the inherent costs of redeveloping a site of this nature have significant impacts on the viability of the scheme. This includes significant archaeological and land remediation works.
- 6.72 Primarily the differences between the applicants’ appraisal and that of the Council’s consultant appear at the assessment of build costs, professional fees, contingencies, marketing fees, bank lending, and total interest costs. The developer’s profit of 20% on gross development value is considered by our consultant to be reasonable in the current market, and the benchmark land value is also reasonable. Recent negotiations led to further consensus on the build costs and contingencies.
- 6.73 Differences in assessment remain and mean that whereas the applicant’s appraisal shows the scheme as being unviable, our consultant’s appraisal shows a higher residual land value, such as to make the scheme viable to provide the £124,209 of s106 contributions.
- 6.74 Given the specific circumstances of this case including the low level of contribution supportable, the Housing department considers it acceptable that any affordable housing contribution is secured as a commuted sum rather than on-site provision.
- 6.75 Furthermore, our consultant recommends that the Authority considers the imposition of a timetable for the delivery of the scheme outside of which it reserves the right to re-appraise the scheme. It has been agreed with the applicants that on the basis of the viability appraisal providing for lesser s106 contributions, a clause be defined in the legal agreement to establish that a meaningful start be made on the development within a limited period, or otherwise the viability of the scheme would be re-appraised as to its ability to support policy-level contributions. A direct clawback mechanism is not considered to be appropriate on this scale and nature of scheme which is likely to be built as a single entity and not on a phased basis.

Viability – options for mitigation

- 6.76 There are a number of requested s106 payments and the viability appraisal has shown that these cannot be met in full. However in terms of utilising what

money is available, contribution to the measures identified would have the effect of mitigating the impact of the development in the above respects to the extent that the scheme can support without making it unviable.

- 6.77 Utilising this sum solely for affordable housing and libraries could support £107,941 to affordable housing projects (Housing Officers wish to use it to subsidise an affordable wheelchair-accessible scheme) and £16,268 for library infrastructure in the ward. In my view the desired towpath improvements also need to be considered in this light.
- 6.78 As I have been unable to engage the applicant or landowner in discussions regarding delivery of the towpath improvements, the Officer recommendation is subject to resolution of this matter. I understand that the developer will engage with the Canal and River Trust and Officers if a positive resolution is reached by the Planning Committee.
- 6.79 As the towpath works are required to mitigate the impact of the development to ensure convenient pedestrian access to the city centre and immediate locality, the Authority ought to consider a restriction to ensure its delivery. That might for example be preventing occupation of the development until such a time as the works are done. The land is outside the application site and the control of the applicant, although improvement works have previously appeared in the Gloucester Quays proposals. I cannot be clear at the present time that there is a realistic prospect of the works being done within a reasonable timescale, and I cannot therefore recommend a Grampian-type condition in this regard. This situation points to the potential solution of a financial contribution being made that would enable those works to be done and this is envisaged in the Second Deposit Local Plan Policy TR.39. My discussions with the Canal and River Trust have revealed that similar works are programmed further south for the western canal towpath. The cost of undertaking these works is unclear at present but an estimation of £93,000 for a 'spray tar and chip' finish (as used on canal towpaths elsewhere in the country such as Birmingham) has been given by the Canal and River Trust. I am awaiting confirmation from the Canal and River Trust on the dimensions that informed this estimate and will update Members at the Committee Meeting. Clearly any such financial contribution would impinge on the ability to support the affordable housing and libraries contributions. Indeed an estimate much higher might mean that the full extent of the towpath works required cannot be funded by the scheme, although other funding may be available and this does not alter my view that it ought to be secured.
- 6.80 The recommendation of this report is therefore subject to a package of mitigation measures to be resolved in detail by further discussions. As above, with no towpath provision, this could represent the applicant committing to £107,941 to affordable housing projects within the Westgate ward and £16,268 for libraries. If Members agree that a financial contribution to provide for the towpath improvements is needed and is supportable it will need to be traded off against the other s106 items. My view is that part-provision of the towpath improvements is less desirable and there are limited other development options by which to secure this policy aspiration, so I consider

the towpath improvements should be given primacy in the balance of contributions.

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

Drainage and flood risk

- 6.82 The site is partially within flood zones 2 and 3 based on the Environment Agency maps. Again the Gloucester Quays outline permission sets context for this matter. Development of this land has been accepted with the masterplan proposing residential and office use.

Sequential test

- 6.83 The applicants deem the sequential test to be passed given the previous permission. The exception test applies and the submitted Flood Risk Assessment determines that the proposals are acceptable in this location. I raise no objection in these terms, it is consistent with the development that could already be undertaken on the site.

Flood risk

- 6.84 Given the flood zoning, flood plain compensation measures have been undertaken in association with the Gloucester Quays permission. The Environment Agency and Drainage Engineer are content that the land levels for the site are such that the majority is flood zone 2. Residential care homes and dwelling houses are 'more vulnerable' uses as defined in the NPPF and shown to be suitable in flood zone 2. Again this correlates with the existing permission for 'more vulnerable' hotel and dwelling house uses on the site.

- 6.85 The flood compensation scheme secured by the Gloucester Quays permission and included in a legal agreement with the Environment Agency ensures that land can be raised and mitigated for so that none of the developed site will be located in an area at risk of flooding up to the 1 in 100 year flood event and includes this site. This was modelled to 11.18m AOD (and the Environment Agency recently confirmed that from reviewing peak levels from flood events in recent years that this was still valid) and finished floor levels secured with 600mm freeboard at 11.78m AOD in the outline scheme. The current application proposes 12m AOD finished floor levels. The access road proposals at 11.6m AOD would be above the 1 in 100 year flood event and provides safe/dry egress in such an event. The submitted report sets out that the site is not at risk from any other sources of flooding other than fluvial. The Environment Agency and Drainage Engineer are content that the floor levels are appropriate and safe access can be provided

Drainage strategy

- 6.86 The scheme would increase the impermeable area and surface water attenuation would be required. The submitted strategy provides for attenuation of surface water runoff to the greenfield run off rate and discharges to the canal. If consent is obtained, this is the Lead Local Flood Authority's preferred method.

- 6.87 The submission sets out that the proposed scheme would adhere to the design principles for managing surface water runoff and for mitigating fluvial flood risk at the site in the outline proposals. Specifically a constrained surface water runoff rate, attenuation beneath the car park area in cellular storage, permeable paving to the car park areas, filter drains adjacent to landscaped and green areas, drainage from the access road to link to existing road drainage. The outfall is to the canal ultimately and I am advised that this is agreed in principle. Subject to reviewing the detail, the archaeologist has confirmed that this is broadly acceptable in terms of impact and the Drainage Engineer is content with the draft scheme.
- 6.88 Subject to conditions the proposal would comply with the above Policy context in terms of flood risk/drainage.

Ecology

- 6.89 A supporting report has been submitted. There are no suitable roosting features for bats within the site, however it is highly likely that the site will support foraging bats using the canal as a commuting corridor and further detailed surveys showed activity from small numbers of common species. The site is considered to comprise a small/insignificant area of suitable foraging habitat within an environ containing a wealth of suitable commuting and foraging habitat. Recommendations are to secure landscaping at the site perimeter and a sensitive lighting strategy particularly focusing on attenuating light spill from the eastern boundary towards the canal and can be secured by condition.
- 6.90 In terms of great crested newts, further surveys were not considered necessary given the bank arrangement of the canal and surrounding and isolation of the pond, provided site clearance is completed following a strict working method under supervision.
- 6.91 Reptile surveys have confirmed the likely absence of reptiles from the site. There were no field signs characteristic of badger activity nor suitable habitats. The preliminary appraisal identified records of the black redstart bird locally but a series of dawn bird surveys confirmed its likely absence from the site. A nesting bird check is recommended for site clearance and can be incorporated into the methodology condition mentioned above.
- 6.92 The applicants conclude that the proposals, if sensitively completed, could easily result in a net biodiversity gain. There is no overall objection in ecological terms subject to securing certain details by condition. Subject to these, the proposals would comply with the above cited policy context in terms of ecology.

Contaminated land

- 6.93 Previous site investigations have identified various levels of contamination at the site associated with previous uses. There is no in-principle objection to the development of the site but it is necessary to impose the standard contaminated land condition. As noted above there is a need to co-ordinate the remediation and archaeological mitigation measures. Subject to the

condition the proposals would comply with the above cited policy context in terms of contaminated land.

Renewable energy

6.94 The application commits to meeting BREEAM very good standard.

7.0 CONCLUSION

7.1 The proposals seek a different range of uses and layout for a site that already benefits from outline planning permission to redevelop the site for hotel, residential and office use. There are undoubtedly benefits from the scheme. The scheme would deliver housing for elderly persons in the context of the need for this, would provide 'downsizing' accommodation that would free up other housing to the market, and would part-deliver on a housing commitment already in the Council's 5 year supply. The scheme would reuse brownfield land, regenerating an unattractive derelict site in the central area. It is considered an appropriate location for the use with links to local amenities and transport options with improved surfacing of the towpath. There are modest economic benefits that also weigh in its favour in terms of increased spending power and direct building employment for the scheme construction.

7.2 Similarly subject to certain conditions the proposals would be acceptable in terms of design, would not cause a severe residual impact on the highway network, and would be acceptable in terms of residential amenity, drainage/flood risk, ecology and land contamination.

7.3 The Council's viability assessor, while not in exact agreement with the applicant's, concurs that scheme viability impinges upon the ability to support policy-compliant s106 contributions. A contribution of £124,209 to measures to be determined would mitigate the impacts of the development to an extent supportable by the scheme and this is compliant with the national policy approach.

7.4 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.

7.5 The proposal would comply with policies of the 2002 Second Deposit Plan and the 2014 Draft Joint Core Strategy in the context of the weight that can be afforded to them.

7.6 The scheme would offer modest economic and more significant environmental benefits in regenerating a site. The less than substantial harm to the significance of designated heritage assets identified is outweighed by the public benefits of the proposal, and the archaeological impact, and some of the impacts identified by the Conservation Officer, can be mitigated by conditions. Social benefits would arise in providing housing for the elderly/vulnerable. There is no other harm in that cannot be suitably mitigated.

Assessment against the NPPF indicates no overall reason to refuse permission.

- 7.7 Overall therefore the balance of material considerations weighs in favour of granting planning permission subject to conditions and a suitable legal agreement.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 8.1 That planning permission is granted subject to the conditions listed below, a package of s106 mitigation measures (to a total cost of £124,209) of a composition to be agreed by liaison with the Chairman and Vice Chairman of the Planning Committee, to comprise potentially financial contributions to affordable housing projects, library projects in the Westgate ward, and to the implementation of improvement works to the surface of the towpath in the vicinity of the application site including retention of the rail lines, and to also delegate to the solicitor the incorporation of such additional provisions in the proposed planning obligation that may be deemed necessary by the solicitor.

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 shall be undertaken in accordance with the plan referenced

Site Layout MI_2232_AC_03_005 Rev. C

Site Levels MI_2232_AC_03_017 Rev. B

(received by the Local Planning Authority 11th October 2016)

Assisted Living Development Ground floor Plan MI_2232_AC_03_006 Rev. A

Assisted Living Development First floor Plan MI_2232_AC_03_007 Rev. A

Assisted Living Development Second floor Plan MI_2232_AC_03_008 Rev. A

Assisted Living Development Third floor Plan MI_2232_AC_03_009 Rev. A

Assisted Living Development Roof Plan MI_2232_AC_03_010 Rev. A

Assisted Living Development Elevations MI_2232_AC_03_015 Rev. A

Retirement Living Development Ground floor Plan MI_2232_AC_03_011

Retirement Living Development First floor Plan MI_2232_AC_03_012

Retirement Living Development Second floor Plan MI_2232_AC_03_013

Retirement Living Development Roof Plan MI_2232_AC_03_014 Rev. A

Retirement Living Development Elevations MI_2232_AC_03_016 Rev. A

(received by the Local Planning Authority 14th September 2016)

except where otherwise required by conditions of this permission.

Reason

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

DESIGN

Condition 3

Notwithstanding that shown on the submitted plans no above ground construction of a building shall be commenced until details of all facing materials and finishes for that building including walls, roofs, doors, window frames/sills, and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the materials and exterior building components are appropriate to their context, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 4

No above ground construction of a building shall be commenced until details of window and door reveals for that building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the materials and exterior building components are appropriate to their context, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

Notwithstanding that shown on the submitted plans footpaths, parking areas and all other hard surfaces shall be implemented only in accordance with details of the surface material finishes (set out on a scaled layout plan) that have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the design and materials are appropriate to their context, in accordance with Policies SD5 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014,

Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 6

Notwithstanding that shown on the submitted plans street furniture, screen walls, fences/railings and other means of enclosure shall be implemented only in accordance with details (set out on scaled plans) that have been submitted to and approved in writing by the Local Planning Authority. This shall include either the omission of that currently proposed along the site perimeter behind the listed brick range within the adjacent Llanthony Priory land or an alternative boundary treatment in this location.

Reason

In the interests of privacy and security and to ensure that the design and materials are appropriate to their context, 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.5, BE.7, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

ARCHAEOLOGY

Condition 7

No groundworks or development including remediation works shall commence until a detailed Method Statement showing the complete scope and arrangement for the removal of the current modern overburden and remediation of contaminates, has been submitted to and approved in writing by the Local Planning Authority. Those groundworks shall only take place in accordance with the approved method statement.

Reason

The site contains significant heritage assets. The Council requires that disturbance or damage of those assets by these groundworks is minimised, and that archaeological remains are, where appropriate, preserved in situ. This accords with Policy BE.31 and BE.36 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and Paragraph 141 of the NPPF. This is necessary pre-commencement due to the potential impact from first phase works on significant assets.

Condition 8

No groundworks or development including remediation works shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been

submitted by the applicant and approved in writing by the Local Planning Authority.

Reason

to make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework, Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and Policies BE.36, BE.37 & BE.38 of the Gloucester Local Plan (2002 Second Stage Deposit). This is necessary pre-commencement due to the potential impact from first phase works on significant assets.

Condition 9

Following remediation the site shall be backfilled in a manner that preserves the archaeological remains in situ. The backfilling shall take place only in accordance with a detailed method statement showing the complete scope and arrangement for these works to be submitted to and approved in writing by the Local Planning Authority.

Reason

The site contains significant heritage assets. The Council requires that disturbance or damage of those assets by the reinstatement works is minimised, and that archaeological remains are, where appropriate, preserved in situ. This accords with Policy BE.31 and BE.36 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and paragraph 141 of the NPPF.

Condition 10

No development other than site remediation and reinstatement shall commence until a detailed scheme showing the complete scope and arrangement of the foundation design and ground works of the proposed development (including drains, services and tree pits) has been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved scheme.

Reason

The site contains significant heritage assets. The Council requires that disturbance or damage of those assets by foundations and related works is minimised, and that archaeological remains are, where appropriate, preserved in situ. This accords with Policy BE.31 and BE.36 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and paragraph 141 of the NPPF.

Condition 11

No works shall be undertaken to existing historic walls including those that may be exposed by the land remediation work (either physical works to the walls themselves or placing of material against them), other than in accordance with a specification and methodology for those works that has been submitted to and approved in writing by the Local Planning Authority in advance.

Reason

The site contains significant heritage assets and any works to those newly exposed walls requires assessment to ensure they are not harmed. This accords with Policy BE.31 and BE.36 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and paragraph 141 of the NPPF.

Condition 12

No above ground development shall take place until details of the treatment of the levels change along the northern boundary of the application site to the Llanthony Priory land have been submitted to and approved in writing by the Local Planning Authority. Works shall be undertaken only in accordance with the approved details.

Reason

The site contains and is adjacent to significant heritage assets and any works to those assets or that would affect their setting require assessment to ensure they are not harmed. This accords with Policies BE.23, BE.29, BE.31 and BE.36 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and paragraph 131 of the NPPF.

LANDSCAPING

Condition 13

Notwithstanding that indicated on the submitted plans, soft landscaping shall be implemented only in accordance with a landscape scheme that has been submitted to and approved in writing by the Local Planning Authority. The submitted design shall include scaled drawings and a written specification clearly describing the species, sizes, densities and planting numbers, and shall provide for access and maintenance to the area south of the listed brick range within the adjacent Llanthony Priory site to the north. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

Reason

In order to protect the visual amenities of the area and in the interests of preserving and enhancing the setting of the listed buildings and the scheduled monument and the conservation area in accordance with Policies SD5, SD9

and INF4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 17 and 58 of the National Planning Policy Framework and Policies BE.4, BE.12, BE.23 and BE.35 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 14

The approved landscaping details shall be carried out in full concurrently with the development and shall be completed no later than the first planting season following the completion of the buildings. The planting shall be maintained for a period of 5 years following implementation. During this time any trees, shrubs or other plants which are removed, die, or are seriously damaged shall be replaced during the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment, in accordance with Policies BE.4 and BE.12 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17 and 58 of the NPPF.

USE RESTRICTIONS

Condition 15

The use of the apartments within the assisted living (extra care) building at the canalside on the eastern side of the development hereby approved shall, at all times be used for the designed purpose of providing units of accommodation for person or persons who, for the purpose of acquiring purchase or lease of any of the approved apartments, are contracted into a care package and who have a minimum age of not less than 70 years of age (or who shares or previously shared the accommodation with such a person (e.g. a spouse or surviving spouse) and has a minimum age of not less than 60 years). Furthermore the supporting staff and resources associated with the management of the site and the delivery and implementation of the individual care package(s) associated with the terms of purchase and occupancy of each apartment, together with the occupants' permitted use of the facilities provided within the approved building, shall be in accordance with the submitted application details.

Reason

To secure the terms of the application and the assumptions around s106 contributions in accordance with the current status of Policy SD13 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014.

ENVIRONMENTAL HEALTH

Condition 16

No building hereby permitted shall be occupied until the noise mitigation measures identified in the Noise Exposure and Mitigation Assessment dated May 2016 (received by the Local Planning Authority on 20th May 2016) (or such other noise mitigation measures that may be approved in writing and in advance by the Local Planning Authority) have been implemented in full.

Reason

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

Condition 17

Prior to occupation of a building hereby approved, post construction noise testing shall be carried out by a professional and competent contractor (Member of the Institute of Acoustics) inside a unit within that building where the building envelope is subjected to the highest noise level from road traffic noise on St Ann Way to establish whether the noise criteria as recommended within the submitted Noise Exposure and Mitigation Assessment has been met through approved mitigation measures. The testing procedure shall be submitted to the Local Planning Authority for approval at least seven days prior to noise testing being carried out. If the results are not satisfactory, a revised approach shall be provided to meet the established noise criteria for the Local Planning Authority's approval and the revised approach shall be implemented in full prior to first occupation of any of the residential units within that building.

Reason

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

Condition 18

Construction work and the delivery of materials shall be limited to the hours of 0800 hours to 1800 hours Monday to Friday, 0800hours to 1300hours on Saturdays and no construction work or deliveries shall take place on Sundays or Bank Holidays.

Reason

To safeguard the amenity of the area in accordance with Policies FRP.9, FRP.10 FRP.11 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014 and Paragraphs 17, 109, 120 and 123 of the National Planning Policy Framework.

Condition 19

Prior to construction commencing (including remediation and preparatory groundworks) an Environmental Management Scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies mitigation measures in respect of the following issues in order to prevent nuisance;

- a) Dust from demolition, groundworks, haulroads, stockpiles and material handling/removal
- b) Lighting
- c) Storage of waste
- d) Keeping highways clear of mud and debris

Construction shall take place only in accordance with the approved scheme.

Reason

To safeguard residential amenity and prevent pollution in accordance with Policies FRP.11 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraphs 17, 109 and 120 of the NPPF. Details are required prior to commencement because of the potential harm from first phase works.

Condition 20

The assisted living (extra care) building at the canalside on the eastern side of the development shall not be occupied until a scheme for the ventilation and reduction of fumes and odours has been installed to full working order in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be operated and maintained as long as the use continues.

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 21

The rating level of any noise generated by mechanical plant associated with the development shall not exceed 5dB below the pre-existing background (LA90) noise level at all times. The noise levels shall be determined at nearby noise sensitive premises, and measurements and assessment shall be made in accordance with BS4142: 2014 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.

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 22

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

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

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

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

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy FRP.15 of the Second Deposit City of Gloucester Local Plan (2002), Policy SD15 of the Gloucester Cheltenham Tewkesbury Joint Core Strategy Pre-Submission Document 2014 and Paragraphs 109, 120 and 121 of the NPPF. Details are required prior to commencement given the potential harm arising from first phase works.

DRAINAGE

Condition 23

The finished floor levels of all new buildings shall be set at least at 12 metres above ordnance datum (N).

Reason

To ensure protection 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 24

The development hereby permitted shall not commence (excepting those works set out in the Method Statement to be approved under Condition 7) until details for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage Systems (SUDS) and shall be accompanied by an assessment of the impact of the proposed solution on heritage assets. The approved details shall be implemented prior to the commencement of the use hereby permitted and maintained thereafter for the life of the development.

Reason

To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of creating or exacerbating a flooding problem, to minimise the risk of pollution and preserve heritage assets in accordance with Policies SD9, SD15 and INF3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version November 2014, Paragraphs 100, 103 and 131 of the NPPF and Policies FRP.1a, FRP.6, FRP.11, BE.31, BE.34, BE.35 and BE.36 of the City of Gloucester Second Deposit Local Plan 2002. This is required pre-commencement given the potential coincidence of the drainage system with important heritage assets and the need to coordinate mitigation measures.

Condition 25

No building shall be occupied until a SuDS maintenance plan for all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The approved SuDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions and shall operate for the lifetime of the development.

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 Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Submission Version 2014 and Paragraph 103 of the NPPF.

ECOLOGY

Condition 26

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

Reason

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

Condition 27

Details of the type, number and location of bird and bat boxes within the scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above-ground construction. Any bird and bat boxes proposed on buildings shall be installed prior to occupation of any unit within that building. Any bird and bat boxes proposed within the planting shall be installed concurrently with implementation of the soft landscaping.

Reason

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

Condition 28

Site clearance shall be undertaken only in accordance with a Method Statement to be submitted to and approved in writing in advance by the Local Planning Authority.

Reason

As recommended in the submitted ecological report to preserve biodiversity by dealing suitably with any nesting birds and refugia for herpetofauna 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 29

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. Any approved physical measures shall be implemented in full prior to the first occupation of the building.

Reason

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

HIGHWAYS

Condition 30

Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and completed in accordance with the submitted plan MI 2232 AC 03 005 C, and shall be maintained thereafter.

Reason

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

Condition 31

The vegetation to west of the proposed pedestrian crossing point on the northern side of the access road shall be maintained at a level not exceeding 600mm above ground level

Reason

To ensure safe and suitable access that minimises conflict between pedestrians, cyclists and traffic in accordance with Paragraph 32 and 35 of the NPPF.

Condition 32

No building shall be occupied until the car parking associated with that building within the development has been provided in accordance with the submitted plan drawing no. MI 2232 AC 03 005 C, and shall be maintained available for that purpose thereafter.

Reason

To reduce potential highway impact by ensuring that vehicles do not have to park on the highway resulting in a severe impact contrary to paragraph 32 of the National Planning Policy Framework.

Condition 33

Prior to occupation of the development hereby permitted a survey to establish the on street parking demand and impact on highway safety in relation to parked vehicles along the access road for a minimum of 5 days (including weekends between the hours of 7:00am-19:00pm) leading to the development from its junction with St Ann Way shall be undertaken with the results submitted the Local Planning Authority. These results are subject to the approval of the Local Planning Authority. If any of the approved surveys demonstrate that the on street parking restricts visibility or causes obstruction then a scheme to introduce measures to restrict parking shall be submitted to and agreed in writing by the Local Planning Authority. Those details once approved shall be implemented within a timetable to be agreed.

Reason

To assess and reduce the impact of additional on street parking on the adjacent highway in accordance with Paragraph 39 of the NPPF including the Written Statement to Parliament March 2015

Condition 34

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

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

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

Reason

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

Note

While it is not proposed by reference to the submitted details and would involve land outside the site, for the avoidance of doubt there shall be no building up of levels behind the listed Llanthony Priory brick range and the wall extending east-west off it (to the north of the application site) such as to make them retaining walls, in the interests of protecting the historic structures.

Decision:

Notes:

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Person to contact: Adam Smith
(Tel: 396702)

16/00634/FUL

Land At Bakers Quay, Llanthony Wharf, And Monkmeadow Bounded
By Southgate Street, Llanthony
City Of
Gloucester

Planning Committee 06.12.2016

