

**GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **FEBRUARY 2017**

**ADDRESS/LOCATION** : **BARBICAN CAR PARK LADYBELLEGATE STREET, GLOUCESTER**

**APPLICATION NO. & WARD** : **16/01525/FUL**

**EXPIRY DATE** :

**APPLICANT** : **CITYHEART LIMITED**

**PROPOSAL** : **Re-development of the site for the construction of Phase 1 student's residences accommodation of 295 bedrooms, comprising studio flats, cluster flats and town houses, through the erection of new buildings and related/ancillary facilities, services, and amenities , with associated works comprising access (including new pedestrian route from Ladybellegate St to Barbican Road/Way), parking, hard and soft landscaping, public realm works, together with the creation and provision of temporary surface level car parking facility.**

**REPORT BY** : **RON MOSS**

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

**1.0 Site Description and Proposal**

- 1.1 The site is located just to the south west and in close proximity to Gloucester City centre. It specifically contains land which is located between Ladybellegate Street to the east, Barbican Road to the west, Commercial Road to the south and the rear of properties along Longsmith Street to the north. The site has been cleared and there are no longer any buildings on the site.
- 1.2 The site is approximately 9,000 square metres in area and is currently in use as a public car park, which is run by Gloucester City Council. The car park has a generally rough surfaced condition and appearance, and does not have any demarcated spaces. The perimeter of the site is predominantly enclosed by railings or chain link fencing to the eastern and western boundaries. In terms of gradient the site slopes from east to west, and falls in level by some 5

metres taken from boundary to boundary. There is a wayleave across the site as well as some high voltage cabling underground.

- 1.3 The northern boundary of the site is predominantly formed by a boundary wall which separates the site from the car parking areas for business premises backing toward the site from Longsmith Street. The eastern boundary of the site is formed by the public footway along Ladybellegate Street and contains a number of lime trees. The southern boundary of the site partially borders an electricity primary station and a music school building, with Commercial Road beyond. On the other side of Commercial Road then lies the docks area. Finally the western boundary of the site abuts Barbican Road with the former prison site beyond.
- 1.4 With regard to heritage matters, as stated above, the site is within the Barbican conservation area. Parts of the Scheduled Ancient Monument, Glevum Roman Colonia fall within the western boundary. Furthermore although there are no listed buildings on the site itself, there are a number of them that directly border the site. The Former HMP Gloucester which consists of numerous designated heritage assets including a Governors House, Debtors Prison, Outer Gatehouse and perimeter brick walls which are all Grade 2 listed, together with the Central Cell Block and Chapel, which are Grade 2 \*. To the east of the Blackfriars section of the site then lies the listed buildings associated with the Blackfriars Scheduled Monument, including the Grade 1 Listed Blackfriars Church, and the Grade 2\* listed 13,15 and 17 Ladybellegate Street. The Grade 1 listed Ladybellegate House is located to the north east of the site, while to the north lies the Grade 2 \* Bearland House and Lodge. Along Commercial Road are then three Grade 2 Listed Buildings, The Dock Company, City Flour Mills and the Regiments of Gloucestershire Museum.
- 1.5 In terms of the development itself the applicant proposes student accommodation within two phases of development. Planning permission is only currently sought for phase one, which seeks planning permission for student accommodation on the eastern half of the site adjacent to Ladybellegate Street and a new surface car park to the west. The second phase is only shown for illustrative purposes and would provide additional student accommodation with undercroft parking on the western half of the site. The accommodation in phase is shown within four main buildings, marked on the plan as A, B, C and D.
- 1.6 Block A is located in the corner of the site where Ladybellegate Street meets Commercial Road. The block is four storeys in height on the corner and then drops down to three storeys along its frontage with Ladybellegate street. The corner element would be flat roofed and completed in brick. A vertically glazed and cladded section would then differentiate the position of the stairs, lifts and landing area from the second part of the building that was originally shown covered by a double pitched roof and finished in brick. The proposal has now been revised to show more variety in roof treatment, with a random variety of flat roofs, parapets and front gables at different heights along with greater variation to brick type and materials to give the appearance of smaller plot fine

grain individual buildings. Overall Block A would house 57 beds, in the form of a 1 x 4 bed cluster, 1 x 5 bed cluster and 8 x 6 bed cluster, which would be set around shared lounge/kitchens.

- 1.7 Block B is then shown separated from Block A by a vehicular access route for emergency and service vehicles. It would also front Ladybellegate Street and was originally shown to be of similar design to Block A, except larger in foot print and reversed so that the white bricked flat roofed element would be to the north rather than the south. Revisions to the scheme now show it also with a variety of different roof forms and heights across the block, and whilst the roof forms would be similar to that of Block A, their pattern across the building would be different. The drawings show it to contain a 1 x 6 bed cluster and 12 x 8 bed cluster, making a total of 102 bed spaces.
- 1.8 Block C would then be positioned, placed at right angles to Blocks A and B, with its gable end facing Ladybellegate street and with its main front elevation running in to the site and facing a pedestrian routeway that runs east to west here across the site. Its rear elevation would back on to the commercial properties located on Longsmith st. In terms of student accommodation, it would house 7 x 6 bed cluster, 6 x 7 bed cluster and 16 x 1 bed studio flats. There would also be shared amenity space on the ground floor of block C including laundry, management suite and communal fitness space. In terms of appearance the block is shown rising from four storeys on its perimeters to five storeys in its more central section. As with Blocks A and B revisions to the scheme now show a more varied roof form, while a variety in the brick colour and types as well as different materials help give the appearance of a set of individual fine grain buildings rather than a large block.
- 1.9 Finally the fourth block, block D, would be located in the centre of the site and is set up as a terrace of three town houses to house students in three 12 bed townhouses. The building would be four storey in height with the kitchen and lounge at ground floor and three storeys of bedrooms above. The use of front gables and a set of pitched roofs are used to give the terraced town house appearance. It would also front the pedestrian access way through the site. A revision to this block now shows a flatted roof element in the place of the central front gable and detailed brickwork and windows on what was previously a blank flank wall.
- 1.10 To the rear of Blocks B and D is then shown a landscaped court yard area with ornamental and lightweight planting and amenity grass areas. Feature seating units, predominantly wooden would be located in this area along with heavy standard tree planting. Two tiered cycle parking shown for 100 bikes and a refuse store for 16 x 100 litre euro bins as well as a water booster house are all shown positioned against the southern boundary of the site with the electrical substation.
- 1.11 In terms of access, the primary vehicular route for maintenance and refuse collection is from the south east corner of the site by block A, accessed via Commercial road and egressed from Ladybellegate street. The actual student accommodation would have no parking provision for the students, apart from

four accessible spaces positioned 'end on' along the access route from Commercial road. As part of phase 1 however a car parking area is shown to the west of the site that would be accessed from Barbican Way from the same position as the current access down here.

Ninety one car parking spaces are shown in phase 1 of the development, including 6 accessible spaces to provide temporary parking until a second phase is considered. The indicative plans for phase 2 then show 62 car parking spaces here, part within an undercroft.

With regard to pedestrian access, the key pedestrian only route runs east – west with entrances/exits on to Ladybellegate street and Barbican way. Due to the significant level changes on the site, there are a set of steps positioned adjacent to Ladybellegate street to take people down the 2.5 metres to the main level of the development on which blocks A, B, C and D are set. For accessibility purposes an external platform lift is shown next to the steps. Further into the site a second set of steps link to the level currently shown for car parking and the western access on to Barbican Way, another drop of 2.5 m from east to west. At this point a ramped accessibility access is also proposed. Hazard warning paving would be used along this pedestrianised route, which would include tree planting.

- 1.12 An Environmental Impact Assessment screening opinion was also sought by the applicants and your officers confirmed that an Environmental Statement was not required.
- 1.13 The application is referred to the Planning committee due to the scale of the proposed development

## **2.0 Relevant Planning History**

### **2.1 16/01510/LDO**

A Residential led Draft Local Development Order that when adopted would grant planning permission for predominantly residential uses, with other supporting uses and car parking, and that includes an Environmental Statement on Quayside and Blackfriars area, including the area to the north West of the Magistrates Court and Police Station (Quayside) and Land south east of the Magistrates Court up to Ladybellegate Street ( Blackfriars). This proposal is still pending and will be considered at a future planning committee.

### **2.2 12/00595/FUL**

Use of land for car parking and associated landscaping and localised resurfacing works Granted 07.11.2012

### **2.3 95/00690/OUT**

Demolition and Partial Demolition of buildings (outline application) site for Comprehensive Redevelopment comprising retail food and drink, ancillary Offices and storage, housing, crèche, service areas, a multiplex cinema with multi storey car park incorporating shop mobility and public conveniences.

Construction of new vehicular and pedestrian accesses (siting of buildings and means of access not reserved) Granted 17.04.2001.

### **3.0 Planning Policies**

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

#### Central Government Guidance - National Planning Policy Framework

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

#### *Decision-making*

The NPPF does not alter the requirement for applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In assessing and determining applications, Authorities should apply the presumption in favour of sustainable development.

For decision-making, this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent, or relevant policies are out of date, granting planning permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
  - specific policies in the NPPF indicate development should be restricted.

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

#### *Core planning principles*

Planning should:

- Be genuinely plan-led;
- Be a creative exercise in ways to enhance and improve places;
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Secure high quality design and a good standard of amenity;
- Take account of the different roles and character of different areas;
- Support the transition to a low carbon future, take account of flood risk and encourage the use of renewable resources;
- Contribute to conserving and enhancing the natural environment and reducing pollution;
- Encourage the effective use of land by reusing brownfield land;
- Promote mixed use developments;
- Conserve heritage assets in a manner appropriate to their significance;

- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- Take account of and support local strategies to improve health, social and cultural wellbeing and deliver sufficient community and cultural facilities and services to meet local needs.

The NPPF includes relevant policy on promoting sustainable transport, including the statement that development should only be prevented on transport grounds whether the residual cumulative impacts of development are severe.

#### *Planning obligations and conditions*

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

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

Planning conditions should only be imposed where they are

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

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

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

#### The Development Plan

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

- A.** The regional spatial strategy for the region in which the area is situated, and
- B.** The development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

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

### Local Plan

- 3.4 The statutory development plan for Gloucester remains the City of Gloucester Local Plan (Adopted 1983 and partially saved until the Local Development Framework is adopted). Under the terms of the NPPF, weight can be given to these policies according to their degree of consistency with the NPPF.
- 3.5 Subsequent to the 1983 plan there has also been the City of Gloucester (Pre-1991 Boundary Extension) Interim Adoption Copy October 1996), and City of Gloucester First Stage Deposit Local Plan (June 2001).
- 3.6 Regard must also be had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. This cannot be saved as it is not a formally adopted plan, however with it being adopted for development control purposes it is still judged to be a material consideration.
- 3.7 2002 Plan Policies
- B.7 – Protected species
  - B.8 – Non-identified sites
  - B.10 – Trees and hedgerows on development sites
  - LCA.1 – Development within landscape conservation areas
  - FRP.1a – Development and flood risk
  - FRP.3 – Obstacles in the flood plain
  - FRP.5 – Maintenance of water courses
  - FRP.6 – Surface water runoff
  - FRP.9 – Light pollution
  - FRP.10 – Noise
  - FRP.11 – Pollution
  - FRP.15 – Contaminated land
  - BE.1 – Scale, massing and height
  - BE.2 – Views and skyline
  - BE.4 – Criteria of the layout, circulation and landscape of new development
  - BE.5 – Community safety
  - BE.6 – Access for all
  - BE.7 – Architectural design
  - BE.12 – Landscape schemes
  - BE.21 – Safeguarding of amenity
  - 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.10 – Parking provision below the maximum level
  - TR.11 – Provision of parking for people with disabilities
  - TR.12 – Cycle parking standards

- TR.31 – Road safety
- TR.32 – Protection of cycle/pedestrian routes
- TR.33 – Provision for cyclists/pedestrians
- TR.34 – Cyclist safety

### 3.8 Emerging Plans

In terms of the emerging local plan, the Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Councils which was submitted to the Planning Inspectorate on 20<sup>th</sup> November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and NPPG and are a material consideration. The weight to be attached to them is limited, the Plan has not yet been the subject of independent scrutiny and does not have development plan status. The Examination in Public has been ongoing since May 2015. In addition to the Joint Core Strategy, the Council is preparing its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

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

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

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

- SD1 – Presumption in favour of sustainable development
- SD5 – Design requirements
- SD9 – Historic environment
- SD15 – Health and environmental quality
- INF1 – Access to the transport network
- INF2 – Safety and efficiency of the transport network

The City Plan is at a very early stage and therefore carries limited weight.

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



## 4.0 **CONSULTATIONS**

4.1 The Highway Authority states the following:-

The proposed development would generate a lower number of vehicle movements than the existing use of the site as a public car park. The current car park arrangement parks up to 200 cars whereas the proposed phase 1 would be for 91 cars in the public car park and just the 4 accessible parking spaces for the students - The student accommodation itself will generate very few vehicle movements as there is not proposed to be any car parking on the site for future residents to use and the surrounding streets form part of the Controlled Parking Zone.

- However the majority of the traffic movements would occur through the more restrictive Barbican Way and Barrack Square whereas all current movements use Ladybellegate Street.
- Barbican Road north of the car park cannot accommodate two -way traffic movements and it would not be desirable for additional traffic to use it.
- The solution is to restrict vehicle use in this section of Barbican road, so its just for pedestrian and cycles and for the car park traffic to access and egress along Barbican Way and Barbican Square. Traffic surveys have been submitted to show that this will work, with the chevron parking to the rear of the Shire hall altered to perpendicular to give more space.

In conclusion recommend approval subject to conditions to submit a scheme to restrict vehicular use of Barbican Road along with adequate pedestrian and cycle safety, a pedestrian crossing facility on Ladybellegate Street completion of vehicle access/egress from Commercial Road/Ladybellegate Street, cycle storage and a travel plan.

4.2 The Police have not commented

4.3 The Drainage engineer states that the application site is located in flood zone 1 area, so there are no concerns over fluvial flood risk and the surface water flood maps do not show any significant risk. With regard to surface water run off rates /attenuation he states the proposed surface water discharge rate of l/s is acceptable, but that an alternative surface water disposal strategy should be explored as part of the detailed design.

One concern raised is that the onsite attenuation has been designed using a 20% climate change figure whereas current EA guidance states that 40% should be used. Assurance is sought that the applicant will use 40 % for the detailed design. It would also be preferable to see an element of above ground SuDs. Overall consider acceptable subject to surface water drainage strategy with 40% uplift on rainfall to allow for climate change and a scheme for maintenance of all SUDS/attenuation

4.4 The Urban Design officer stated the following on the original proposal:-  
Overall the proposal can be seen to be positive in redeveloping a rather dilapidated site.

The main principle in this case is to develop a scheme design which responds to the locally distinctive character of the area, distinguished from other character areas in surrounding areas, notably the Docks Conservation Area. One of Gloucester's most important defining characteristics is the way in which very different character areas are often located adjacent to each other, which provides a very rich sequence of spaces, within quite small areas. In this broad area, The Docks sits right next to Southgate Street, both of which have quite distinctive characters. The scheme needs to take reference from the properties in Ladybellegate street, Commercial street and Southgate street, however at the same time it should look to a certain extent to create an element of its own identity and knit the neighbouring areas together.

The design does not effectively or appropriately respond to the context and the overall appearance of the submitted scheme lacks variety and interest, in both form and material finish. The use of one very narrow palette of materials and colours does not result in a positive appearance as an identity on its own, and certainly not when the very important context of the site is considered.

#### Comments on revised scheme as follows:-

- - Now much more variety in roof forms and plot widths along Ladybellegate street , both of which help to break down the massing of the blocks and add interest
- A 4 material range with two red and two lighter material types provide a good range of materials and utilising the Cattybrook brickery just north of Bristol is a good sustainable option.
  - A change to the proportion of the pitched gable forms provide a more appropriate wider grain, 3 window wide sections are 4 storey in height and a 2 window wide section are 3 storey resulting in a 40 degree pitch angle , which responds to the Priory buildings.
  - Feature panels now are shown with a distinct feature panel approach and material, while previously blank western elevation of Block D has been improved with detail in the brickwork and column of windows.

In conclusion, the scheme is considered to have been considerably improved by the revisions and recommend approval subject to conditions on architectural details.

- 4.5 The Conservation officer stated the following on the original scheme. The application identifies the docks and its distinctive brick warehouses as the predominant vernacular reference for the scheme but the area is diverse and there are many vernacular references for the site to be taken in consideration when developing this site.

The boundary treatment requires further review and the brick wall surrounding the site along Commercial Road and Ladybellegate Street should be of traditional Gloucester red brick and not a buff colour. There are no objections to a contemporary scheme, but for the scheme to be acceptable, the materials should be rethought to include a strong red brick, a render /or cladding panel

to reflect the stone buildings of Blackfriars and Ladybellgate Street, and a further contemporary cladding panel in place of the timber weatherboard.

#### Comments on revised scheme

- The massing, mixed heights, plot sizes and roof forms now reflect the diverse character of the area.
- Window sizes, their layout and orientation now create a character distinct from the Docks.
- The addition of panels and features to break up the massing of units is welcomed and provides interest.
- Welcome the detailed brickwork and windows to the previously blank elevation of Block D
- The landscaping scheme and introduction of planting to soften the timber boundary treatments is positive.
- The railings and wall on Ladybellegate street should follow the in situ boundary for the now demolished BT repeater station. The upgraded pavement here should be conditioned.
- The scheme would lose the view from Barbican Way to the Grade 1 listed Blackfriars Priory and this should be compensated for in some way.
- Overall the scheme has been significantly improved to create a proposed development which has a variety of roof forms, plot widths and materials to reflect the diverse character and townscape of the surrounding area. The proposal is acceptable subject to conditions on materials.

#### 4.6 The City's archaeologist has made the following comments :-

This site is one of the most archaeologically sensitive locations in Gloucester. The site contains the following:-

- Remains from the original Roman fortress at Gloucester;
- The remains of two (perhaps three) large town houses dating from the time of the Roman colonia (colonial city) of Glevum;
- Remains of Saxon settlement in Gloucester;
- Part of the 'Old' castle (a Norman ring work or mote and bailey castle); and
- The outer defensive ditches of the 'New' castle (a larger stone-built castle centred on the adjacent prison site).

These remains are of national importance – consequently two areas of the site have statutory protection as scheduled monuments. The site has been subject to extensive archaeological investigation including a recent programme of archaeological trail trenching and a number of earlier investigations. The applicant has submitted an 'Archaeological Impact and Mitigation Statement'. That document outlines that there will be some impact on archaeological remains – predominantly in the area around 'Block A'. This is a fairly localised and shallow impact which can be mitigated by excavation in advance of development and via an archaeological watching brief where necessary.

Across the rest of the site the likely impact of the proposed development is exceptionally low – generally around -0.26% of the development footprint, this

is really excellent and the applicant is to be commended for designing such a low impact scheme in such a sensitive area. I contend that the applicant has done everything reasonable to ensure the protection of archaeological remains within the site. I'm also content that, where archaeological remains may be impacted, appropriate mitigation can be secured by condition.

Conditions requiring the following are therefore required. The securing of an implementation of a programme of archaeological work in accordance with a written scheme of investigation, submission of a methodology for public outreach and engagement, submission of a detailed design showing the complete scope and arrangement of the foundation design and ground works, submission of detailed methodology for all ground works.

- 4.7 The Lead Local Flood Authority confirm that they have no objection to the proposal, subject to conditions requiring full details of the surface water drainage strategy and a scheme for maintenance of all SUDS/attenuation features.
- 4.8 The City Ecologist confirms agreement on the Habitat Regulations Assessment Screening and requires a condition to provide bird and bat boxes.
- 4.9 The Waste team have not commented
- 4.10 With regard to contaminated land Worcestershire Regulatory Services state that the submitted site assessment represents an appropriate and thorough phase 1 Preliminary Risk Assessment. They note that no site walkover/reconnaissance has been undertaken and therefore recommend that the standard land contamination conditions are attached to any approval.
- 4.11 The Council's Environmental Protection officer has suggested conditions for restriction of hours during construction, no burning of materials, details of the proposed noise barrier for the substation and for a student management plan. He would like the submitted noise report to be updated to account for the noise from the electricity substation, particularly when cooler fans operating.
- 4.12 The City's Arboriculturalist states the following:-  
At least 1 lime tree on Ladybellegate street would have to be removed. Regarding the proposed landscaping, I can see a small number of trees proposed for the central areas of the development. This is positive but would I would like more details regarding proposed species and sizes. Also would like to see tree planting in areas of more public visibility such as adjacent to Ladybellegate Street and in, and at the edge of, the proposed car park.
- 4.13 Historic England  
The site proposed for the student housing and car parking is in an archaeologically and historically significant part of Gloucester. The high significance of Grade 1 and 11\* heritage assets that fall within the site and its immediate setting should be emphasised. They are in the top 6% of listed buildings and therefore great weight should be given to their conservation.

The principle of redeveloping the site is supported. However as the first phase of a wider master planned area there is concern that the current proposals may not match the aspirations that all parties have for the site. There are concerns with regard to the following :-

- The raised levels retained across the site would exacerbate the impact of the western elevations of blocks C and D. In particular, the blank elevation of block D would be unduly dominant from the rear of the prison. The western ends of these blocks should be dropped a storey. (Officer note - The revised scheme shows detailed brickwork and windows on this elevation)
- Regarding the legibility of the setting of the highly graded heritage assets, most notably Blackfriars, the prison and cathedral, there should be greater inter-visibility through the site with the key historic buildings forming the focus of views. Would like the view from Barbican Road south eastwards to Blackfriars to be respected.
- Exclusive use of brick is a concern

In summary, we would conclude that the form, layout and construction proposed for the re-development of the site would not make a sufficiently positive contribution to the conservation area, or better reveal its significance, as required by paragraph 137 of the NPPF. Regarding the impact upon the significance of heritage assets, we do not believe that 'great weight' has been given to the conservation of their setting.

As a recommendation, we consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 132, 134 and 137 of the NPPF. There is no objection to this development on the grounds of impact on the nationally significant buried archaeology.

4.14 Severn Trent Water have no objection subject to a condition on submission of details for disposal of foul and surface water flows.

4.15 The Canal and River Trust state that they have no comments to make.

4.16 The Civic Trust has stated the following with regard to the original scheme:-

- The panel welcomes in principle the development of this long derelict site where previous schemes have failed to materialise.
- The panel is disappointed that the prominence of the site has not prompted a much more cutting edge standard of architecture.
- Heights, materials, modelling, fenestration and roof lines all require further attention
- The steeply sloping site conditions allow the ground floors of the buildings fronting Ladybellegate street to be sunk below street level. While this will reduce the impact of the proposal it loses the presence of the building and an active frontage.
- There is no clear indication as to how this will tie in with the prison redevelopment and the future quayside proposals. There needs to be a more comprehensive approach.

- The use of brickwork is good, however there is a need to show strong defined materials, reflecting those of the surrounding architecture.
- The walkway between Ladybellegate street and the Quay is welcomed.

#### Comments on revised scheme

- The revised proposal shows a much better mix of building form and roof lines
- More work needs to be done on the type and colour of materials and with regard to building on corner of Commercial road.
- Frontage to Ladybellegate Street still a concern
- Welcome the increased use of planting to define boundaries

### **5.0 Publicity and Representation**

- 5.1 166 neighbouring properties were notified and press and site notices were published. A second consultation period was undertaken, expiring on 6 February 2017. Two responses have been received to date (see below)
- 5.2 The response from the company currently working on the development of the former prison site stated that they had no objection in principle. However, they had the following observations.
- They would like to be considered in any over view of parking that might consider end users for the proposed car park.
  - Currently a lack of detail in the application around the impacts of the student accommodation and public car park proposals on the prison site and the opportunities that might exist to bring forward a development that might compliment the future redevelopment of the prison complex.
- 5.3 Western Power Distribution have also stated :-  
Our main area of concern is the likely impact that noise from our site will have on future residents. The substation provides electricity to most of the city centre and adjacent residential areas, and contains three large transformers in continuous use - two 23/30MVA 33/11kV and one 30/60MVA 132/11/11kV. Transformer noise is characterised by a continuous 100Hz and 200Hz tonal hum present at all times.

Having read the Noise Assessment we note that the impact of noise from our substation is considered to be 'adverse' and that the proposed mitigation is mechanical ventilation to avoid the need for residents to open windows. From our experience with transformer noise monitoring we would still anticipate customer complaints about the noise from our substation even with windows closed as we find that double glazing is inefficient at attenuating 100Hz. The Noise Report does not appear to mention our cooling fans which operate when load dictates and can produce up to 80dBA according to current specification. We also feel that we may be restricted when installing or modifying equipment at our site in future due to the impact of noise on the proposed development.

Given the proximity of the proposed development to our substation we feel that in this instance it would be appropriate, and in the best interests of future

residents, for WPD and the developer to consider the practicalities of erecting noise enclosures around our equipment.

Also have a further concern as to whether the proximity of this residential development might prejudice any future upgrades in security lighting.

However confirm that do not consider that the proposal would harm access to the substation.

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

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=16/00945/REM>

## **6.0 Officer Opinion**

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

- Principle of Development
- Design of Proposal and Impact on the Appearance of the Area
- Impact on Conservation Area and Neighbouring Listed Buildings
- Archaeology
- Traffic and Transport
- Impact on Amenity of Neighbouring Occupiers/Satisfactory Living Environment for Student Occupants
- Land Contamination
- Drainage and Flooding
- Ecology and Landscaping

### **6.2 Principle of Development**

The adopted 1983 Local Plan shows this site as non -designated, however in the Local Plan Second Stage Deposit 2002 the site is identified on the proposals map as CL1, which is for New Major Commercial Leisure Development. This plan was to set policies and proposals for future development for the period up to 2011. In 2004 the Gloucester Heritage Urban Regeneration Company (CHURC) was sanctioned by the Government with the purpose to facilitate the regeneration of the many historic areas of Gloucester and the larger Blackfriars area was identified as a key regeneration priority. Then in 2006 the Council's draft Central Area action plan was published and within it the Greater Blackfriars area was allocated under Policy CA19 for mixed use development, including office, hotel, leisure and cultural, food and drink, and residential.

Following this work, the Greater Greyfriars Planning Brief was produced, which set out the Council's approach for the development of the Greater Greyfriars area. (the larger area within which this site falls) This has been adopted by the Council as interim planning guidance for the purposes of development control. In response to this planning brief CHURC then produced a Masterplan for the eastern part of the Greater Blackfriars area and this

Masterplan has been now been endorsed by the city council and forms a material consideration when determining future proposals in the area. Key to the vision of the plan was the aim to make Greater Blackfriars a distinctive new city quarter in its own right through the design of the development and its proposed uses.

Unfortunately, however this area has consistently struggled to attract development, but the Council has always recognised the importance of this part of the city and the need to regenerate it. To bring matters up to date Objective 1 of the Council's Regeneration and Economic Development Strategy 2016 – 2021 states the aim with regard to the Blackfriars project of regenerating this large brownfield site is to provide a vibrant mixed use of employment, residential, leisure, open space and parking development thereby creating a seamless link between the traditional docks and city centre.

Furthermore, the City Council in conjunction with the County Council set up a Quayside/Blackfriars regeneration board that looked at how to bring the larger area forward and with funding from GFirst LEP started undertaking de-risking investigative ground works and is close to putting in place a Local Development Order (LDO) to make it quicker and easier for development to take place here. This relates to the wider area. Consultation on the draft LDO has now concluded and the LDO will be considered at a later Planning Committee.

The emerging City Plan continues with the same emphasis with the first key principle being:-

To ensure development contributes to the delivery of a transforming City which brings regeneration benefits, promote sustainable development and makes the most efficient use of brownfield land and buildings.

There can be seen therefore to be a long history and clear focus here in bringing forward high quality redevelopment to create a vibrant area with its own distinct character. Whilst the current local plans have reduced weight due to their age and the emerging plans have reduced weight as not yet adopted they all show a clear direction of policy travel with the aim to get good quality redevelopment of the site. This objective then clearly accords with the Core Planning Principles of the National Planning Policy Framework. In particular the principles to:-

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs
- Encourage the effective use of land by reusing land that has been previously developed (brown field land), provided it is not of high environmental value.

The principle of this proposed development is therefore strongly supported by both adopted and emerging planning policy, being in accordance with the aims of the plans produced from back as far as the 1980's right through to today and the NPPF.



### 6.3 Design of the Proposal and Impact on the Appearance of the Area

The proposal shows the student accommodation in four main blocks A, B, C and D. Blocks A and B front on to Ladybellegate street, while Block C is shown at right angles to Ladybellegate street and fronting the newly proposed pedestrian route through the site. Block D then sits in the centre of the site, also fronting the pedestrian street. The applicants state that in considering their proposal, they have given key consideration to the importance, both historically and strategically, of the Blackfriars site within the city centre, the relationship of the proposed buildings to the site and the wider context of the surrounding area as well as the significant changes in topography across the site.

Concern was originally expressed by officers that the buildings A, B and C were too uniform and regimented in style. The plans showed regimented window patterns with no reveals, had flat front elevations with no relieved areas and had continuous roof lines all shown running at the same height. One of the characteristics of the townscape of Gloucester however is that the roof form shows great variation in height, set back and form. Buildings sitting next to each other along a street can vary greatly in heights and roof treatment, which gives the place its character. Another concern raised by the Council's urban design and conservation officers was that the appearance of tall large buildings with regularly patterned windows and long unrelieved elevations of brick materials and uniform roof heights would be too similar in appearance to the warehouse buildings in the docks. Whilst recognising the docks are in close proximity it is key that this development positioned between the docks and city centre is shown to link the two areas with its own style of architecture. The development should clearly indicate to people walking through it that they are in transition from the city centre to the docks and vice versa.

Considerable discussion took place between the applicants architects/planning team and council officers to overcome the above concerns. Revised plans now show considerable variation in the detailing of the blocks, to the point that they give the appearance in the street scene of being sets of individual fine grained buildings rather than large blocks. To elaborate, whilst recognising that the student accommodation will encompass standardised floor plates to allow its effective operation, a solution to the large block issue has been found by raising and lowering sections of building heights and utilising flat roof elements and parapets/front gables in a random pattern along with brick colour and material changes to give the appearance of rows of individual buildings. Small relief changes in the front elevations and differing window detailing all help to create this effect. Officers were particularly keen to get this approach along the very important Ladybellegate street, which is both key in being the link and transition area between the Docks and City centre as well being sensitive in itself with the listed Priory buildings across the street and the listed Ladybellegate house at the end.

In terms of access the proposal shows a pedestrian street running through from Ladybellegate street to Barbican road, fronted on to by blocks C and D. A platform lift for accessibility as well as steps are shown linking the route to

Ladybellgate Street, while steps and a ramp would take people from the level of the student accommodation down to the car park below. Feature planting would occur along the street. To the rear of blocks B and D and bordered on the other two sides by the access ramp and cycle/ refuse structure is shown a court yard area as amenity space for the students. Benches and planting are also indicated here. The demarcation boundary between the student accommodation and the car park would be provided by gabion blocks to retain the land to the east, with a high quality close boarded timber fence positioned on top of them. The car park on the lower level would then be finished in high quality paving with an element of low level planting around it.

It is considered that the design of the proposal is acceptable and accords with policies BE1, BE4, and BE7 of the Local Plan 2002 Deposit Draft.

#### 6.4 Impact on Conservation Area and Neighbouring Listed Buildings

In terms of impact on the Barbican conservation area, the conservation area character appraisal notes the key characteristic of the conservation area being the number of high quality listed buildings inside and directly bordering the area as well as long views to the cathedral and to the water meadows. On the negative side the appraisal sees the key issues as being large amount of poor quality open spaces, the number of large unattractive modern buildings and the lack of green spaces and trees.

The proposal would seek to address the issue of poor quality open space i.e. basically the car park and lack of greenery/trees by providing a development with high quality public realm in the form of the pedestrian street with tree planting as well as ornamental planting along the Ladybellegate Street frontage and lightweight planting and amenity grassed areas around the courtyard area for the students. Your officers will also look to secure additional tree planting along the Barbican road frontage. The revised proposals would further ensure that whilst still large in size, the student accommodation blocks would bring a positive impact and enhance the appearance of the conservation area, thereby according with policy 29 of the Local Plan Second Stage Deposit 2002.

With regard to impact on the neighbouring listed buildings, looking to the eastern side of the site there is the very significant Blackfriars scheduled monument with the Grade 1 Listed Blackfriars church and Grade 2\* listed 13, 15, and 17 Ladybellegate street. The lower level of the blocks A and B in relation to the street would help reduce their height relative to the height of buildings across the road here, while the creation of a complete double sided road development would be more in keeping with a traditional street scene than buildings fronting a car park. The actual Blackfriars church building would be over 40 metres away. In conclusion, it is considered that the setting of the listed buildings here would be preserved.

The Grade 2\* Bearland lodge and Grade 2\* Bearland House then lie directly to the north of the site. Block C would be 4 storey at its nearest point to Bearland lodge, but is shown 35 metres distance away, which is considered sufficient to preserve its setting. Bearland House itself would border the

proposed car park, though any build here as part of phase 2 would need to give the setting of this listed building full consideration. The same point is made with regard to the listed prison buildings and its structures, which are shown to border the surface car park at the western end of the site. The relationship between Block A and the listed buildings in the Docks is also considered acceptable and overall the proposal would preserve the settings of the neighbouring listed buildings and accords with policy BE23 of the Local Plan Second Stage Deposit 2002.

Historic England has raised concerns with regard to the requirements of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation.'* Your officers point out that, as stated above, the Local Planning Authority have ensured clear distance is retained from the neighbouring listed buildings to comfortably retain their setting, and whilst Historic England have concern that Blocks A and B are set at a level below street level, this helps ensure they would not impact on the setting of Blackfriars Priory. There is not considered to be harm to the neighbouring heritage assets nor their settings and this is a view supported by the Council's conservation officer.

Paragraph 137 of the NPPF states that local planning authorities should look for opportunities for new development within conservation areas to enhance or better reveal their significance. In this case the conservation area character appraisal clearly recognises the harm caused by the poor quality open space and lack of green space and trees. The newly proposed development would remove this poor quality open space, while the new scheme would provide planting on the new pedestrian street and planting and greenery in the courtyard for the students. Officers would also condition any approval to tree plant along the Barbican road frontage as well. The point from Historic England regarding the view line from Barbican road to Blackfriars Priory is recognised, but it should be noted that the line of the new pedestrian street follows the line shown in the Greater Blackfriars area Masterplan.

As indicated in this report Gloucester City, aided by a number of external bodies, have prepared many plans and incentives over many years to try and get this area redeveloped without success to date. The public benefit of successfully developing this student accommodation scheme would be felt not just in physically uplifting this area in terms of producing a high quality vibrant transition area between the Docks and City centre, but also in the economic benefits from having this number of new students in the city centre and the impact on local business. Historic England are not stating that their opinion is that substantial harm would be caused, therefore at worst they consider there is 'less than substantial harm'. In response, your officers are confident that the public benefits of redeveloping this long derelict site outweighs any less than substantial harm to the significance of designated heritage assets. Making this assessment the LPA have therefore had full regard to paragraph 134 of the NPPF.

## 6.5 Archaeology

With regard to archaeology the City's archaeologist has stated that the site is one of the most archaeologically sensitive locations in Gloucester, with remains of national importance, two areas of which have statutory protection as scheduled monuments. He recognises that the area has already been subject to extensive archaeological investigation, but that there will be some impact on archaeological remains, predominantly around Block A. He states that this will be fairly localised and shallow, and can be easily mitigated. Across the rest of the site he contends that the impact from the proposed development would be exceptionally low and that conditions on the following would ensure the development is acceptable and accords with policies BE31 and BE36 of the Local Plan Second Stage Deposit 2002. The securing of an implementation of a programme of archaeological work in accordance with a written scheme of investigation, submission of a methodology for public outreach and engagement, submission of a detailed design showing the complete scope and arrangement of the foundation design and ground works and submission of detailed methodology for all ground works.

Historic England confirm they have no concerns with regard to archaeology.

## 6.6 Access and Transport

Vehicular access for service and delivery vehicles to the proposed development would be provided via a cross over access from Commercial Road, leading into a one-way system through the south west corner of the Site with egress then be on to Ladybellegate Street. Two on street parking spaces would be removed to provide the access. Four accessible parking bays would also be accessed this way. The main access for the formalised 91 car parking spaces, including six disabled spaces located to the west of the site, would be from Barbican road.

The student residents themselves would be subject to a non-car policy and this would be stipulated in the terms of their tenancy agreement, which will require that all students do not operate a vehicle within three kilometres of the development. This is shown in the submitted Management Plan, the adherence to which would form a condition on any approval. There is recognition from the University that at the start and end of terms cars would need to come on to site to pick up and drop off student belongings, but this is managed on a phased basis to prevent congestion.

The 91 car parking spaces shown with phase 1 of the development would be not be for student use, but would run as a separate car park. At the moment it is anticipated that this would be likely be a pay and display city run car park, but that has not been fully decided. Under phase 2 the car park would reduce down to 62 spaces, however as stated previously this does not form part of this planning application.

The main pedestrian access would be the pedestrian street running east – west across the site from Ladybellegate Street to Barbican Road. While not ideal, accessibility from Ladybellegate Street on to the pedestrian street would be obtained via either steps or a platform lift. The applicants have explained

that due to the quite significant change in level here, to install an access ramp to correct gradient would take up quite a large amount of land. Within the site itself there is then another level change from the level of the student blocks down to the car park. Here a ramp is shown to accompany the steps.

The Highway Officer recognises that the proposed development would generate a lower number of vehicle movements than the existing use as a public car park, but that the majority of the traffic movements would occur through the more restrictive Barbican Way and Barrack Square rather than Ladybellegate Street. Traffic modelling out the situation has led to the conclusion that with Barbican Road north of the access point shut to all but cyclists and pedestrians, and with access and egress both along Barbican way and Barrack Square, the access point here would be acceptable. A raised traffic table is proposed at the access point to the car park to help ensure safe operation by all the road users. It should further be noted that the road system here would also be operating at a lesser capacity than it has done in the past.

The Highway Officer recommends approval for the scheme in highway terms, subject to conditions requiring works to restrict vehicle access on Barbican Road north with safe pedestrian and cycle use, a new pedestrian crossing on Ladybellegate Street and the completion of the Commercial Road/Ladybellegate Street access/egress. Further suggested conditions would ensure that the indicated cycle parking is carried out and that a travel plan be submitted to ensure the proposal would be a sustainable transport scheme and accords with policies TR1 and TR12 of the Local Plan 2002 Deposit Draft.

#### 6.7 Impact on Amenity of Neighbouring Occupiers/Satisfactory Living Environment for Student Occupants

The proposal would come closest to existing development in the north east corner of the site, where Block C would be 4 storey in height next to the two storey office building that is located at this end of Ladybellegate street. Whilst the building here has windows in both ground and first floor flank elevations, the fact that it is in office use as opposed to residential, the student block being shown positioned some 2.5 m lower and there being a distance of nearly 11 metres between the buildings in a city centre location leads to this relationship being considered acceptable. City centre student accommodation would not expect to obtain the level of overlooking protection that a more suburban residential dwelling would receive, and while the office windows would lose some light, there are windows also in the front and rear windows as well.

With regard to the rest of existing predominantly mixed commercial with element of residential development on the northern boundary with Longsmith street properties, the proposed Block C would be positioned some 27.5 m away and this distance would ensure a satisfactory relationship here. The southern flank elevation of Block A does face Commercial Road and there are residential flats in the Flour Mills building on other side of this road, however the flats are not positioned directly opposite and this relationship is considered

acceptable. On the southern section of Ladybellegate Street no.17 on the opposite side of the road is in residential use, however there would be 26 metres between front elevations here, which would protect the amenities of both sets of occupiers.

Some concern has been raised regarding the possible noise impact on the amenity of the student occupiers from the neighbouring electricity substation both by Western Power who own it and the Council's Environmental Health officer. The applicants have been in discussion with Western Power and a noise barrier is likely to be the solution along possibly with some sound insulation at the substation. Details of the noise mitigation measures will form a condition on any approval.

It is further recognised that while there are not a lot of residents in this area at the moment that may change with the possible prison scheme and with the residential led LDO being put in place. The University submitted a Management Plan to ensure good neighbourly behaviour by the students and students would also be required to adhere to it as a condition on any approval.

#### 6.8 Land Contamination

A Phase1 Preliminary Site Assessment was submitted with this application that provides an overview of the geo-environmental setting of the site. It identifies previous uses of the site and potential sources of contamination from these sources, then runs an initial assessment of any risks that could be presented to the development, including its intended end users and the wider environment. WRS have viewed the submitted report and have confirmed they consider it satisfactory. They do however require the standard contaminated land conditions on site investigation and risk assessment, possible remediation, and reporting of unexpected contamination on any planning approval. The development would therefore accord with Policy FRP15 of the Local Plan Second Stage Deposit 2002.

In addition to the above, a detailed Unexploded Ordnance Report was undertaken by the applicants, which is assessed the site risk as low to medium. There were no bomb strikes identified on the site or in close proximity during World War 2.

#### 6.9 Drainage and Flooding

A flood risk assessment was submitted with the application and the application site is seen to fall within Flood Zone 1 of the Environment Agency's flood mapping, which is the lowest and safest flood zone classification. The risk of surface water flooding is therefore considered low as is the flood risk to the proposed development and from the development to the surrounding area.

The Lead Local Flood Authority confirm that they have no objection to the proposal, subject to conditions requiring full details of the surface water drainage strategy and a scheme for maintenance of all SUDS/attenuation features. The Council's drainage officer is of the same opinion, however asks

that the condition on surface water drainage strategy show a 40% uplift on rainfall to allow for climate change rather than 20%.

#### 6.10 Ecology and Landscaping

An ecology appraisal was submitted with the proposal, that showed no evidence of protected, rare or locally important species either within or adjacent to the site. None of the trees are suitable for bats and whilst mammals such as badgers may pass through the site, no evidence was found of animals residing on it. The habitats are also considered common habitats, which are of low ecological value in terms of their vegetation. The Council's ecologist has however suggested a condition on any approval for bat and bird boxes.

Due to the size of the development there was a requirement to carry out a Habitat Regulations Assessment screening to check the impact of the proposal on European designated sites. In this case the two European designated sites within the potential zone of influence are the Cotswolds Beechwoods Special Area of Conservation and Walmore Common Special Protection Area (SPA) and Ramsar site. The screening assessment concluded that due to the distance from these designated sites, no likely significant effects would occur.

Referring back to the site, it is noted that the proposal would involve the loss of 14 low value (category C and U trees). The Council's tree officer further considers that one of the Lime trees on Ladybellgate street will also need to be removed. The proposal does involve an element of tree planting along the new pedestrian route and some in the courtyard area. Your officers however did seek further planting along Ladybellegate Street, however this does restrict the width of the pavement here and could cause loss of light to the student blocks. As an alternative, tree planting will be required via condition on any approval along the Barbican Road boundary.

### **7.0 Conclusion**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.2 In conclusion the proposed development can be seen to now produce a high quality vibrant transition area between the Docks and the city centre, that in its revised form has regard for Gloucester's distinctive townscape characteristics of roof top variation, mixed plot widths and variety of materials, while at the same time setting its own character. As well as physically uplifting this area from its current state of a rough finished car park, there would be the economic benefits from having this number of students in the city centre, particularly the positive impact on local businesses.

Your officers consider that the proposal would enhance the Barbican conservation area through the quality of building and new public street along with the additional planting, while at the same time preserving the setting of the number of high graded listed buildings that border the site and the archaeology below ground in the form of the National Monument. It is recognised that Historic England do consider that the proposal causes harm to the setting of listed buildings surrounding the site, however they are not stating the harm is substantial, thereby it needs to be considered 'less than substantial. Your officers are satisfied that even taking this stance, the public benefits of redeveloping this semi derelict car parking area that has remained this way for many years despite the considerable efforts of the local authority and external bodies outweighs any less than substantial harm to the heritage assets and paragraph 134 of the NPPF has therefore been satisfied

## **8.0 Recommendation**

8.1 That planning permission be granted subject to the conditions listed below

### Time limit

#### Condition 1

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

#### Reason

Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### Plans

#### Condition 2

The development hereby permitted shall be carried out in accordance with the following approved drawings received on 3<sup>rd</sup> December 2016

1. Location Plan Drawing no : 3348-FBA-00-00DR-A-05\_10-11 P1.1
2. Proposed Site Plan Drawing no: 3348-FBA-00-00DR-A-05\_10-00 P1.1
3. Block A Level 0 and 1 Plan Drawing no: 3348-FBA-A-XX-DR-A-00\_10-000 P1.1
4. Block B Level 0 and 1 Plan Drawing no: 3348-FBA-B-XX-DR-A-00\_10-000 P1.1
5. Block B Level 2 and 3 Plan Drawing no: 3348-FBA-B-XX-DR-A-00\_10-100 P1.1
6. Circulation Strategy and Site Security Drawing no. N554-ONE-00-XX-SK-L-1002 Rev P01
7. Proposed Masterplan Drawing no. 3348-FBA- 00-XX-DR-A-O5\_10-00P1.1

And in accordance with the following approved drawings received on 23<sup>rd</sup> January 2017

8. Proposed Site Sections Drawing no: 3348-FBA-00-00DR-A-05\_10-16 P1.2
9. Proposed Site Sections Drawing no: 3348-FBA-00-00DR-A-05\_10-17 P1.2
10. Block A Level 2 and 3 Plan Drawing no: 3348-FBA-A-XX-DR-A-00\_10-100 P1.2



11. Block A Level Roof Plan Drawing no: 3348-FBA-A-XX-DR-A-00\_10-200 P1.2
12. Block A Sections A Drawing no: 3348-FBA-A-XX-DR-A-00\_10-01 P1.2
13. Block A Elevations Drawing no: 3348-FBA-A-XX-DR-A-00\_10-51 P1.2
14. Block B Level 4 and Roof Plan Drawing no: 3348-FBA-B-XX-DR-A-00\_10-200 P1.2
15. Block B Sections Drawing no: 3348-FBA-B-XX-DR-A-00\_10-01 P1.2
16. Block B Elevations Drawing no: 3348-FBA-B-XX-DR-A-00\_10-51 P1.2
17. Hard and Soft Landscaping Arrangement Drawing no. N554-ONE-00-XX-DR-L-1001 Rev P02

And in accordance with the following approved documents received on 18<sup>th</sup> January 2017

1. Arboricultural Impact Assessment
2. Noise Assessment Report
3. Flood Risk Assessment
4. Ecological Appraisal
5. University of Gloucester Management Plan
6. Habitat Regulations Assessment

#### Reason

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

#### Archaeology

##### Condition 3

No development 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 and Policies BE.36, BE.37 & BE.38 of the Gloucester Local Plan (2002 Second Stage Deposit).

##### Condition 4

No development shall commence until a methodology for public outreach and engagement has been submitted by the applicant and approved in writing by the Local Planning Authority. Outreach and engagement works shall only take place in accordance with the approved methodology.'

Reason: To make evidence on heritage assets lost (wholly or in part) by the development publicly available in accordance with paragraph 141 of the National Planning Policy Framework.

#### Condition 5

No development 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 and services) 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 may contain significant heritage assets. The Council requires that disturbance or damage 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) and paragraph 141 of the NPPF.

#### Condition 6

No development shall commence until a detailed methodology for all groundworks on site has been submitted by the applicant and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved methodology.

#### Reason

The site contains significant heritage assets. The Council requires that disturbance or damage by groundworks and landscaping 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) and paragraph 141 of the NPPF.

#### Environmental Protection

#### Condition 7

No demolition or construction works shall be carried out outside the following hours:

Monday to Friday – 0800 to 1800 hours

Saturday – 0800 to 1300 hours

No such works shall be carried out on Sundays, Public or Bank Holidays.

#### Reason

To safeguard the amenities of the area, having regard to Policy BE.21 of the Gloucester Local Plan, Second Stage Deposit 2002.

#### Condition 8

No burning of materials/substances during construction phase - No materials or substances shall be burnt within the application site during the construction phase.

#### Reason

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

#### Condition 9

The proposed development hereby permitted shall be designed and built in accordance with the summary and conclusions of the submitted noise report received on 3rd December 2016

#### Reason

To protect the residential amenities of the future occupiers of the properties in accordance with policy H4 of the Second Deposit City of Gloucester Local Plan (2002)

#### Condition 10

No construction of the proposed student blocks A, B,C and D shall take place on site until details of a noise attenuation scheme to suppress the noise from the neighbouring electricity substation has been first submitted to and approved in writing by the Local Planning Authority. The use approved hereby shall not commence on site unless the noise attenuation scheme has been implemented in accordance with the approved details and it shall be retained as such at all times.

#### Reason

To safeguard the amenity of the student occupiers in accordance with Policy BE21 of the Second Deposit City of Gloucester Local Plan (2002)

#### Condition 11

The site shall be managed at all times in accordance with the University of Gloucestershire Operational Management Plan Version Number 2

#### Reason

To safeguard the amenities of the area, having regard to Policy BE.21 of the Gloucester Local Plan, Second Stage Deposit 2002.

#### Condition 12

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

- I. specify the type and number of vehicles;
- II. provide a suitable construction vehicle access;
- III. provide for the parking of vehicles of site operatives and visitors;
- IV. provide for the loading and unloading of plant and materials;
- V. provide for the storage of plant and materials used in constructing the development;
- VI. provide for wheel washing facilities;
- VII. specify the intended hours of construction operations;
- VIII. provide measures to control the emission of dust and dirt during the demolition and construction phases from ground works, haul roads, stockpiles and material handling/removal;
- IX. provide details of light from security compounds;
- X. provide for the storage of waste.

#### Reason

To ensure that appropriate measures are in place prior to the commencement of development to reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework and to safeguard residential amenity and prevent pollution in accordance with policies TR.31 and BE.21 of the Second Deposit City of Gloucester Local Plan.

#### Highways

##### Condition 13

The proposed car park access shall not be brought in to use until a scheme to restrict the vehicle use of Barbican Road and provide safe pedestrian and cyclist movement at the car park access has been completed in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority.

#### Reason

To ensure that safe and suitable access to the site would be provided and to prioritise pedestrian and cycle movements in accordance with paragraphs 32 and 35 of the National Planning Policy Framework

##### Condition 14

The student study bedrooms comprised in the development shall not be occupied until the wording of a clause in the tenancy agreement under which all of the study bedrooms are to be occupied restricting students resident at the premises (other than those registered disabled or other reasonable exceptions to be specified) from bringing or keeping a motor vehicle in the city has been submitted to and approved in writing by the Local Planning Authority and the study bedrooms shall only be let on tenancies which include that clause.

#### Reason

In accordance with the applicants' stated position and to ensure that the development does not generate a level of vehicular parking that would be prejudicial to highway safety, in accordance with Policy TR.31 of the 2002 Second Deposit City of Gloucester Local Plan, Policies INF1 and INF2 of the Joint Core Strategy Pre-Submission Document 2014 and the NPPF.

##### Condition 15

Prior to the development being brought in to use a pedestrian crossing facility on Ladybellegate street shall be provided in accordance with details which have been previously submitted to and agreed in writing by the Local Planning Authority. The facility shall thereafter be retained in accordance with the approved details

#### Reason

To ensure safe pedestrian access and opportunities for sustainable transport in accordance with paragraph 32 of the National Planning Policy Framework

##### Condition 16

Prior to the development being brought into use or opened to the public, the proposed pedestrian street and associated infrastructure shall be completed in accordance with submitted drawing 3348-FBA-XX-DR-A-05-10.00P1.1

**Reason**

To ensure a safe and secure layout for pedestrians in accordance with paragraphs 32 and 35 of the National Planning Policy Framework

**Condition 17**

Prior to the buildings hereby being brought in to use the vehicle access and egress from Commercial Road and Ladybellegate Street respectively shall be completed in accordance with the approved details and shall remain in use for the duration of the development

**Reason**

To ensure a safe and secure layout for vehicle movements in accordance with paragraphs 32 of the National Planning Policy Framework and Policy TR.31 of the Gloucester Local Plan, Second Stage Deposit 2002.

**Condition 18**

The development hereby approved shall not be occupied until the covered bicycle storage has been provided in accordance with the approved plans. The covered bicycle storage shall be retained in accordance with the approved plans at all times

**Reason**

To ensure adequate provision and availability of cycle parking, having regard to Policy TR.33 of the Gloucester Local Plan, Second Stage Deposit 2002.

**Condition 19**

No work shall start on the construction of buildings until details and a programme of implementation for the external access platform to be positioned at the eastern end of the pedestrian street adjacent to Ladybellegate Street have been submitted to and approved in writing by the Local Planning Authority. The external access platform shall be installed in accordance with the approved details and programme of implementation and thereafter retained in good working order.

To ensure a safe and accessible route for pedestrians in accordance with paragraphs 32 and 35 of the National Planning Policy Framework "

**Condition 20**

No occupation of the student accommodation shall take place until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Green

Travel Plan shall incorporate the following:

- A.** Objectives and targets for reducing private car use
- B.** Measures to promote sustainable transports
- C.** Mechanisms for monitoring and review

- D. Appointment and funding of a travel plan coordinator,
- E. Means of funding of the travel plan, and;
- F. Implementation timetable including the responsible body for each action

The approved travel plan shall be implemented in accordance with the approved details and implementation timetable.

**Reason**

To promote sustainable travel patterns, having regard to Policy TR.1 of the Gloucester Local Plan, Second Stage Deposit 2002.

**Condition 21**

The pedestrian street shown on the approved drawings shall remain open to the public at all times.

**Reason**

To ensure good pedestrian access in accordance with paragraph 32 of the National Planning Policy Framework

**Materials**

**Condition 22**

No work shall start on the construction of buildings until details or samples of all materials to be used externally for built structures, landscaping and the public realm 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 harmonise with the surroundings in accordance with policy BE.20 of the Second Deposit City of Gloucester Local Plan (2002).

**Condition 23**

Notwithstanding the approved drawings, no work shall start on the construction of buildings until details of the following shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details:-

- A.** Scaled drawings at 1:10 for window recesses, brick and panel details
- B.** Scaled drawings at 1:5 or 1:10 for boundary wall and railings
- C.** Scaled drawings for parapet and gable details
- D.** Scaled drawings and details for the installation of rainwater goods
- E.** Details of ventilation flues and grills
- F.** Details of safety measures for roof access
- G.** Details of seagull prevention
- H.** Details of meter boxes and external cabling
- I.** Parapet and gable finishing details

**Reason**

To ensure the satisfactory appearance of the development in accordance with policy BE.20 of the Second Deposit City of Gloucester Local Plan (2002).

**Condition 24**

Prior to the commencement of development (with the exclusion of groundworks), a detailed plan, showing the levels of the existing site, the proposed levels of the site, the proposed slab levels of the buildings approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

#### Reason

In order to define the permission and ensure that the development is of a scale and height appropriate to the site in accordance with policy BE.1 of the Second Deposit City of Gloucester Local Plan (2002).

#### Landscaping

##### Condition 25

No development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site until a hard and soft landscaping scheme, to include tree planting along the Barbican Road boundary, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences, other boundary treatment and finished ground levels; details of the hard surface treatment of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include species, size, position and method of planting of all new trees and shrubs and a programme of implementation.

#### Reason

In the interests of the character and appearance of the area, having regard to Policy BE.12 of the Gloucester Local Plan, Second Stage Deposit 2002.

##### Condition 26

A site management plan, including long term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, including the pedestrian street and access lift, shall be submitted to and approved in writing by the local planning authority prior to the commencement of the construction of the development. The site management plan shall be carried out in accordance with the approved details.

#### Reason

In the interests of visual and residential amenity in accordance with policies BE4 and BE.12 of the Second Deposit City of Gloucester Local Plan (2002).

##### Condition 27

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the approved programme of implementation. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in 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 defects period.

Reason

In order to protect the visual amenities of the area in accordance with policies BE4 and BE.12 of the Second Deposit City of Gloucester Local Plan (2002).

Drainage

Condition 28

No development shall commence on site until a detailed design for the surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The on-site attenuation shall be designed using a 40% uplift on rainfall to allow for climate change. If an alternative surface water drainage strategy is required, it must be re-submitted to and approved by the Local Planning Authority before development commences. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding, and to accord with policy FRP.6 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 29

No part of the development hereby approved shall be occupied/put in to use until a scheme for the maintenance of all SuDS/attenuation features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for implementation. The approved SuDS maintenance scheme shall be carried out in accordance with the approved details.

Reason

To ensure the continued operation and maintenance of drainage features serving the site and avoid the increase of flood risk to the site and elsewhere.

Condition 30

Prior to the commencement of the development details of the proposed foul water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of the buildings hereby permitted.

Reason

In order to ensure that satisfactory foul drainage arrangements are provided in accordance with policy FRP.6 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 31

Details of any floodlighting /external lighting proposed to illuminate the development, shall be submitted to and approved in writing by the local planning authority before the buildings are occupied. Development shall be



carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason

To safeguard local amenities in accordance with policies FRP.9 and SR.3 of the Second Deposit City of Gloucester Local Plan (2002).

Waste Management

Condition 32

Prior to the occupation of the buildings the refuse recycling and storage provision as shown on the approved plan shall be implemented and thereafter retained for the life of the development

Reason

In the interests of amenity in accordance with policy BE.4 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 33

Prior to the construction of the development a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be in place for the duration of the construction of the management plan.

Reason:

For the minimisation of waste and to accord with Policy SD4 of the Joint Core Strategy version 2104

Contaminated Land

Condition 34

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 A to D 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 D has been complied with in relation to that contamination.

Reason

To ensure that appropriate measures are in place prior to the commencement of any works 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).

### Condition 35

#### **A. 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,
  - archaeological 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'

#### Reason

To ensure that appropriate measures are in place prior to the commencement of any works 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).

### Condition 36

#### **B. 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 Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### Reason

To ensure that appropriate measures are in place prior to the commencement of any works 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).

#### Condition 37

##### **C. 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.

#### Reason

To ensure that appropriate measures are in place prior to the commencement of any works 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).

#### Condition 38

##### **D. 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 A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part B, 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 C.

#### Reason

To ensure that appropriate measures are in place prior to the commencement of any works 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).

#### Condition 39

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

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

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

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

#### Reason

To ensure that appropriate measures are in place prior to the commencement of any works 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).

#### Ecology

##### Condition 40

Prior to construction of development details shall be submitted providing the specification and location for bird and bat boxes. The boxes shall be provided in accordance with the approved details prior to the occupation of the buildings hereby approved.

#### 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.

Note 1

Guidance on SUDS can be found in the Council's Adopted Supplementary Planning Guidance (SPG) 2001 and Ciria Document C696.

**16/01525/FUL**

**Barbican Car Park**  
**Ladybellegate Street**  
**Gloucester**

**Planning Committee 07.02.2017**

