

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **7 MARCH 2017**

ADDRESS/LOCATION : **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).**

APPLICATION NO. & WARD : **16/01510/LDO
WESTGATE**

APPLICANT : **GLOUCESTERSHIRE COUNTY COUNCIL**

PROPOSAL : **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**

REPORT BY : **RON MOSS**

NO. OF APPENDICES : **SITE PLAN**

1.0 Purpose of Report

This report provides the background information and justification for 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. It seeks for the Planning committee to resolve to adopt this Local Development Order (LDO).

The full set of documentation for the LDO can be viewed via the following link.

<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

The two key documents are:-

- Draft Local Development Order and Statement of Reasons
- Draft Design Guide

The Environmental Statement Non-Technical summary then provides a short clear summary of the Environmental Statement

2.0 Recommendations

That the Planning Committee resolve to adopt this Local Development Order.

3.0 Site Location and Context

- 3.1 The site comprises approximately 2.9 hectares of land across Quayside in the western part of the site and Blackfriars in the south eastern part of the site. It is entirely within an area bounded by Quay Street, Bearland/Longsmith Street to the north, Ladybellegate Street to the east, Commercial Road to the south and The Quay to the west, although it excludes the Gloucester Prison in the south east part of the site, as well as buildings fronting on to Bearland/Longsmith Street. Gloucester City Centre is less than 200 m to the east.
- 3.2 The Quayside area is adjacent to the River Severn to the west and bound by the A4301. To the north Quay Street, is lined with four and five -storey residential flats and offices with associated car parking, the seven-storey Shire Hall complex and a bus garage. The south is bounded by Barrack Square and Barbican Way with the former prison located beyond. To the east is the western edge of the Blackfriars area.
- 3.3 The Blackfriars area is situated south east of the Quayside area. The Planning Committee in February 2017 permitted a proposal for student

accommodation and parking on this part of the site. The area is bound to the west by Barbican Road with the former prison beyond. The north of the area comprises predominantly three -storey offices along Longsmith Street including the old fire station which has now been converted to a four -storey office development. The south is bound by Commercial Road and the substation along Commercial Street. The east is bound by Ladybellegate Street which is lined by predominantly three- storey residential properties and offices.

- 3.4 The site is wholly situated within the Barbican Conservation Area. The City Centre Conservation Area borders the site to the north- east, divided from the Barbican by Quay Street. The Docks Conservation Area lies to the south of the site, on the south side of Commercial Road. There are no statutory listed buildings within the site itself, however the Quayside area contains two undesignated heritage assets in the form of the county garage dating from 1852 – 1872 and the art deco The Ship public house dating from 1938.
- 3.5 The site is however surrounded by a number of listed buildings. It is adjacent to 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 then located to the north east of the site, while to the north lies the Grade 2 * Bearland House.
- 3.6 Interspersed between these historic buildings are more modern buildings. To the north and the north west are the 7 storey Shire Hall building, the telephone exchange building and a multi storey car park.
- 3.7 With regard to below surface matters there is underground archaeology within the Blackfriars area of the site, in the form of parts of the Glevum Roman Colonia Scheduled Monument, while in Quayside there are elements of the site in flood zones 2 and 3. Ground contamination affects a large element of the site, while electrical cabling is prevalent in the Blackfriars area linked to the previous uses.

4.0 Purpose of the Local Development Order

- 4.1 The purpose of an LDO is to accelerate delivery of development. Instead of waiting for the market to come forward with a proposal, they allow local authorities to initiate development activity by granting planning permission for the kind of development they would like to see come forward on the site. This

makes getting planning permission easier, less expensive and less risky for developers, while enabling the local authorities to get proposals to meet their own development priorities. They grant planning permission for the specific type of development detailed in the Local Development Order.

4.2 This area of Quayside and Blackfriars is very prominent in the city and sits between the already regenerated docks area and the city centre itself. Unfortunately, however it has struggled to attract development for many years. Both the City and County Councils recognise the importance of getting this key area regenerated to provide the high quality link between the docks and city centre, as well as to improve connections with the river at the Quay. A Quayside/Blackfriars regeneration board was therefore set up, incorporating members of both the City and County Councils, to look at how to improve and bring this area forward. Funding of £4.13 m was obtained via GFirst LEP for a number of projects here to include investigative works at the Fleece Hotel, highway improvements to the Quay, photovoltaics on the refurbished Shire Hall and archaeological investigation and ground contamination works. The Board also decided to seek to attract development here by using a Local Development Order to make it quicker and easier for development to take place. There is recognition also that success in regenerating this area would likely act as a catalyst for further development in the centre of Gloucester.

4.3 It is worth noting that whilst the recently approved student accommodation development on the Barbican site did not come through the LDO process, the scheme was able to utilise the assessments already undertaken as part of the preparation of the LDO, in particular with regard to archaeological investigations and ground contamination surveys. This enabled the developers to move quickly with their planning application without a time delay for undertaking surveys as well as allowing a clearer understanding and certainty of development costs (underground works by their very nature being hard to cost until extensive surveys have been undertaken.)

5.0 Legislation Governing the LDO process

5.1 Local Development Orders were first introduced with the Planning and Compulsory Purchase Act 2004 and allow local planning authorities to remove the need for planning permission for certain specified forms of development. The Planning Act 2008 then removed the requirement for LDO's to implement policies set out in adopted local development documents. Paragraph 199 of the National Planning Policy Framework recognises LDO's as a means of relaxing planning controls in appropriate areas, to promote economic, social or environmental gains, such as boosting enterprise. The role and process of an LDO in extending permitted development rights in a Local Planning Authority area is set out in the National Planning Policy Guidance (NPPG) (2014). The procedures for making a Local Development Order are set out in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act, as amended by section 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order (DMPO) 2015.

6.0 The Local Development Order Process to Date

- 6.1 The decision to construct an LDO was approved by the Quayside Blackfriars Board on 16th December 2015. Stakeholder Groups including city and County council officers have been working with Peter Brett Associates and external consultees in preparing the order.
- 6.2 As with a standard planning application the LDO is also subject to the same need to be screened to check whether an Environmental Impact Assessment (EIA) is required. Under the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 a screening opinion was undertaken as to whether the development fell within the threshold specified within schedule 2 of the Regulations. The Local Planning Authority gave its screening opinion in June 2016. The screening opinion concurred that the limited current information about the scheme coming forward in conjunction with the sensitivities of the scheduled monument on site, the site being in a conservation area and with a number of listed buildings bordering, that the development would require a full Environmental Impact Assessment (EIA) . A Scoping opinion was then undertaken to inform the EIA and the final EIA scoping report was then adopted by the Council as the EIA Scoping opinion in October 2016.
- 6.3 On 20th September 2016, a public consultation event was carried out at Greyfriars to seek the views of the public. Around 60 persons attended.
- 6.4 The draft LDO and the accompanying Environmental Statement went out to statutory consultation as required by Article 38 of the Development Management Procedural Order 2015 (as amended) on 27 November 2016.

7.0 The Local Development Order

The LDO grants planning permission for the specific uses detailed in the order. In this case, there has been the recognition of the priority for housing and therefore the focus has been on a residential led approach with student accommodation and dwellings being the primary accepted uses, supported by Class A1- Retail, Class A2 – Financial and Professional Services, Class A3 - Restaurants and Cafes, clinics, health centres, creches, day nurseries, day centres, non- residential education and training centres as well as gymnasiums.

- 7.1 The table below sets out these uses and whether they are acceptable at ground or higher level. As can be seen the intention is for the non-residential uses to be at ground floor to provide activity and vitality, and to compliment the residential uses.

Within the boundaries of the plan in Schedule 1, this draft LDO grants planning permission for development listed in the table below in the following Use Classes:	
At Basement:	
Use Class	Limitations
Car parking	
At ground floor level:	
Use Class	Limitations
A1 – Shops	New space not to exceed 300sq m (GIA)
A2 – Financial and Professional Services	
A3 – Restaurants and cafes	
C2 – Residential Institutions	
C3 – Dwelling Houses	
D1 – Non Residential Institutions.	All excluded except for clinics, health centres, crèches, day nurseries, day centres, non-residential education and training centres.
D2 - Assembly and leisure	All excluded except for gymnasiums.
Car park	Surface car park
Sui generis	Student accommodation only.
At first, second, third, fourth, fifth and sixth upper floor levels:	
Use Class	Limitations
C2 – Residential Institutions	Student accommodation only.
C3 – Dwelling Houses	
Car park	Decked car park
Sui generis	Student accommodation only.

7.2 The LDO is accompanied by a Design Guide that supports the parameters of the LDO. It gives key background and contextual information about the site and sets out principles with regard to the design of development within the LDO area. Its aim is to ensure that future development here will integrate as part of the city, while at the same time improving connections with the river at the Quay and the docks area itself. The overall aim is to ensure that development will revive this part of the city. The guide does not set down precise rules for development. Its role is purely to provide guidance within a

set of parameters. The design does however provide indicative layouts that have been viability tested to demonstrate potential solutions to developing out the area, subject to all constraints being met.

7.3 The Design Guide relays a set of sense of place principles. It recognises that Gloucester is historically connected to the water and its past and seeks to create clear legible linkages from the River Severn and the Docks to the city centre, thereby allowing people easy access to and from the water front and the heart of the city. The Guide shows that the sense of place is also obtained through the historic fabric of the area, in particular the heritage buildings that can be found bordering the site. The distinctiveness of the two areas of Blackfriars and the Quayside is clearly highlighted in the guide and differing design approaches are shown for developing each area.

7.4 For the Blackfriars area the general design principles are the following:-

- a) Use development to provide a block which is enclosed by Longsmith Street to the north, Commercial Road to the south (both existing elevations), Ladybellegate Street to the east and Barbican Road to the west (much smaller lanes may divide the block but shouldn't usurp the primary larger block structure);
- b) Use development to repair both Ladybellegate Street and Barbican Road as the most recognisable routes North -South across the area by re-introducing the second side to each of these streets;
- c) Reflect the City's adjacent character of a continuous perimeter elevation which encloses private and service areas to the rear and creates an overlooking relationship with the street around the perimeter;
- d) The adjacent city context provides good precedent for varied roof forms and building heights

7.5 For the Quayside area the general design principles are the following :-

- a) Use development to provide a block which is enclosed by The Quay to the west, Quay street to the north, Barrack Square to the south and the re-created Castle Lane to the east;
- b) Around the perimeter of this primary block, development should respond in different ways to the 4 different adjacent conditions: The river front and Quayside, the prison and gatehouse, the council offices and carpark and the remnant of historic industrial character along Quay Street.

- c) Using this primary structure of existing streets and new block form, the legibility of the river front from the city and of the city from the waterfront should be enforced using building form and building heights. This will include carefully considering the form and massing of buildings to make use of existing catalogued views to important city landmarks, and to take the opportunity to create new views, which may utilise new buildings as landmarks;
- d) Where additional minor streets are used to divide the primary block form, these should not detract from the primary block form and the streets remain subservient in hierarchy to the surrounding perimeter streets. This includes reducing building heights within the block/along minor streets to preserve the primacy of existing perimeter streets.

7.6 The actual block principles for the Blackfriars area, which act as a clear guide for the development to shape position and heights are shown as follows :-

1) Maintain a continuous block perimeter:

- The building line should not vary at all at ground level along any elevations.
- Elevations should remain continuous with minimal gaps for entrances and access but the height variation and setbacks of upper storeys is encouraged in order to reflect the complex City roof scape.
- The primacy of Barbican Road and Ladybellegate Street should not be undermined by the division of the block with a lane east-west.

2) Using the topography:

- The level change between Ladybellegate Street and Barbican Road is approximately 5m with the majority of this change in existing ground level being achieved by a steep (approx 1:1) slope nearer to Ladybellegate Street.

3) Building Heights

- The proposal shows 'up to' maximum heights for the built form. This is predominantly up to 3, 4 and 5 storeys along the edges with a variety of lower heights in the middle to frame landmarks and help create views.

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4. Architectural Composition

- Design of elevations should demonstrate how: roof form and eaves line variations strengthen the urban design framework; the use of vertical and horizontal variation

create an elevation suitable to its street, the use of setbacks at higher levels improve the relationship with the street; and, how materials are used intelligently to underpin all of the above and maintain the aspiration for high quality architecture which contributes to the character of the Blackfriars setting.

7.7 The block principles for the Quayside are then as follows:-

1. Respond to the different edges conditions:

- The waterfront as a primary frontage.
- Quay Street historic industrial character.
- South elevation and prison wall & gate.
- Easterly outlook towards Blackfriars

2. Maintain a continuous block perimeter

- The building line should only vary along the elevation by up to 2m maximum with minimum variation along the primary frontage of the Quay.
- Sub divisions of the block can create lanes which have a distinct enclosed character.
- Gaps between buildings around the perimeter should be minimised (including at junction to Lanes) to achieve a continuous building elevation.

3. Building Heights

- Up to a maximum of 3, 4, 5 and 6 storeys around the perimeter of the development, with a variety of lower heights in the centre to frame landmarks and help create views.

4. Flood Risk

- To create flood resilient development the finished floor level of plots is required to be 11.2m (300mm above that of the level of flood water (10.8m). (All levels are AOD).
- Basement parking can be provided below this level but access should be located where flood water cannot flow into the basement.

5. Architectural Composition

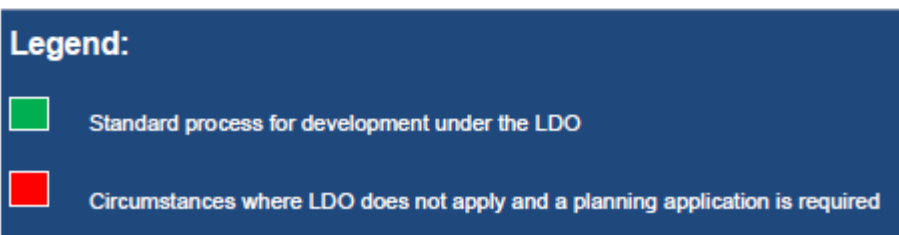
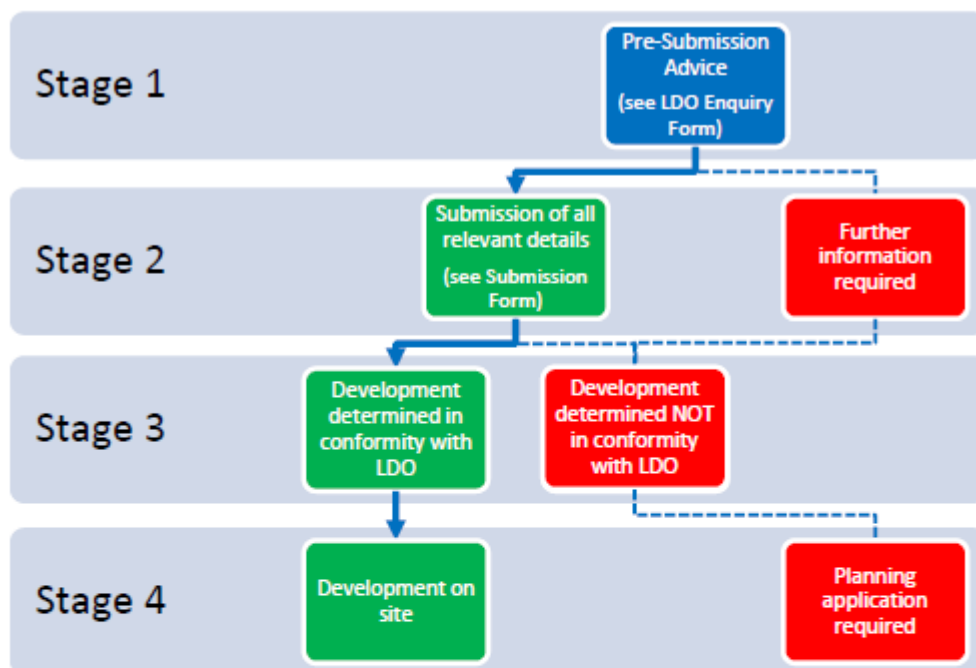
- Design of elevations should demonstrate how: roof form and eaves line variations strengthen the urban design framework; the use of vertical and horizontal variation create an elevation suitable to its street; the use of setbacks at higher levels improve the relationship with the street; and, how materials are used intelligently to underpin all of the above and maintain the aspiration for high quality architecture which contributes to the character of the Quayside setting.

7.8 Indicative layouts are in the draft design guide to show how the respective Quayside and Blackfriars areas could be developed. They have been subject to viability testing, however they would not be adopted as part of the LDO, due to fact that the LDO is setting parameters and not giving approval for specific schemes.

8.0 The LDO Process Post Adoption

8.1 Under Article 38 (11) of the Development Management Procedural Order 2015 should the Planning Committee chose to adopt the LDO, then a copy of the LDO and the Environmental Statement must be sent to the Secretary of State as soon as reasonably practical and no later than 28 days after the Local Planning Authority has adopted the Order. The Secretary of State has the power to intervene to revoke or direct a revision to the LDO.

8.2 Should the LDO be adopted and the Secretary of State decide not to intervene, the following diagram shows the LDO Conformity process from pre submission to decision.



8.3 Developers will be encouraged to seek early engagement with the Local Planning Authority (LPA) to consider conformity with the LDO and the implications of the specific requirements and conditions, in particular which conditions would relate to their proposal. It is also suggested that they engage at this stage with other key stake holders to address matters such as building control and highways. Early engagement with the Gloucester Design Review Panel will also give opportunity to get independent advice on the design of any submission and its performance when measured against best practice and the Design Guide.

8.4 The developer/applicant will then submit all the necessary information to the LPA, as specified in Schedule 3 of the LDO.

8.5 The LPA will provide a written response will provide a written response within 8 weeks or if the proposal is for Major Development, within 13 weeks, and in this response they will state whether :-

The proposed development is in conformity with the LDO; or

Adjustments are required to enable the development to be in conformity with the LDO;

Further information is required to enable the proposal to be in conformity with the LDO.

The proposed development is not in conformity with the LDO and therefore requires the submission of a planning application should the developer wish to proceed.

If further information is required to make an assessment or a decision cannot be reached be reached within the 8 or 13 week process, then the LPA will seek to agree a reasonable extension of time with the applicant/developer.

8.6 Members of the Planning Committee need to note that as part of the process technical consultees such as Transportation and Drainage along with external bodies such as Historic England and the Environment Agency will be consulted on the proposals to ensure their compliance with the LDO and the draft Design Guide. There will however be no further neighbour notification beyond that carried out as part of this current notification for this draft LDO. Furthermore, the submissions would be determined and signed off by the Development Manager.

8.7 Submissions that are deemed to be compliant will be given a Certificate of Compliance. The developer then finally needs to submit a Notice of Commencement form to inform the LPA that development is due to start on site. This should be done at least 14 days prior to the day of commencement and is to allow the LPA to monitor the site.

9.0 Fee for Submission

For fee paying purposes the submissions shall be treated in the same way as fees for a reserved matters following outline planning approval, under The Town and Country Planning (Fees for Applications, Deemed Applications , Requests and Site Visits) (England) Regulations 2012 as amended.

10.0 Lifetime of the LDO

10.1 The LDO and the terms within it will be active for a period of 10 years following the day of its adoption and will expire following the end of this period.

10.2 The LPA will review progress with the LDO on the fifth anniversary of its adoption to be able to fully reflect on the continuing suitability of the order in light of any changes in planning policy, market conditions and material considerations. At the end of the review the Council will determine whether to;

- Retain the LDO as it stands for the remaining 5 years of its life
 - Retain but revise some elements
 - Review the viability of the site in terms of quantum of development
 - Revoke and cancel the LDO
- 10.3 Proposed amendments to the Order following review by the LPA will be subject to the consultation procedures set out in the Town and Country Planning (Development management Procedure) (England) Order 2015 (or any order revoking and /or re-enacting that order with or without modification).
- 10.4 From the date of expiry of the Order no further operational development or change of use will be allowed, without express planning permission; unless it is a permitted change of use as prescribed by the Use Classes Order or in the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and /or re-enacting that order with or without modification).
- 10.5 Upon expiry of the Order, the LPA may either reintroduce the Order with or without revisions; or revoke the Order and return to the established planning system.

11.0 Control over Development

- 11.1 This LDO does not prevent applicants from applying for express planning permission for development that is not permitted by this Order.
- 11.2 The LDO does not grant planning permission for any developments other than those expressly listed in Schedule 2. Normal planning application requirements will apply to those developments that fall outside the scope of the LDO.
- 11.3 The LDO does not allow for changes of use between Use Classes, other than those that would otherwise be permitted under the Town and Country Planning (Use Classes) Order 1987 (as amended) and Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and / or re-enacting those orders with or without modification).
- 11.4 The LDO does not alter, restrict or vary in any way, permitted development rights under the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and / or re-enacting those orders with or without modification).

- 11.5 Implementation of the LDO will be monitored over the 10 year period by the LPA to ensure development remains compliant with the conditions and other requirements.
- 11.6 If development is not carried out in accordance with the terms of the LDO and is unlawful, the Local Planning Authority can use the usual range of planning enforcement tools to ensure compliance or remedy any breaches of planning control.

12.0 Revocation of the LDO

- 12.1 The Council may exercise its powers to amend or withdraw the LDO (under Section 61A [6] of the Town and Country Planning Act 1990) if it is satisfied that the LDO has consistently failed to meet its objectives and it considered that amendments to the LDO would not overcome these; or that a material change in circumstance indicates that the LDO should be revoked, amended or revised.
- 12.2 Development that has commenced lawfully before the Order is revoked, amended or revised (as the case may be), may be completed notwithstanding that the effect of the revocation, amendment or revision is to withdraw permission for the same.

13.0 Consultations

- 13.1 The draft LDO and the accompanying Environmental Statement went out to statutory consultation as required by Article 38 of the Development Management Procedural Order 2015 (as amended) on 27 November 2016. The following comments were received.

- 13.2 Highway Authority

The site is located adjacent to Gloucester City centre and is sited within a controlled parking zone, with numerous traffic regulations orders including parking and waiting restrictions. The site is an accessible location approximately 800m from the city centre, which offers a significant range of local services and facilities along with access to public transport both rail and bus.

The proposed LDO would provide for new internal streets and as well as amendments to the existing streets within the LDO area. Full details of these streets or their junctions with the existing highways has not been provided at this point and it is recommended that these details be required by planning condition.

The development site is comprised of brownfield and occupied land which means that the vehicle trips associated with the development land should not be considered new, but instead compared to the existing or extant land use of the site area. This exercise shows that the proposed development which could come forward under the LDO would generate fewer vehicle movements in the network peak hours than the existing and extant users of the site.

Running the transport model shows that there would generally be a reduction in traffic across the local network. The model was re run to take account of the approved planning application for the student accommodation and car parking on the Barbican car park reference 16/01525/FUL that removes the vehicle link between Barbican Road and Ladybellegate Street. The conclusion of this work was that the local transport network could accommodate this alteration with the development proposed in the rest of the LDO area.

In conclusion recommend that no highway objection be raised subject to the conditions indicated in the LDO document and additional conditions in the form of improvements to the signalised junction at The Quay /Quay Street prior to occupation of development in the Quayside, submission of details of a crossing on Ladybellegate Street prior to occupation of development on the Barbican part of the site, and the details of tactile paving on the surrounding streets.

13.3 The Police have not commented

13.4 The Environment Agency

The Environment Agency originally had objections to the LDO due to an inadequate assessment of land contamination matters and the potential impact on the water environment, therefore failing to ensure that this EIA development would be in accordance with paragraphs 109 and 121 of the NPPF. They also had concerns about the proposed basement car parking from a flood risk perspective.

On agreement to carry out further intrusive investigation, risk assessment, hydrogeological conceptual modelling, remediation and validation on areas currently still covered by building, the EA then removed the above objection, subject also to a suite of contaminated land conditions being attached to the LDO.

With regard to flood risk the EA confirms that the submitted Flood Risk Assessment has correctly identified both the level of risk upon the site and the vulnerability classification of proposed use as shown in their Flood Map for Planning. They are generally satisfied with the mitigation measures provided, including the setting of finished floor levels, provision of appropriate access and flood plain compensation, but while not formally objecting to the

basement car parking, they wish it flagged up that they have concerns about it due to the potential for rapid inundation should mitigation measures fail in a flood event.

In conclusion, they accept the proposed LDO, subject to conditions on land contamination and flood risk mitigation

13.5 Historic England

The site lies in a historically significant part of the city, with evidence of human presence and activity dating back to Roman times. The site has experienced much physical change in the post war period and lost a sense of coherent identity, being dominated by the presence of late 20th century developments such as Shire Hall. There is therefore much potential to reinforce surviving and fragmented aspects of historic townscape and to regenerate and revitalise the area through new uses and high quality development.

A Historic Environment Study has been produced to inform the LDO submission, which includes a design guide based on this evidence and other considerations. This has resulted in a conceptual masterplan, which proposes perimeter block development along lines of historic communication. This improves connectivity within the site and with its context, recreating a system of streets with built frontages. This approach is commended and is welcomed in broad terms.

There is however an aspect of their content that gives concern. The Historic Environment Study identifies the heights of buildings in the area as 2,3 and 4 storeys, but the guide advocates building up to 6 storeys in key locations, particularly facing the Quay. These taller elements could impact upon strategic views of this part of the city, while the regime of proposed building heights along Quay Street and Barbican Way could generate uncomfortable street scenes in these locations instead of unifying them.

The guide also shows the loss of the C19 County Garage and the 1938 Former Ship Public House, which are both undesignated heritage assets, but the latter in particular is a positive contribution to the conservation area. The site investigation has also revealed the significance of below ground archaeology and that it cannot be assumed that the implementation of base parking cannot take place without causing harm to this asset, particularly in the Quayside area.

The supporting information to the LDO recognises that there is likely to be a degree of harm to heritage assets as a consequence of these impacts, however there is an absence of justification in relation to paragraphs 132 - 135 , 137 -139 of the NPPF. Overall it is felt that there is a limit as to what the evidence to date can support in the LDO, and therefore there is a need for conditions to confirm precisely what it covers, qualify the role and status of the design guide, and to identify what work is required to develop and substantiate a scheme capable of delivery in accordance with the historic environment provision of the NPPF.

In summary a holistic approach to the regeneration of the area is welcomed here and there is no objection in principle to the use of an LDO for this purpose, subject to a schedule of conditions to ensure the protection and enhancement of relevant designated heritage assets.

It should be noted that Scheduled Monument Consent is also likely to be required.

13.6 Urban Design

Your urban design officer makes the following comments:-

The suitability of the LDO approach is questioned for a site of this scale, complexity, and sensitivity. However, the final two main documents, the LDO and the Design Guide, are considered acceptable in design terms. Both are considered a basis for the potential to achieve high quality development. In terms of urban design, the document refers to the Design Guide for more detailed guidance and mentions the use of design review panels to assess any designs for the sites. Parking is stated as being based on justified local demand which is supported by relevant local and national guidance. The emerging City Plan and Public Realm Strategy are both referenced in the document, as is the Heights of Buildings SPD. There is therefore a sound base here.

During the course of the development of the Design Guide (DG), there have been numerous alterations and adjustments. The resulting document sets out key principles which development within the LDO area should follow. Most of the important changes have been made to the DG which have previously been raised, including adding in the 'up to 5-storeys' wording on pages 54 and 58, which provides a top limit but also allows flexibility within those parameters. There are now suitably clear caveats on the illustrative nature of the cross-sections diagrams and the indicative layouts to allow the more negative outcomes to be resisted, but still with flexibility for a range of positive design approaches within certain limits.

13.7 Conservation

Your conservation officer makes the following comments :-

The site of the proposed LDO consists of a large area identified as negative open space within the Barbican Conservation Area Appraisal, the civic buildings of Shire Hall dominate the townscape here and further add to the negative aspect of the site.

The Quayside area contains two undesignated heritage assets in the form of the County garage and the art deco The Ship public house. The LDO proposes the demolition of these buildings in advance of the redevelopment scheme. The Quay print building is identified in the conservation area appraisal as a negative building and there are no objections to its proposed loss.

While the site itself has limited upstanding built heritage, the redevelopment has the potential to have a significant impact upon the character and

appearance of both the Barbican and surrounding designated heritage assets and conservation areas.

The accompanying Historic Environment Study should inform the masterplan proposals in form, character, layout, height, massing and materials, therefore it is disappointing that concepts moved away from the principles that were established in this document. The heights in the indicative scheme would have a harmful effect on the designated heritage assets in some places and do not respond to the character of the area, which is predominantly 2, 3 and 4 storey in height with mixed plot widths and irregular massing. Of particular concern is the 6 storey block shown next to the prison and Barrack Square.

Therefore, while the LDO itself is acceptable in principle, any forthcoming scheme would need to demonstrate that the proposed heights and articulation of the buildings would not have a harmful impact on the setting of surrounding designated assets. The Historic Environment Study should be used as the starting basis and historic impact assessments should be used to assess the final proposed schemes. An interim ground cover scheme should also be conditioned as part of the LDO for the sites of the undesignated heritage assets between the time of their demolition and before the new redevelopment takes place to ensure that the demolition sites then do not have a further negative impact on the conservation area.

13.8 Archaeology

The City Archaeologist makes the following comments:-

The approach outlined in the LDO documents is acceptable and robust with regard to archaeology. The approach is informed by, and references, appropriate guidance and the NPPF. A considerable amount of upfront archaeological assessment has been undertaken to inform this application including an archaeological evaluation and a deposit model. If the LDO is adopted, further archaeological investigations will be needed, most especially in the Quayside area of the LDO. The scope and requirements for that further work have been covered appropriately. The supporting information required from applicants will be sufficient to allow an informed assessment of the likely impact of any development on archaeological remains. The provision for archaeological mitigation (by condition) within the LDO is robust and consistent with all appropriate policy.

That said, the LDO approach remains an uncomfortable fit with the requirements of the archaeology. There is concern with regard to the proposals in the design guide for underfloor parking in the Quayside area. Whilst these are indicative proposals (and it's made clear that the approach will not be acceptable if significant archaeological remains are present) they give the impression that this approach is both acceptable and viable. This may be the case, but it's currently unproven.

13.9 Local Lead Flood Authority

The existing site is affected by the risk of flooding from fluvial and pluvial sources, any future development of the site must demonstrate how it will mitigate these risks as well as manage any flood risk arising from the development. Whilst the FRA and drainage strategy identify the flood risk to the site and the potential for flood risk from the development it does not provide a definite and viable scheme to demonstrate how these risks will be mitigated.

Further it is noted that it is proposed to restrict flows so they are no greater than the flows from the existing site and make allowance for a 20% increase for the effects of climate change. This falls short of the current requirement to allow for a 40% uplift for climate change and any submitted scheme would need to work to this figure or demonstrate why it couldn't achieve it. Also more information is needed on existing site run off, finished floor levels, managing exceedance events, and proposals for managing water quality. A viable strategy for draining the site also needs to be provided at the design stage. In conclusion should the local planning authority seek the adoption of the LDO, conditions on drainage details, a scheme for surface water treatment and a SUDS maintenance plan are required.

13.10 County Economic Development and Strategic Planning

Residential development will give rise to additional need for community infrastructure and mitigation will be required where appropriate. As the development will be predominantly residential, this will likely impact on nearby education provision and on local libraries. Financial contributions would likely be sought. Welcome further input as details emerge.

13.11 Energetics

Confirm no plant within the specified area

13.12 Wales and West Utilities

Wales and West Utilities have pipes in the area. Should the LDO be adopted, then the promotor of the works should contact them directly to discuss requirements in detail before any works commence on site. Should diversion works be required, these shall be fully chargeable.

13.13 Natural England

Natural England originally stated there was insufficient information to enable Natural England to provide a substantive response to the consultation. This was due to the lack of provision of a Habitat Regulations Assessment (HRA) screening opinion. The requirement for this opinion was due to the relative proximity to the Cotswold Beechwoods Special Area of Conservation (SAC), and the Walmore Common Special Protection Area (SPA) and Ramsar site, which are European designated sites. There was therefore the need to assess the potential impact of future Quayside/Blackfriars residents visiting the sites

Following the submission of further details and a HRA screening opinion, Natural England accepted that there would be no likely significant effects based on the following :-

The nature of the proposal, comprising largely student accommodation and flats, and the likely demographic of the residents;
The presence of nearby recreational resources which are considered likely to attract the majority of recreational activity;
The actual distance from the site of 6.9 km.

13.14 Ecologist

Fully satisfied with the details submitted for the HRA screening opinion and that there would be no significant effects on the Cotswolds Beechwoods SAC.

13.15 Worcestershire Regulatory Services

With regard to contaminated land Worcestershire Regulatory Services state that the site has a considerable history of contaminated land with the Quayside having current vehicle and repair including underground storage tanks, former gas works, former iron works, brass foundry, coach works and engineering works and Blackfriars having former electricity and printing works. They recommend that the standard land contamination conditions are attached to the LDO.

13.16 Pollution Control officer

The Pollution Control officer requires the following conditions be attached to the draft LDO. These conditions being in relation to submission of noise assessment and attenuation, details of lighting, hours of opening, hours of deliveries, details of extraction/ventilation, refuse and storage. Further suggested conditions on preventing new development to create a street canyon to allow pollution dispersion and ensuring habitable rooms are located away from busy roads. Officer note: It is considered that these further conditions should be addressed in the design rather than via condition

13.17 Public Rights of Way officer

This development does not appear to affect any public right of way, however if there is any suggestion that it will, whether through a need for a temporary closure or permanent diversion then contact should be made with the PROW team at the earliest opportunity

13.18 The Canal and River Trust

The proximity to the docks and canal basin requires the impact of the development to be carefully considered in terms of drainage, flood implications, possible pollution, ground contamination and ecological impact, as water from the River Severn flows into the main dock basin, and therefore the Gloucester and Sharpness canal, via Gloucester Lock. The application makes clear that the development has been subject to an Environmental Impact Assessment, which would cover these matters. The EA should still consider them.

14.0 Publicity and Representation

14.1 791 neighbouring properties were notified and press and site notices were published. Four responses were received.

- 14.2 City and Country who are the owners of the neighbouring former prison site and who are seeking to find a viable use for it would like greater detail on the proposed form and materiality of the new buildings, to help them bring forward their site. They would also like to see a combined highway strategy for all the developments taking place here and to know the timing/triggers for the proposed highway works. They support the opportunity to improve the public realm here and consider that redevelopment here should be considered in a comprehensive manner.
- 14.3 Three other representations were received, two of which emphasised the importance of having adequate parking with the new proposals and stating that there were current parking problems as well as suggesting that the state of the pavements on surrounding roads be improved, while one representation raised concerns about state of the pavement in Westgate street.

15.0 Planning Policies

- 15.1 Paragraph 199 of the National Planning Policy Framework (NPPF) states that :-
'Local planning authorities should consider using Local Development Orders to relax planning controls for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area, such as boosting enterprise.'

Section 188 of the Planning Act 2008 amended Section 61A of 'The Town and Country Planning Act 1990' to omit the requirement that an LDO can only be made to implement a policy in a development plan document or local development plan.

Notwithstanding the above, this report will set out the planning policies for developing the area. Obviously if there are any parts of the LDO which were to contravene planning policy, then your officers would consider it important to flag up the disparity and to state the justification for going contrary to planning policy. It is officer's opinion however that this LDO is policy compliant, subject to appropriate conditions.

- 15.2 The NPPF sets out the following 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 further 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

15.3 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

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.

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).

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 it has been adopted for development control purposes. The following policies are relevant to the development proposed by the LDO.

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.23 – Development Affecting the Setting of a Listed Building

BE.29 – Development within Conservation Areas

BE.31 – Preserving sites of archaeological interest

BE.32 – Archaeological assessment

BE.33 – Archaeological field evaluation
BE.34 – Presumption in favour of preserving archaeology
BE.36 – Preservation in situ
BE.37 – Recording and preserving archaeology
TR.1 – Travel plans and planning applications
TR.2 – Travel plans – planning obligations
TR.9 – Parking standards
TR.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

15.4 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 20th 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

15.5 The following policies in the JCS would be of relevance to the type of development proposed by the LDO on this site. 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; and Department of Community and Local Government planning policies- www.communities.gov.uk/planningandbuilding/planning/.

16.0 Officer Opinion

16.1 It is considered that the main issues with regard to this draft Local Development Order are as follows :-

- Value of the LDO
- Potential impact of development proposed by LDO on the Appearance of the Area
- Potential impact of development proposed by the LDO on the appearance of the Conservation Area and setting of Neighbouring Listed Buildings
- Archaeology
- Traffic and Transport
- Potential Impact of development proposed by LDO on Amenity of Neighbouring Occupiers/Creation of Satisfactory living environment for potential occupiers
- Land Contamination
- Drainage and Flooding
- Ecology and Landscaping
- Infrastructure Requirements

16.2 Value of the LDO

The site has remained undeveloped for a considerable number of years. While the site is shown non –designated in the adopted 1983 Local Plan, part of it was designated for Mixed use Allocation and part for Major Commercial Leisure in the Local Plan Second Stage Deposit 2002 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 Blackfriars Planning Brief was produced, which set out the Council's approach for the development of the Greater Blackfriars area. (the larger area within which the 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.

The LDO has had regard to these plans and initiatives in its creation, following the general earlier layouts and also looking to create an area with its own distinct character recognising the city of Gloucester integral links to the water and the need here to provide a high quality link between the Docks and the City Centre. There has to be recognition though that for all these earlier efforts to redevelop the site, very little has come to fruition. The LDO is therefore a delivery vehicle that seeks to accelerate matters beyond just master planning and site allocation to actually helping de risk proposals for development, by doing all the time consuming and uncertain ground investigation work for the developer up front and giving very clear parameters within the document and design brief as to exactly what would be acceptable on the site. The student accommodation application granted recently on the Barbican car park had very tight timescales to ensure delivery of the development and benefited enormously from the available wealth of underground information regarding flooding, contamination and archaeology.

The LDO proposes a mix of uses as have all the previous plans and incentives, but with greater emphasis on residential. This reflects the current need for housing and the recognition that Housing Zone Status was awarded to Gloucester in March 2015 to accelerate the delivery of new homes on brownfield sites. It also reflects the first key principle aim of the emerging City Plan which is:-

‘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.’

In conclusion the LDO can be seen to fully accord with direction of the local plans for the area, while providing more certainty, and clearer and more practical help for developers.

16.3 Potential Impact of Development Proposed by LDO on the Appearance of the Area

The draft LDO sets parameters for the development as opposed to stipulating development is built in an exact way. As stated earlier the key principles behind the design guide were the linking of the city to the water and the linking of the city to its past, along with the recognition that this area needs to have its own character and create a transition area from the docks to the city centre.

The draft Design Guide does provide indicative layouts that have been viability tested and whilst only illustrative they do give an indication of how the development would generally be set out. The positions of the development blocks and streets are likely to be as indicated for any development that

comes forward, while the maximum heights of buildings would be an approved parameter under any adoption of the LDO, but are subject to ensuring satisfactory relationships with neighbouring development. Built heritage statements will form part of any submission where development is in close proximity to heritage assets such as listed buildings.

Viewing the Quayside Indicative layout the development can be seen to be of continuous perimeter block form, with greater heights of buildings shown around the edges and lower heights in the middle of the block. The street patterns would then be set to provide clearly identified permeable routes through the blocks along more typical historic lines. The Quay, Quay Street and Barrack Square form the interface streets with existing development, while the newly created Quayside streets would have new development on both sides. In terms of building heights development could be up to a maximum of 6 storeys along the Quay, up to 5 storeys in proximity to Shire Hall and on the very western end of Quay street, 3 storeys on the more sensitive element of Quay street where development opposite is of lower height and 4 storey along Barrack Square.

Viewing the Blackfriars Indicative layout the development is predominantly shown to front Ladybellegate street, Barbican Road and a new street shown running through the site in an east –west direction linking Ladybellegate street to Barbican road. Court yard areas are then shown to the rear of these building blocks, both private and semi- private areas. Development along Ladybellegate Street would be up to maximums of 3 and 4 storeys, while along Barbican Road maximum heights of 3, 4 and 5 storeys are shown, with the 5 storeys at the entrance to the newly proposed street. In terms of street hierarchy the new east west link whilst providing a key link to the Quayside would be clearly identified as a secondary route to respect the primary route functions of Ladybellegate street and Barbican road.

The indicative layouts in plan form are not dissimilar to the approved Greater Blackfriars design brief and your officers consider that the layouts are based on sound urban design principles with the development blocks and the street hierarchy positioned in a format to best meet the overriding principles of linking the city centre to the waterfront and with a street/building pattern reminiscent of the city's historic past. At the same time building along the principles of the draft design guide would allow the area to form its own character.

Currently the area is generally fairly unprepossessing in appearance with rough unsurfaced car parking on the Blackfriars area and with fairly bland functional buildings on the Quayside. With the caveat in the draft design guide ensuring that all heights of buildings are up to a maximum rather than set at this height, your officers are confident that any development coming forward under the LDO will improve the appearance of the area. The actual design and appearance of the buildings will be key to their acceptable height.

16.4 Potential impact of development proposed by the LDO on the appearance of the Conservation area and setting of the neighbouring listed buildings.

The LDO development site sits within the Barbican Conservation Area. The Barbican 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.

As stated in the paragraph above, your officers are confident that development following the principles of the LDO would improve the appearance of the area and therefore at a minimum, preserve the appearance of the conservation area. The parameters in the LDO would ensure good quality development, which would obviously involve the removal of the current poor quality open spaces and some of the unattractive modern buildings. The LDO also provides the opportunity to get some green space and trees on to the site, again helping to overcome the negative aspects of the conservation area. The Conservation Officer and Historic England express some disappointment at the loss of the undesignated heritage assets (garage and former public house), but have more concern that they are not simply demolished and the sites left vacant for a long period to the detriment of the appearance of the conservation area. A condition was added to the LDO document for details to be submitted of an interim scheme for the area post demolition, which the conservation officer and Historic England consider satisfactory.

Around the site are a number of high quality listed buildings. Along the eastern side of the site is the very significant Blackfriars scheduled monument with Grade 1 listed Blackfriars church and Grade 2* listed 13, 15 and 17 Ladybellegate street. The Grade 1 listed Ladybellegate House is then located to the north east of the site, while to the north lies the Grade 2 * Bearland House. To the west are the listed elements of the former prison. Your conservation officer and Historic England had concerns regarding the height in certain areas of the development coming forward under the LDO. In particular, the elements up to 6 storeys in key locations, such as along the Quay, which they felt could impact upon strategic views of this part of the city, as well as cause harm the setting of the listed former prison. A lot of discussion has taken place around this matter, particularly as Historic England were concerned that there was insufficient regard to the NPPF's requirement that local planning authorities should not accept development that would lead to significant harm to designated heritage assets. As a result of this discussion amendments were made to the draft Design Brief to indicate that the height parameters state 'up to' a maximum heights rather than simply accepting development at this height. Also as part of the pre submission discussions developers will be informed whether their submission would need to be accompanied by a Built Heritage Statement. The submissions for development would therefore have to clearly demonstrate that they did not cause harm to the setting/strategic views of heritage assets.

16.5 Archaeology

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. The City Archaeologist considers however that the approach outlined in the LDO is acceptable and robust with regard to archaeology. As stated earlier in this report a lot of upfront archaeological assessments have been carried out already. The City Archaeologist is generally satisfied that the provision for archaeological mitigation (by condition) within the LDO is robust and consistent with all appropriate policy. The one concern is that the indicative Quayside proposal shows under floor parking, which may or may not be possible, subject to whether there are archaeological remains present. As stated earlier in this report the indicative drawings are just indicative and do not become approved under any adoption of the LDO. If significant archaeological remains were found then it is likely that underground parking would simply not be able to go ahead.

16.6 Access and Transport

There would be a number of access/egress points throughout the site to assist in distributing the impact of the local development proposals on to the local highway network. The LDO would provide for new internal streets as well as amendments to the existing streets within the area. The new streets would be located between Ladybellegate Street and Barbican Way and within the Quayside area to provide a link between Barrack Square and Quay Street. Barbican road would be blocked to motorised vehicles at the northern point next to the Magistrates Court building.

The traffic impacts have been modelled out using the standard TRICS (Trip Rate Information Computer System) and it is shown that as modelled the development would likely generate less vehicle movements in the network peak hours than the existing and extant uses on the site. The model has been tested with a scenario of a site accommodation of 438 flats, 7 townhouses, approx. 300 beds of student accommodation and a small amount of other uses such as office, gym and nursery. Taking this level of development there would be 216 and 227 two way vehicle movements in the morning and evening peaks compared to 312 and 274 two way trips respectively for the existing situation.

The proposal has also been modelled using the Saturn network model to assess impact on the Highway network. The first assessment demonstrated that there would be a considerable reduction in traffic across the local network with a small increase in traffic on the Quay street /the Quay junction.

Further modelling was then carried out in light of the planning application for the student accommodation on the Barbican car park coming forward (ref:16/01525/FUL) and the fact that it showed the east – west route from Ladybellegate street to Barbican road as pedestrianised rather than open to vehicles as in the LDO and with its car park accessed via Barrack way. This

further modelling that now tested Barrack Way as a two way route rather than one way, also demonstrated that there was capacity in the road network.

The Highway Authority is satisfied that the road networks would work for development coming forward under the LDO subject to conditions requiring:-

- Improvements to the signalised junction at the Quay/Quay street to include controlled pedestrian facilities
- Details of a crossing on Ladybellegate street
- Dropped kerbs and tactile paving on the surrounding streets
- Details of engineering layouts for new accesses and closure of existing access points.

With regard to car parking it should be noted that the site is in a very centralised sustainable location and that a framework travel plan accompanies the LDO, the adherence to which forms a condition of the LDO. The indicative plans show a proportion of residential dwellings to be provided with 1:1 parking and then a smaller element with no parking provision. It is accepted that any student accommodation would not require parking provision.

With specific respect to parking areas the indicative plan shows parking in the following areas :-

- Basement parking in the Quayside subject to no archaeological issues
- On street parking
- Reconfiguration of surface parking around Shire Hall
- Undercroft parking in the Blackfriars area
- Courtyard surface parking

The Highway Authority is satisfied with this approach, subject to a condition that a developer submits supporting information for the level of parking they propose and a car park management plan. Along with the travel plan mentioned above, the LDO contains a condition for submissions to produce a transport statement to demonstrate access for pedestrians and cyclists.

16.7 Potential Impact of development proposed by LDO on Amenity of Neighbouring occupiers/Creation of a Satisfactory Environment for Future Occupiers

Your officers are generally satisfied that development following the parameters of the LDO would not harm the amenities of neighbouring occupiers. The most sensitive areas would be the southern end of Ladybellegate street the boundary with the rear of the properties in Longsmith street and Quay street. Even at the maximum heights shown it is felt that these relationships would likely be acceptable. However any submission would still be assessed by officers in relation to impact on neighbouring amenity, particularly where it is proposed to go to maximum acceptable height.

With regard to the amenities of future occupiers of the LDO site, conditions are shown attached to the LDO with regard to submission of noise assessments and attenuation, lighting schemes, hours of opening, loading and unloading, deliveries and extractors/ventilation to ensure the amenity of the area and the occupiers are protected.

16.8 Land Contamination

The site has a considerable history of contaminated land with the Quayside having current vehicle and repair including underground storage tanks, former gas works, former iron works, brass foundry, coach works and engineering works and Blackfriars having former electricity and printing works. As stated above a very significant benefit of the work undertaken to support the LDO is the de-risking of the site from contamination concerns. Worcester Regulatory Services are happy with the LDO subject to the standard land contamination conditions being attached to it.

16.9 Drainage and Flooding

With regard to flooding it is the Quayside area of the site that is affected, with parts in flood zone 2 and 3, while the Blackfriars area of the site is in flood zone 1. The sequential test outlined in the NPPF has been applied as part of the process for identifying this area for regeneration and in establishing the LDO. As part of the site is within Flood Zone 3, the Exception test has to be applied to 'More Vulnerable development', such as residential. The EA confirm that the submitted Flood Risk Assessment has correctly identified both the level of risk upon the site and the vulnerability classification of proposed use as shown in their Flood Map for Planning. They are generally satisfied with the mitigation measures provided, including the setting of finished floor levels, provision of appropriate access and flood plain compensation.

The EA did originally have concerns regarding the adequacy of assessment of land contamination matters and the potential impact on the water environment, therefore failing to ensure that this EIA development would be in accordance with paragraphs 109 and 121 of the NPPF. They also had concerns at the proposed basement car parking from a flood risk perspective. It was then made clear to the EA that it wasn't currently possible to provide a full preliminary risk assessment at this stage due to the historic uses currently in situ and the archaeological considerations. The need for more detailed investigations was recognised for parts of the site and agreed with the EA., particularly in relation to those areas of the site currently covered by buildings.

The EA have now removed their objection, subject to a suite of contaminated land conditions being attached to the LDO. (the same set as required by WRS). They also accept that proposed flood mitigation measures work for the likely levels of flooding that would occur, however they do flag up that should the measures fail in any way or the flood level exceed the expected maximum level, the basement car parking in the Quayside area would lead to rapid inundation of water.

With regard to drainage, the Council's Drainage Officer originally had some similar concerns to that of the EA.

Both he and the LLFA now consider that the LDO is acceptable subject to conditions on submission of drainage details, a scheme for surface water treatment and a SUDS maintenance plan.

16.10 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.

Due to the size of the development there was a requirement to carry out a Habitat Regulations Assessment (HRA) 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 of the development site from these designated sites and likelihood that nearer sites would be used for recreation such as the Local Nature Reserve of Alney Island, no likely significant effects would occur.

The Council's Ecologist is satisfied with the information submitted for the HRA.

With regard to landscaping as stated previously in this report, the site currently is lacking in greenery and trees. As a condition on the LDO there would be a requirement for soft landscaping and your officers would ensure this would be high quality and include tree planting for both public and private areas.

16.11 Affordable Housing

On any submission for 15 dwellings or more the Local Planning Authority would seek the provision of affordable housing, normally to be obtained via the signing of a section 106 agreement between the LPA and the developer. Attaching a section 106 agreement to the LDO itself would not be considered best practice nor easily practicable. However, the Local Planning Authority would obviously still wish to ensure affordable housing provision was made. As part of any submission for 15 dwellings or more the Local Planning Authority would request a Statement on Affordable Housing. The LPA would require all proposals to be policy compliant with regard to affordable housing or to demonstrate through the submission of a viability statement as to why it could not be fully provided. A separate legal agreement between the LPA and developer could then be used to secure the affordable housing.

16.12 Infrastructure Provision

Larger Residential schemes would be required to provide public open space, education, and library provision/contributions. These would also normally be obtained via a section 106 agreement between the Local Planning Authority and the developer. As stated in the section above attaching a section 106 agreement to the LDO would not be considered best practice nor easily practicable. The Local Planning Authority would obviously still however wish to ensure these provisions were obtained. As part of any submission for larger scale housing the Local Planning Authority would request a Statement on how the proposal would mitigate its effects on current open space, education and library provision. The LPA would require all proposals to be policy compliant in terms of these provisions or to demonstrate through the submission of a viability statement why they cannot be fully provided. A separate legal agreement between the LPA and developer could be used to secure them.

17.0 **Conclusion**

- 17.1 As indicated in this report this is key regeneration site for both the City and County Councils, located in a very prominent position between the Docks and City centre. There have been many attempts through master planning, design briefs and initiatives to encourage development. However disappointingly it has remained undeveloped for very many years. Therefore, there has to be recognition that for all these earlier efforts to redevelop the site, very little has come to fruition.
- 17.2 The LDO is a delivery vehicle that seeks to accelerate matters beyond just master planning and site allocation to actually helping de risk proposals for development, by doing all the time consuming and uncertain ground investigation work for the developer up front and giving very clear parameters within the document and design brief as to exactly what would be acceptable on the site. It has already shown its value in the timely processing of the student accommodation application granted recently on the Barbican car park. This scheme benefited enormously from the extensively available underground information regarding flooding, contamination and archaeology.
- 17.3 Whilst there is not a requirement for the LDO to specifically implement policies of the Local Plan in this case the LDO can be seen to be compliant with the current adopted 1983 and 2002 Second Stage Deposit Draft plans, as well as the NPPF and the emerging City Plan and Joint Core Strategy. It is seeking to promote sustainable development on a brown field site to the social, economic and environmental benefit of the City of Gloucester. It also will play a key part in accelerating the delivery of new homes on brown field sites, which is the primary aim of the Housing Zone status accorded to Gloucester in 2015.
- 17.4 Your officers are satisfied that the parameters of the draft design brief along with the LDO and its agreed conditions will bring forward high quality development, while at the same time giving developers more confidence and certainty. The layouts are based on sound urban design principles with the development blocks and the street hierarchy positioned in a format to best

meet the overriding principles of linking the city centre to the waterfront at the Quayside and with a street/building pattern reminiscent of the city's historic past. At the same time building along the principles of the draft design guide would allow the area to form its own character. The concerns of Historic England (HE) and the conservation officer are noted, but there is confidence that the mechanisms in the LDO i.e required Built Heritage assessments, design review panel assessments, opportunity for HE to comment, ensures that due regard will be taken with respect to impact on heritage assets.

- 17.5 Therefore in conclusion your officers recommend that members adopt the Local Development Order as a means to encourage development that would bring regeneration benefits, promote sustainable development and make the most efficient use of brown field land.

16/01510/LDO

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).

Planning Committee 07.03.2017

