

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **5TH SEPTEMBER 2017**

ADDRESS/LOCATION : **LAND AT GLOUCESTER BUS STATION**

APPLICATION NO. & WARD : **17/00622/FUL
WESTGATE**

EXPIRY DATE : **12TH SEPTEMBER 2017**

APPLICANT : **GLOUCESTER CITY COUNCIL**

PROPOSAL : **VARIATION OF CONDITION 3 OF PLANNING PERMISSION 15/01142/FUL FOR THE DEMOLITION OF BUILDINGS, TREE REMOVAL AND REDEVELOPMENT OF SITE TO PROVIDE A NEW BUS STATION, HIGHWAYS AND ACCESS WORKS, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE WORKS INCLUDING PROVISION OF EMERGENCY STAIRCASE ON EXISTING NCP CAR PARK. THE VARIATION IS FOR THE REDUCED FOOTPRINT TO THE HUB ELEMENT AND MAIN BUILDING AND AMENDMENTS TO THE DESIGN, HEIGHT, MATERIALS, CYCLE PARKING, LANDSCAPING AND TREES.**

REPORT BY : **CAROLINE TOWNLEY**

**NO. OF APPENDICES/
OBJECTIONS** : **1. SITE LOCATION PLAN**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located adjacent to the south eastern side of the existing city centre bus station to the north east of the city centre. The site is bordered to the north and east by Bruton Way and to the south and west by Station Road. Market Parade runs to the west of the existing bus station. The site is broadly level throughout. The land is partially located within flood zone 2. It lies adjacent to, but not within, Conservations Areas.
- 1.2 The application site is made up of part of a vacant office block known as Grosvenor House, the existing bus station administration offices, public toilets, a cafe and former office block, Bentinck House.

- 1.3 There are trees within the site although a number of trees in Bruton Way have now been removed. Further street trees are located on Station Road and Market Parade. The site falls within an area identified for mixed use allocation within the 2002 Gloucester Local Plan, and is identified as a bus and rail interchange.
- 1.4 The area is typically characterised by 1960's / 70s buildings which includes Grosvenor house, the old bus station office and public toilets and Bentinck House. The area directly to the north-west will form part of the wider Kings Quarter redevelopment scheme which is to be delivered in later phases. To the south-east of the site across Bruton Way is a 5 storey office building, to the west is the core city centre, to the north east is a hotel and the city centre railway station.
- 1.2 The planning application for the new bus station and associated works (ref. 15/01142/FUL) was reported to Planning Committee on 15th December 2015 when it was resolved to grant planning permission subject to conditions. The approved scheme will accommodate "Drive in Reverse Out" facilities for local bus services and a further stand for national coaches, plus further stops in Station Road. The development includes the provision of a small travel information centre and office, public toilets and a kiosk type retail offer together with a café area and staff facilities. It will also provide an enclosed concourse with sufficient seating and waiting areas for passengers, cycle parking. Vehicular access for buses and coaches to the bus station will be via new access arrangements from Bruton Way. The proposal includes drop off bays for both taxis and cars.
- 1.3 The approved scheme includes a series of off-site highways works along Bruton Way, a reconfigured junction to the south from Station Road, and alterations to the exit from the NCP car park to the north as well as widening works proposed on Station Road/Market Parade.
- 1.4 In terms of detail, the approved bus station building is approximately 8.7m at the highest point of its roof. The structure has a supporting column which is relatively slender in profile, and projects to around 14.2m in height. The roof covers the passenger concourse, which is enclosed by a full height glazed screen. At the south-western area of the concourse is the proposed admin building which incorporates the passenger facilities such as toilets and a cafe. Staff facilities and accommodation are at first floor level.
- 1.5 The vehicular entrance to the Bus Station is positioned in the west of the site from Bruton Way directly to the east of the junction with Market Parade and Station Road. For buses travelling from the east along Bruton Way, a right turn into the Bus Station will be facilitated by removing a section of the central reservation. Bruton Way eastbound is restricted to bus-only operation, removing conflict with general traffic and allowing easier movement for buses to turn in and out of the forecourt. Two exit points will filter buses onto Bruton Way eastbound. From the Bus Station, buses travel eastbound to meet a signalised junction with the A430 Bruton Way / Station Approach.

- 1.6 An application under Section 73 of the 1990 Act allows for the variation or removal of conditions associated with an existing planning permission. The current application seeks to vary condition 3 (approved drawings) to allow for a minor material amendment to the approved plans.
- 1.7 The National Planning Practice Guidance (PPG) advises that there is no statutory definition of ‘minor material amendment’ but that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.
- 1.8 The current application proposes changes to the planning permission granted under application no. 15/01142/FUL as a result of detailed construction considerations by the appointed contractor, technical stage design and further survey information being available including utilities. There is also now a requirement to delay the demolition of Bentick House. The submitted drawings propose the following changes to the 2015 permission:
- A reduced footprint to the hub element to avoid an existing sewer.
 - Omission of glazing and use of render finish on the North West elevation to provide for greater flexibility for future development.
 - Design development of roof edge detail to co-ordinate with the structural design and amendments to the roof top plant space and access to the roof.
 - Amendments to the position of the photovoltaic panels.
 - Change in roof profile which results in an increase in height to the top of the roof by 1 metre and top of screen by 1.3 metres.
 - Additional soft landscaping to external works around the station.
 - Relocation of the proposed cycle parking in the northern corner.
 - Reduction in the main building footprint by the removal of the single storey bay in the northern corner to allow construction with Bentinck House left in situ (until future development).
 - Removal of an additional tree adjacent to the taxi rank in Station Road and planting an additional replacement tree.
 - Additional clarification on external works materials and street furniture.
- 1.9 Since the submission of the planning application further revised plans have been submitted proposing the following further amendments to the submitted plans:
- Removal of the roof plant screen and associated steelwork to reflect the reduced amount and size of plant on the roof.
 - Removal of the roof access enclosure and introduction of a roof hatch.
 - Details of the roof mounted plant consisting of a bank of 8 condenser units for the multi-split heating (460mm long x 1200mm wide x 1200mm high) and cooling system together with an air handling unit for the public toilets (1000mm long x 800mm wide x 600mm high).
 - A further minor revision to the roof verge profile.
 - Amendments to the proposed lighting columns.
 - Provision of an updated landscape masterplan amended to relocate the cycle stands at the east entrance so that they are undercover.

2.0 RELEVANT PLANNING HISTORY

- 2.1 Planning permission was granted subject to conditions for the demolition of buildings, tree removal and redevelopment of site to provide a new bus station, highways and access works, landscaping and associated infrastructure works including provision of emergency staircase on existing NCP car park on 17th December 2015 (15/01142/FUL).
- 2.2 The following applications have subsequently been received to address the conditions attached to 15/01142/FUL:

16/00450/CONDIT - Partial discharge of conditions 6 (Environmental Management Scheme), 11 (Treatment to Elevations) and 17 (Bats) of permission 15/01142/FUL. Discharged 3rd January 2017.

17/00623/CONDIT - Discharge of conditions 13 (hard and soft landscaping works) and 14 (Landscape scheme) on planning permission ref. 15/01142/FUL. Pending consideration.

17/00666/CONDIT - Discharge of conditions 4 (foundation design and ground works - archaeology) and 10 (drainage plans for surface water and foul sewage) of planning permission 15/01142/FUL. Pending Consideration.

3.0 PLANNING POLICIES

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

Town and Country Planning Act 1990: Section 73

Statutory Development Plan

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

Central Government Guidance - National Planning Policy Framework

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

Decision-making

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

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

Authorities should look for solutions rather than problems and decision-takers should seek to approve applications for sustainable development where possible (paragraph 14).

Core planning principles (paragraph 17)

Planning should:

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

The NPPF includes relevant policy on;

- Building a strong, competitive economy
- Ensuring the vitality of town centres

- Promoting sustainable transport, including the statement that development should only be prevented on transport grounds whether the residual cumulative impacts of development are severe.
- Requiring good design and promoting healthy communities
- Meeting the challenge of climate change, flooding and coastal change, conserving and enhancing the natural environment, conserving and enhancing the historic environment

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

Emerging Development Plan

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Main Modifications Version, February 2017)

3.6 The City Council is currently working on a new Development Plan that will comprise the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury ("JCS") and Gloucester City Plan ("City Plan") once they are adopted. On adoption, the JCS and the City Plan will provide a revised planning policy framework for the Council. In the interim period, in accordance with paragraph 216 of the NPPF, weight can be attached to relevant policies in the emerging plans according to:

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

The JCS was submitted to the Government for Inspection in November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The Inspector published her Interim Findings in May 2016 and the JCS authorities have now approved Main Modifications to the plan for consultation. Consultation took place in February/March 2017 and further examination hearings are to take place in July 2017.

The JCS has therefore reached a further advanced stage, but it is not yet formally part of the development plan for the area and the weight that can be attached to each of its policies will be subject to the criteria set out above, including the extent to which there are unresolved objections.

3.7 Relevant policies from the JCS (Main Modifications) are:

- SP1 - The need for new development
- SP2 – Distribution of new development
- SD1 – Presumption in favour of sustainable development
- SD4 – Sustainable design and construction
- SD5 – Design requirements
- SD7 – Landscape
- SD9 – Historic Environment

SD15 – Health and environmental quality
INF1 – Transport network
INF2 – Safety and efficiency of the transport network.
INF3 – Flood risk management

Gloucester City Plan

The Gloucester City Plan (“City Plan”) is at a less advanced stage than the JCS. The City Plan will deliver the JCS at the local level and provide policies addressing local issues and opportunities in the City. The Draft Gloucester City Plan 2017 takes forward the results of previous consultations and was subject to consultation January and February 2017. The Plan is at an early stage and therefore carries limited weight (*we are not currently making any references to the policies in the Plan given its early stage. However, if an application relates to a proposed site allocation this would be clarified in the Plan*)

- 3.8 On adoption, the Joint Core Strategy and the City Plan will provide a revised planning policy framework for the Council.

Gloucester Local Plan, Second Stage Deposit 2002

- 3.9 Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. This cannot be saved as it is not a formally adopted plan, however with it being adopted for development control purposes it is still judged to be a material consideration, albeit of limited weight.

2002 Plan policies

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

Policy B.10 (Trees and hedgerows on Development sites)
Policy BE.1 (Scale Massing and Height)
Policy BE.2 (Views and Skyline)
Policy BE.5 (Community Safety)
Policy BE.6 (Access for all)
Policy BE.7 (Architectural Design)
Policy BE.21 (Safeguarding of Amenity)
Policy BE.31 (Preserving sites of archaeological interest)
Policy BE.32 (Archaeological assessment)
Policy BE.33 (Archaeological field evaluation)
Policy BE.34 (Presumption in favour of preserving Archaeology)
Policy BE.36 (Preservation in situ)
Policy BE.37 (Protecting and Preserving Archaeology)
Policy FRP.1a (Development and flood risk)
Policy FRP.6 (Surface water run off)
Policy FRP.10 (Noise)
Policy FRP.11 (Pollution)
Policy FRP.15 (Contaminated land)

Policy S.4 (The bus station site)
Policy ST.4 (Reducing travel by car and promoting other means of travel)
Policy TR.22 (Enhancing the bus and rail interchange)
Policy TR.31 (Road safety)
Policy TR.32 (Protection of cycle/pedestrian routes)
Policy TR.33 (Providing for cyclists/pedestrians)
Policy TR.41 (Railway station)

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

CONSULTATIONS

- 4.1 **Highway Authority** – The application seeks to revise some of the approved drawings submitted under reference 15/01142/FUL. The main transport related change is that the cycle stands have been moved from the screening wall on the Bruton Way side. The proposed move is acceptable; however, the stands would be best placed under the canopy to provide some shelter from the weather.
- No highway objection is raised subject to the undischarged previously recommended conditions being attached to any new permission.
- 4.2 **Lead Local Flood Authority (LLFA)** – The principle, viability and technical ability of the proposed water drainage strategy has not been altered by the variation of condition 3. Therefore the proposal still conforms with the NPPF in terms of surface water flood risk and the Non-statutory Technical Standards for Sustainable Drainage Systems and no objection is raised.
- 4.2 **Network Rail** – No objection subject to requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.
- 4.3 **Historic England** – Do not wish to offer any comments and suggest that the views of the City Council's specialist Conservation and Archaeological Officers are sought.
- 4.4 **Civic Trust** – Planning permission should be refused. The panel maintains its opposition as outlined in September 2015:
- The subsequently approved new bus station was too small then to serve the public transport needs of an expanding city for the next 50 years. To make it even smaller, and lose the information centre and drastically reduce the public toilets is unacceptable.
 - The previous decision was made to avoid demolishing more of Grosvenor House (one of the city's ugliest buildings). Now, an even smaller bus station is proposed to avoid knocking down Bentinck House (another building of no merit).

- The whole plan for the King's Quarter, including the bus station, needs to be re-visited following the appointment by the City Council of new development partners.
- The amended plan means that eight of the ten trees on the site will have disappeared, some of which were mature and once shaded the animals in the old livestock market. The new bus station needs to be moved to use more of the old bus station on a more generous site avoiding the trees. This would also improve pedestrian access on the hospital/railway station/bus station/ King's Square axis.
- Under the amended plan the pedestrian desire line is blocked by a huge barrier, which visually isolates the new building, and by the retained Bentinck House.
- Access is further hindered by the highway arrangements which create increased traffic circulation via two new junctions to Bruton Way.
- Fear that the loss of the information centre will mean no surveillance/supervision on a day to day basis and Gloucester bus station will retain its unenviable reputation as a very unpleasant place to be, especially at night.
- The panel regrets the proposed amendments because we like the architects' design concept, even though the quality of materials appears to have been diminished.

4.6 **Environment Agency** – Have reviewed the details submitted from a flood risk perspective and no objections are raised to the amended plans.

It should be noted that the River Twyver culvert runs adjacent to Bentinck House as indicated in the response to the original application. It is advisable that the exact location of the River Twyver culvert is ascertained by the developer before any plans for the demolition of the building is prepared.

The Environment Agency wish to be afforded the opportunity to pursue the provision of improved access to this culvert as part of any redevelopment works.

Any works (including demolition) in, under, over or within 8 metres of the River Twyver will require the prior formal permission of the Environment Agency under the Environmental Permitting Regulations.

4.7 **Environmental Health Officer** – No objection to the proposed amendments subject to the inclusion of the original conditions.

4.8 **City Archaeologist** – The changes do not affect the below ground issues to any important extent. No objection subject to the retention of the archaeological conditions.

4.9 **Conservation Officer** – Raises no objection to the application but raises the following concerns:

- Current application to vary the design will result in the loss of high quality materials, in particular the omission of glazing and stone cladding with a render finish.

- The reduction in the size of the bus station is not objectionable but it is disappointing that the retention of Bentinck House during the construction phase will constrain the development proposal.
- The further loss of a tree is also a key concern, trees are important to the city streetscape and add character to the area therefore it is important that trees are retained or if replanted that these are already semi mature to provide some form of replacement landscaping.

The Conservation Officer has confirmed that the amendments to the roof plant are acceptable and reduce the impact of services on the wider street scene.

Due to the prominent location of the development the new transport hub should utilise high quality and locally distinctive materials to reflect the character and appearance of the local streetscape and surrounding conservation areas. Recommends that the conditions from the 15/01142/FUL application be applied to any consent issued.

5.0 PUBLICITY AND REPRESENTATIONS

5.1 126 Neighbouring properties were notified and press and site notices were published.

5.2 As a result of this publicity 1 letter of objection has been received raising the following concerns:

- Proposed changes will adversely affect bus and coach user amenities, will not reduce traffic dominance in this part of the City centre and will not increase the attractiveness of pavement routes around the development.
- Revised toilets are far too small to serve a bus/coach hub of this size and importance. Separate sex washrooms have disappeared from the design, will result in queuing, no outward opening cubical doors for users needing a grab rail, cloakroom type finger basins will result in wet floors. No need for a second door into disabled person's toilet directly from the street.
- City Council should make further revisions to the general arrangement plan to ensure the toilets are of an adequate size and that the hub building does not present a blank and detracting frontage to Station Road.
- Updating the bus station hub design should also take account of the latest national guidance for new public buildings and transportation hubs to have a standard BS8300 "changing places room" facility. See House of Commons "Building for Equality" report HC 631 dated April 2017.
- The Landscape Master Plan does not take account of the latest changes being made to pedestrian pathways around the hub building, both in response, first, to recent requests made to Gloucestershire County Council by the National Federation of the Blind UK, and secondly, to new guidance in the April 2017 "Building for Equality"

report HC 631 that pedestrians should not have to share space with drivers or cyclists.

- Bicycle stands should not be positioned next to frontages, when it will interrupt people moving along the street, and to and from the rail station. The newly proposed cycle stands against the wall next to the bus station concourse entrance in Station Road could move away from the hub building onto the build-out near the Bruton Way junction, where they may attract more use by cyclists travelling into the centre from the Asda direction.
- Guard railing at the edges of roads and at staggered pedestrian crossings is known to encourage traffic to dominate and public space. The approach followed successfully in places such as High Street, Kensington in London, and advocated in national "Manual for Streets" guidance, is to tighten corner radii, and provide wide signal crossings, not with guard-railed sheep pen refuges, but with deep central islands. The landscape master plan submitted for approval should be modified to follow these principles. The change will make traffic less dominant; it will enhance pavement surfaces, along the whole of the major desire line route from the rail station and Station Hotel, towards the bus station feature screen, and then along the Registry Office Building frontage and on into the city centre.

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

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=17/00622/FUL>

6.0 **OFFICER OPINION**

Legislative background

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that in dealing with a planning application, the Local Planning Authority should have regard to the following:

- a) the provisions of the development plan, so far as material to the application;
- b) any local finance considerations, so far as material to the application; and
- c) any other material considerations.

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

Policy Background

- 6.4 The 2002 Local Plan identified this area of the City as within an area identified for mixed use development and is identified as a bus and rail interchange. Clearly this proposal is for an enhanced and modern bus station facility, in close proximity to the railway station. It will provide a much enhanced environment for passengers, and will be in clear sight of the railway station, which should encourage interchange between the two facilities. This was encouraged by Policy TR.23 of the Local Plan. As this development is intended as phase one of a wider regeneration of adjoining sites, which is in line with the mixed use allocation of the Local Plan, the principle of this proposal is in line with long standing ambitions for this area of the city. The principle of this proposal is therefore considered to be in accordance with policies S.4 & TR.23 in the 2002 Local Plan.

Design

- 6.5 The site is located within the prominent gateway to Gloucester's City centre; however in this instance the site is not within a designated conservation area but is adjacent to a number of conservation areas including the city centre designation. The scheme will however be highly prominent due to its gateway location and as a result provides an opportunity to create a high quality contemporary and landmark building.
- 6.6 The current application seeks to vary condition 3 of planning permission 15/01142/FUL to allow minor design changes following the grant of planning permission in December 2015.
- 6.7 The first phase of demolition involving part of Grosvenor House, The Pavilion and edge of the bus station canopy has now been completed.
- 6.8 Assessment of the current application should be limited to consideration of the impact of the design changes set out at paragraphs 1.8 and 1.9 of this report, since the principle of development is firmly established by the existing planning permission. The proposal remains acceptable in terms of the principle of development, flood risk, archaeology, amenity and highways.
- 6.9 The main planning impacts resulting from the proposed design changes relate to the reduction in the size of the 'hub' element to avoid an existing sewer. The reduction in the size of this element has necessitated internal amendments and while it is still proposed to provide a café, customer toilets, baby changing facilities and management offices on the ground floor the number of toilet cubicles has reduced from 6 to 2 female and from 4 to 2 male cubicles. Whilst these changes to the internal arrangements will reduce the availability of customer facilities this is not however a material land use planning consideration that would result in the amended plans being unacceptable. Other issues raised by the objector relate to matters covered by separate legislation and issues previously approved under the previous planning application.
- 6.10 It is also proposed to further reduce the main footprint of the building with the removal of a single storey bay in the northern corner to allow construction with

Bentinck House left in situ. It is necessary to retain Bentinck House in the short term due to operational and contractual arrangements and it is now not possible to demolish the building in advance of the bus station being constructed.

- 6.11 The further design changes relate to the roof profile and overall increase in height by 1 metre to the top of the roof and 1.3 metres to the top of the screen both of which are considered to be minor in nature and acceptable in design terms.
- 6.12 Concern has also been raised in relation to the loss of an additional tree adjacent to the existing taxi rank in Station Road. Whilst regrettable the tree is required to be removed due to detailed service and highways considerations which have come to light as the construction design stages are completed. The current plans propose an additional replacement tree as compensation.
- 6.13 The cycle parking has been relocated to allow for an external door to be provided to the proposed disabled toilet in the South West elevation. The cycle parking has now also been repositioned so that they are under the roof canopy as recommended by the Highway Authority.
- 6.14 While the application site is not within a Conservation Area, it does lie adjacent to Conservation Areas. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that where an area is designated as a conservation area *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area'*. Chapter 12 of the National Planning Policy Framework (2012) sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance. In particular, paragraph 131 states that in determining planning applications, local authorities should take account of *'the desirability of sustaining and enhancing the significance of heritage assets'*.
- 6.15 Concerns have been raised by the Conservation Officer about the replacement of the originally proposed glazing and stone cladding with render on the rear (North West) elevation. The Agent has indicated that these amendments are to allow for greater flexibility and to future proof the development against the evolving proposals for the wider Kings Quarter development. It is anticipated that the new buildings on the old bus station site will abut the new bus station.
- 6.16 It is considered that overall the proposals will have a positive effect on adjoining the Conservation Areas, and are therefore acceptable in terms of their impact on these heritage assets. The Conservation Officer has raised no objections to the amended drawings.
- 6.1 Concerns have been raised about the design, appearance and siting of the facility from the Civic Trust. However the current application only relates to relatively minor changes to the size and design of the approved scheme.

7.0 CONCLUSION

- 7.1 Overall the proposed changes to the design are considered to be relatively minor in nature and are considered to be insignificant in the context of the original planning permission and therefore are acceptable as a minor material amendment. The proposed variation of condition 3 is therefore considered acceptable.
- 7.5 This application has been considered in the context of the policies and guidance referred to above. The proposal is consistent with those policies and guidance in terms of design, materials, highways, drainage, archaeology, impact upon the amenity of any neighbours and the adjacent Conservation Areas. The proposal is considered to be acceptable and accordingly permission should be granted.
- 7.6 Since approval of the new application will create a new standalone planning permission, the conditions on the existing permission will need to be replicated other than where they are updated by the new plans and drawings.

8.0 RECOMMENDATIONS OF THE HEAD OF PLANNING

That planning permission is granted subject to the following conditions:

Condition 1

The development hereby permitted shall be begun before 17th December 2018.

Reason

Required to be imposed by Sections 73 and 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

No condition 2 to reflect the original planning permission ref. 15/01142/FUL.

Condition 3

The development hereby permitted shall be carried out in accordance with the approved drawings comprising:

- Application form
- Planning Statement
- Design and access Statement
- 6802-BDP-XX-00-PL-A-200001 (Site Location Plan)
- 6802-BDP-XX-01-PL-A-200002 (Existing Plan and Proposed Demolition)
- P2006802-BDP-EL-A-20004 (Existing Elevations)
- GBS-BDP-XX-00-PL-A20005 P06 (Proposed Ground Floor)
- GBS-BDP-XX-01-PL-200005 P06 (Proposed First Floor)
- GBS-BDP-XX-02-PL-A-200005 P05 (Proposed Roof Plan)

- GBS-BDP-XX-XX-EL-A-000001 P07 (Proposed Elevations)
- GBS-BDP-XX-XX-SE-A-000001 P03 (Proposed Sections)
- GBS-BDP-XX-XX-PL-L-900001 P10 (Landscape Masterplan)
- XX-01-PL-L-101 Rev A (Tree Removal and Retention Plan)
- 5133196-ATK-TP01-EX-D-0500 Rev P2 (Existing Highway Layout)
- 5133196-ATK-TP01-DR-D-0501 Rev P10 (Phase 1 Off-Site Highways Work)

except where otherwise required by conditions of this permission.

Reason

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

Condition 4

No development, other than demolition to slab level only, 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 5

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.

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

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.

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.

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.

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).

Condition 6

Prior to commencement of the development hereby permitted, an Environmental Management scheme for the demolition works shall be submitted to and approved in writing by the Local Planning Authority which specifies mitigation measures in respect of the following issues in order to prevent nuisance. The demolition works shall not be commenced until the approved scheme has been implemented and made fully operational, and thereafter it shall be operated and maintained, as long as demolition works continue. The scheme shall include details of how dust will be qualitatively monitored:

1. Dust from demolition
2. Dust from groundworks
3. Dust from haul roads
4. Dust from stockpiles and material handling/removal
5. Light from security compounds
6. Storage of waste
7. Keeping highways clear of mud

Reason

To safeguard residential amenity and prevent pollution in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002). The information is required upfront to ensure demolition works do not have an unacceptable impact.

Condition 7

Prior to commencement of any works other than demolition works, an Environmental Management scheme for subsequent remediation, preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority which specifies mitigation measures in respect of the following issues in order to prevent nuisance. No works other than demolition works shall commence until the approved scheme has been implemented and made fully operational, and thereafter it shall be operated and maintained, as long as the works continue. The scheme shall include details of how dust will be qualitatively monitored:

1. Dust from groundworks
2. Dust from haul roads
3. Dust from stockpiles and material handling/removal
4. Light from security compounds
5. Storage of waste
6. Keeping highways clear of mud

Reason

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

Condition 8

No materials or substances shall be burnt within the application site during the demolition, remediation or construction phases.

Reason

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

Condition 9

During the construction phases no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 8.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason

To protect the amenity of local residents in accordance with policy BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 10

Prior to any development other than demolition works commencing, a scheme containing detailed drainage plans for surface water and foul sewage shall be submitted to and approved by the Local Planning Authority. The details submitted shall include proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage Systems (SuDS), and should be supported by modelling/simulations of the scheme to demonstrate it is technically feasible. Details of the flood flow exceedance routes shall also be provided. In particular, the proposals shall make clear

how the water quality objectives set out in National SuDS guidelines are to be achieved. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with sustainable objectives of Gloucester City Council and Central Government and policy FRP.6 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 11

Prior to the commencement of development, full details of proposed treatments to building elevations remaining after demolition works shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

As sufficient details were not provided in the planning application, and in accordance with policy BE.7 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 12

Prior to any above ground construction works being carried out, full details and/or samples of the following items shall be submitted to and approved by the Local Planning Authority.

- Samples of all external materials.
- Product details of all street furniture and lighting.
- Section drawings for screens around the bus station.
- Scaled drawings for new external escape staircase for car park.
- Detailed information on signage across the site.
- Details for historic interpretation on the site and proposed public art.

Development shall be carried out in accordance with the approved details.

Reason

As sufficient details were not provided in the planning application, and in accordance with policy BE.7 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 13

No above-ground construction works shall take place until full details of both hard and soft landscape works 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

As sufficient details were not provided in the planning application, and in accordance with policy BE.7 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 14

No above-ground construction works shall take place until a landscape scheme has been submitted to and approved in writing by the local planning authority. The submitted design shall include scale drawings and a written specification clearly describing the species, sizes, densities and planting numbers.

Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with policy BE.12 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 15

The landscaping scheme shall be completed no later than the first planting season following the completion of the development. The planting shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with policies BE4 and BE.12 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 16

Prior to commencement of construction works details of the construction phasing of the highway works as shown on plan no 5133196-ATK-TP01-DR-D-0501 Rev P10 shall be submitted to and approved by the Local Planning Authority. These shall be broadly in accordance with the details in Appendix H of the submitted transport assessment. The highway works shall then be completed in all respects in accordance with the approved details prior to the commencement of operation of the Bus Station.

Reason

To ensure safe and suitable access is retained for existing commercial and residential businesses during the construction phase and for the development in accordance with Paragraph 32 of the National Planning Policy Framework and policy TR.31 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 17

The demolition of Bentinck House (building 3) and former staff area (building 2b) shall be carried out in the presence of an ecologist holding a relevant bat licence. If bats are found then all work on that building should cease while a licence is applied for and measures for translocation put in place. Full details of such measures to be taken shall be submitted to and approved by the Local Planning Authority. Demolition works shall only resume when translocation to an alternative acceptable site, in accordance with the approved details, has been completed.

Reason

For the protection of a European protected species if found on the site, and in accordance with policy B.7 of the Second Deposit City of Gloucester Local Plan (2002).

Notes

1. The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.
2. The Wildlife and Countryside Act 1981 (as amended) contains provisions relating to the protection of nesting birds which must be complied with in relation to the removal of trees and demolition of buildings.
3. Any works (including demolition) in, under, over or within 8 metres of the River Twyver will require the prior formal permission of the Environment Agency under the Environmental Permitting Regulations.
4. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

Decision:

Notes:

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Person to contact: Caroline Townley
(Tel: 396780.)

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**Land At Gloucester Bus Station
Market Parade
Gloucester**

Planning Committee 05.09.2017

