

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **5TH DECEMBER 2017**

ADDRESS/LOCATION : **25-31 EASTGATE STREET**

APPLICATION NO. & WARD : **17/01177/FUL
WESTGATE**

EXPIRY DATE : **13TH DECEMBER 2017**

APPLICANT : **REEF ESTATES LTD**

PROPOSAL : **Eastgate Street facade refurbishment works, relocation of concrete artwork panels, extension of building at ground floor over highway, alteration of existing canopy over Eastgate Street, and subdivision of the former BHS retail store to provide a class A1 retail unit over ground and first floor along with a new class A1/A3 Cafe unit at ground floor and associated outdoor seating area.**

REPORT BY : **ADAM SMITH**

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

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The application site is 25-31 Eastgate Street. This comprises the former BHS retail unit, and the Dorothy Perkins/Burtons retail unit to the north west. The site also includes part of Eastgate Street in front of the former BHS unit. The site is within the City Centre Conservation Area and there are listed buildings adjacent to the north west (the Guildhall) and on the opposite side of Eastgate Street (the Eastgate Centre entrance portico).

1.2 The application proposes:
Subdivision of the former BHS unit to provide a new Class A1/A3 café unit of 186sq m (retention of the remainder of the building for the existing A1 retail use)
An associated external seating area for the café unit to the front within Eastgate Street
Extension of the ground floor of the former BHS unit forwards to infill the current undercroft area including new shopfronts

Infill extension of the entrance area of the Dorothy Perkins/Burtons unit and new shopfront
Replacement of the existing canopy at the Dorothy Perkins/Burtons unit with a new shorter canopy
Replacement windows to the upper floors

- 1.3 The application is referred to the planning committee as it involves Council land and an objection has been received.

2.0 RELEVANT PLANNING HISTORY

- 2.1 No relevant recent history. It appears that the building may have gained planning permission in the mid 1960s.

3.0 PLANNING POLICIES

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

Central Government Guidance - National Planning Policy Framework

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

Decision-making

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

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

The NPPF includes relevant guidance on ensuring the vitality of town centres, promoting sustainable transport, requiring good design, and conserving and enhancing the natural and historic environment. These are commented on in more detail in the Officer considerations below.

Planning conditions

Planning conditions should only be imposed where they are

- Necessary;
- Relevant to planning and to the development to be permitted;
- Enforceable;

- Precise; and
- Reasonable in all other respects.

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

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

The Development Plan

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

(a) The regional spatial strategy for the region in which the area is situated, and

(b) The development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

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

Local Plan

3.4 The statutory development plan for Gloucester remains the City of Gloucester Local Plan (Adopted 1983 and partially saved until the Local Development Framework is adopted). Under the terms of the NPPF, weight can be given to these policies according to their degree of consistency with the NPPF.

Policy A.2 sets out that particular regard will be given to the City’s heritage in terms of archaeological remains, listed buildings and conservation areas.

3.5 Subsequent to the 1983 plan there has also been the City of Gloucester (Pre-1991 Boundary Extension) Interim Adoption Copy October 1996), and City of Gloucester First Stage Deposit Local Plan (June 2001).

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

2002 Plan allocations

3.7 Primary Shopping Area
Conservation Area

Area of principal archaeological interest

3.8 2002 Plan Policies

FRP.11 - Pollution

BE.4 – Criteria for the layout, circulation and landscape of new development

BE.5 – Community safety

BE.6 – Access for all

BE.7 – Architectural design

BE.21 – Safeguarding of amenity

BE.23 – Development affecting the setting of a listed building

BE.29 – Development 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.12 – Cycle parking standards

TR.31 – Road safety

S.8 – Changes of use in the Primary Shopping Area

Emerging Plans

- 3.9 On adoption, the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and Gloucester City Plan 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

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

- 3.10 The Council has prepared a Joint Core Strategy with Cheltenham and Tewkesbury Borough Councils (JCS) which was submitted for examination on 20 November 2014. Policies in the Submission Joint Core Strategy have been prepared in the context of the NPPF and are a material consideration. The JCS Inspector's report was received in October 2017 and concluded that, subject to the main modifications and an immediate partial review, the JCS is sound and legally compliant. Therefore, in accordance with paragraph 216 of the NPPF, it is considered that the JCS policies can be given very significant weight.
- 3.11 The following policies in the Adoption Version JCS are of relevance and the plan is subject to representations through the consultation which affects the weight that can be attributed to the policy;
- SP2 – Distribution of new development
 - SD2 – Retail and city/town centres
 - SD4 – Design requirements

SD8 – Historic environment
SD14 – Health and environmental quality
INF1 – Transport network

Gloucester City Plan

- 3.12 The Draft Gloucester City Plan and “call for sites” was subject to consultation January and February 2017. The Plan is at an early stage and therefore carries limited weight.
- 3.13 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

- 4.1 The Conservation Officer notes the site location within the City Centre Conservation Area and adjacent to the grade 2 listed Guildhall, and the intended re-location of the ceramic panels from BHS to a blind elevation on Clarence Street, and concludes the following;
- reconfiguration of shop front to BHS would create a more active frontage to the building;
 - partial removal of large canopy to Dorothy Perkins would improve the visibility of the Guild Hall façade;
 - overall the proposed changes should be considered an enhancement to the Conservation Area;
 - the scheme has taken on board the Conservation Officer’s comments offered previously and adjusted the scheme to reflect these;
 - the application can be supported.
- 4.2 The Civic Trust has not commented at the time of writing
- 4.3 The Highway Authority raises no objection subject to conditions to secure cycle parking, relocate some of the street furniture outside the unit on Eastgate Street, and prevent doors opening outwards onto the street.
- 4.4 The Environmental Health Officer raises no objection subject to a condition to secure the installation and maintenance of a suitable kitchen extraction system to the café.
- 4.5 The City Archaeologist raises no in-principle objection and recommends a condition to secure a programme of archaeological work and approval of the foundation design and ground works.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 13 neighbouring properties were notified and press and site notices were published.

5.2 An objection has been received from WH Smith, which occupies the adjacent unit to the east, and may be summarised as follows:

- Reduced visibility to the WH Smith unit;
- Reduced accessibility along Eastgate Street as a result of narrowing the street;
- Potential long term harm to the commercial viability of the WH Smith unit;
- Little evidence put forward in application to support need for additional floorspace, and unclear whether it would actually increase interest in the unit;
- Council should ask for evidence of the need for the extension and why the coffee shop is required.
- Proposal would contradict emerging City Plan Policy C2B as it would result in a reduction in the Primary Shopping Area's vitality if long term trading patterns are adversely affected, and reduced accessibility on Eastgate Street.
- Safety issues in the case of emergencies.

A City Councillor has also commented, which may be summarised as follows:

The three murals should be removed safely and relocated to another location, confirmation is needed about how they will safely remove them. This is good public art and should be saved for the future.

The proposals to relocate the murals to Clarence Street is acceptable, but they must be fixed to their new location in a way that means that they could be relocated in future.

The murals should be displayed and illuminated in a way that shows them off most effectively and have an interpretation board nearby explaining how they were made, who the artist was, etc.

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

<http://planningdocs.gloucester.gov.uk/default.aspx?custref=17/01177/FUL>

6.0 **OFFICER OPINION**

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

- Principle
- Design and heritage
- Traffic and transport
- Archaeology
- Environmental health

- Economic considerations

Principle

- 6.2 Policy SP2 of the JCS seeks to focus development within Gloucester and Cheltenham to support their roles as principal providers of jobs, services and housing and to promote sustainable transport. Policy SD2 places Gloucester City Centre at the top of the hierarchy of centres and seeks to support and strengthen it to ensure it continues to be the focus of communities. The site is within the City Centre Boundary, Primary Shopping Area, and Primary Shopping Frontage. A1 retail development will be supported within the defined Primary Shopping Area. Leisure, entertainment and recreation development will be supported within the City Centre subject to amenity issues. Within the primary shopping frontage, the change of use of A1 retail premises will not be permitted unless it can be demonstrated that the unit is not suitable for continued A1 use, the proposal would maintain or enhance vitality and viability and subject to amenity issues. It also sets out that town centre development will be of a scale appropriate to its role and function and will not compromise the health of other centres or sustainable development principles.
- 6.3 The NPPF seeks to proactively drive and support sustainable economic development, and promote competitive town centres that provide customer choice and a diverse retail offer. It requires the sequential test to be applied to applications for main town centre uses that are not in an existing centre and not in accordance with an up to date local plan. It also requires an impact test for retail and leisure development outside of town centres.
- 6.4 From the 2002 plan Policy S8 sets out that changes of use of ground floor Class A1 retail uses in the Primary Shopping Area will only be permitted against a criteria-based policy considering the amount of non-retail uses in a street, vacancy and marketing, or if it would sustain and enhance the vitality and viability of the Primary Shopping Area.
- 6.5 The proposal involves an extension of the retail use within the primary shopping area. In this location, no sequential or impact test is necessary.
- 6.6 The proposal also involves the subdivision of the ground floor premises for a new Class A3/A1 café unit. The broad principle of this type of use in the city centre is acceptable but the subdivision of a retail unit to facilitate it prompts consideration of JCS Policy SD2 and 2002 Policy S.8. In this context the following changes are relevant;

The 'lost' area of A1 retail floorspace from the subdivision is 167sq m

The extension would create 117sq m of retail floorspace

The first floor alterations remove the former internal café and replace it with retail floorspace, comprising 468sq m

In this context there would be a net gain of 418sq m of useable retail floorspace arising from the proposals. Therefore the underlying concern for loss of A1 floorspace in the primary shopping area would not be apparent as that would not occur. Notwithstanding this, in considering the tests within the

above policies, while the application does not show that the unit is unsuitable for continued A1 usage nor that marketing for an A1 use has been unsuccessful, it is considered that the proposal would maintain the vitality and viability of the area and would not have a significant adverse impact on the amenity of adjacent residents or businesses. It would be a single non-A1 use between A1 uses either side, and the street would continue to have a significant predominance of retail use. In this context of the overall net gain of retail floorspace, the existing uses on the street and the proposed arrangement of floorspace, I recommend that no objection is raised to the subdivision of part of the unit for A1/A3 café use.

- 6.7 There is no test of 'need' for the development (it appears in the 2002 Second Deposit Policy S.4a but this aspect is no longer in line with government policy). This is noteworthy in relation to the WH Smith objection which asks for evidence of need.
- 6.8 WH Smith also raises the issue of long-term harm to the commercial viability of the unit it currently occupies. This would appear to be in relation to the visibility of the unit which could be moderately adversely affected by the proposals and is commented on in design terms below. I do not consider that this moderate adverse impact would harm the vitality and viability of the city centre and the limited impact is outweighed by the benefits of the increased A1 retail offer in an improved unit.
- 6.9 I understand that the extension would occupy existing highway land beneath the undercroft. Further analysis of the design implications of this and the Highway Authority's view are set out below, but as a matter of principle no objection is raised to the loss of highway land.
- 6.10 External seating for food and drink uses is generally encouraged in the gate streets to enliven the streets and the use of part of Eastgate Street for this purpose is not considered objectionable.
- 6.11 Overall no objection is raised to the principle of the development.

Design and heritage

- 6.12 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*'. Sections 16(2) and 66(1) provide that the determining authority shall have special regard to the desirability of preserving a listed building or its setting.
- 6.13 Chapter 12 of the National Planning Policy Framework 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*'. Paragraph 132 states that when considering the impact of a proposed development on the significance

of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

- 6.14 In terms of design the NPPF states that new developments should be of high quality design, respond to local character and be visually attractive as a result of good landscaping.
- 6.15 In terms of heritage JCS Policy SD8 is similarly relevant in terms of assessing the impact on the Conservation Area and setting of listed buildings, requiring heritage assets and their settings to be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place. Development should aim to sustain and enhance the significance of heritage assets.
- 6.16 In terms of design JCS Policy SD4 sets out requirements to respond positively to, and respect the character of, the site and surroundings, and enhance local distinctiveness.
- 6.17 In terms of heritage Policy BE.29 of the 2002 Plan sets out that proposals within conservation areas should preserve or enhance the character or appearance of the conservation area, also noting that they should retain the character of spaces, be of a scale, form, mass, layout, alignment, elevational treatment and overall character that harmonises with those buildings and features that contribute positively to the character of the conservation area, and ensure that important views into and out of the conservation area are retained or enhanced. Policy BE.23 sets out that development that adversely affects the setting of a listed building will not be permitted.
- 6.18 In terms of design the 2002 Plan policies including BE4, BE5, BE6 and BE7 seek to ensure that new developments are of good design that is in keeping with their surroundings and follow accepted urban design principles.

Design and heritage assessment

- 6.19 The proposals would modernise the appearance of the ground and upper floors of the building and it is considered that they would enhance the appearance of the building.
- 6.20 The replacement of the large existing canopy at the Dorothy Perkins/Burtons unit with a shallower canopy would open up views of the adjacent listed Guildhall and improve its setting. No harm would be caused to the setting of the listed Eastgate Centre entrance portico across the street.
- 6.21 The proposal would result in a 'stepped' row of shop frontages, where the extension would sit forward of the adjacent units in the same manner as the existing oversailing upper floors. The existing building form exhibits this projecting arrangement within the streetscene already (the extension would only enclose the existing open projection), and is similar to other buildings in the city centre such as the row of units opposite the application site comprising H&M to Boots, the Marks and Spencer/Carphone Warehouse units on Eastgate Street, and the Paddy Power/Costa units on Southgate Street which have staggered build lines at the undercroft ground floor. There are also staggered building arrangements in a different building form nearby,

most notably with St Michael's tower at the cross, and also at the EE/Ernest Jones units on Northgate Street, and the Patisserie Valerie/Vodafone units on Southgate Street. It is not considered that the proposed extension would be harmful to the character of the street.

- 6.22 The proposal would slightly narrow Eastgate Street at ground floor. This is already the case with the oversailing upper floors and in terms of appearance of the street this additional 'narrowing' effect is not considered to be harmful. In terms of 'useability', the current undercroft arrangement serves as a shelter from the elements at present. Its loss might be seen as something of a disbenefit but in the context of having the entrances to the Kings Walk and Eastgate Centre in close proximity (and to a lesser degree the car park bridge over the street), this is not considered to be of significant detriment. It is considered that the narrower area of street would still function acceptably in design terms.
- 6.23 Enclosing the ground floor undercroft area within the extension would have some impact upon the views of the adjacent unit to the east (currently WH Smiths), depending the treatment of the glazing to the extension and the arrangement of internal furniture. Glimpsed views of this unit between the undercroft pillars are currently possible when approaching from the west. It would not affect views from in front of the unit or approaching from the east, and would still be visible when approaching the unit from the west and the angle of view opens up. WH Smith currently has a fascia sign that is part-obscured by the existing building on the eastbound approach and a hanging sign in the Kings Walk entrance. Overall it is considered that the proposal is likely to moderately decrease visibility of this adjacent unit and I do not consider the proposed arrangement would be a significant detriment in planning terms in this respect.
- 6.24 The building currently has a series of murals on the Eastgate Street frontage that makes a limited contribution to the streetscene. The applicant has agreed to retain these and relocate them to the Clarence Street elevation of the shopping centre. This will require planning permission which I am advised is to be made separately in the future, but the principle is considered acceptable. Queries have been raised in one representation about the safe dismantling of the murals. At the time of writing the applicant is investigating how to get into the building frontage to ascertain the method of fixing and prospects for safe removal. It is understood that the building contains asbestos so this is not a simple process. If there is any update on the matter at the time of the Committee meeting, Members will be advised.
- 6.25 Overall it is considered that the development would enhance the character and appearance of the conservation area and the setting of the adjacent listed building. It would comply with the above cited legislative and design/heritage policy context subject to securing approval of the precise materials.

Traffic and transport

- 6.26 The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on

transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network. Policy TR31 of the 2002 Plan seeks to ensure that new proposals deal satisfactorily with highway safety issues. Policy TR.12 establishes cycle parking standards.

- 6.27 The proposed extension may result in an intensification in associated trips generated by the existing units, however in this city centre location where most trips would be expected to occur on foot and with good public transport links and parking provision the extension would not be expected to result in a significant impact on the highway network. The subdivision to form the café unit may generate unrelated trips however it is considered the larger existing store could generate similar numbers.
- 6.28 The loss of the pedestrian access to the unit from inside Kings Walk (it appears a single independent unit would remain of the same depth as the adjacent Kings Walk units) would reduce permeability slightly but suitable access would still remain for pedestrians.
- 6.29 The proposal would slightly reduce the width of Eastgate Street but the Highway Authority considers that sufficient width remains. A stopping up order would be required and is part of a separate process from planning permission that would not prevent the application from being determined. WH Smith's objection also raises concerns about safety in the case of emergencies as a result of the works, and the absence of an objection from the Highway Authority is relevant in this regard. It appears unlikely that emergency services would use the undercroft area for emergency access so the physical works would not alter the part of the road available for access. Extending the property would push some pedestrian flow further out from the building into the remaining street area but it is not considered that this would significantly impede emergency access.
- 6.30 The Highway Authority seeks a condition to restrict development until the street furniture outside the unit has been relocated away from the site frontage and entrance doors. I have discussed this with the applicant and with the City Centre Improvement Officer for the City centre. The applicant considers this to be unnecessary although they have now shown the bins outside the unit being relocated. The City Centre Improvement Officer has advised that the City Council manages the street furniture and can assist with any relocation, which ought to be fairly straightforward.
- 6.31 The new entrance to the main unit would take a position where there is currently one bench in front within Eastgate Street, which would be about 4m in front of the new building line, although with the new recessed entrance arrangement it would be even further from the actual entrance threshold. There is be a bin and bollard immediately to north and south of the entrance that would be about 1.4m in front of the new building frontage. The application now shows the bins relocated further away in line with the benches.

- 6.32 The new entrance to the café unit would take a position where there is a bin in front within Eastgate Street that would be about 1.8m in front of the new building line but with the recessed entrance proposed, about 3m in front of the entrance threshold itself. There is an existing bench that would be just to the north of the entrance, about 2.8m in front of the new building line. The bin is also now proposed to be relocated further away between the benches.
- 6.33 For context, the row of benches and bollards in front of the nearby units occupied by NatWest to Waterstones are about 2.7m forward of the unit entrances.
- 6.34 It may be the case that relocating some of the street furniture would be beneficial for pedestrian flow, and moving the bins further away as shown on the plans would assist. I do not consider that a condition preventing commencement of development or commencement of use until street furniture is relocated to be necessary to make the development acceptable. A wider rationalization of the street furniture and positions could take place independently of this planning application.
- 6.35 The Highway Authority also seeks the provision of additional visitor cycle parking near to the store on Eastgate Street. This would add more street furniture if sited in front of the unit. There are a significant number of existing cycle parking stands a short distance further down Eastgate Street (opposite Boots) and it is considered that in this context, including the proposal for an external café seating area within Eastgate Street, the provision of additional cycle parking outside the unit is unnecessary and could potentially create an undesirable amount of clutter. In the context of a modest change to the size of the premises and the existing cycle parking provision, it is not considered that this should be sought by condition.
- 6.36 In terms of the condition to prevent outward-opening doors, the applicant has now altered the proposed plans to ensure that the doors do not swing over the highway by using a recessed entrance and this condition therefore also becomes unnecessary.
- 6.37 Overall it is not considered that the proposal would lead to a significant residual impact on the highway, and the proposal is considered to be unobjectionable in highway terms.

Archaeology

- 6.38 As above, the NPPF sets out the importance of protecting and enhancing the historic environment. In addition, the 2002 Plan includes Policies BE.31 to BE.37 which seek to protect, enhance and preserve sites of archaeological interest and their settings, and seek appropriate levels of assessment. Policy SD8 of the JCS seeks to preserve and enhance heritage assets as appropriate to their significance.
- 6.39 The site occupies an area of archaeological interest and the extension is likely to have a below-ground impact. An archaeological report was produced at the request of the City Archaeologist. The City Archaeologist considers the

proposal to be acceptable subject to conditions securing a programme of archaeological work and approval of the foundation design and ground works. These are considered to be necessary and reasonable.

- 6.40 Subject to these conditions it is considered that the proposals comply with the above cited policy context and no objection is raised in these terms.

Environmental Health

- 6.41 Paragraph 17 of the NPPF provides that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraphs 109 and 120 deal with pollution setting out that planning should prevent new uses from contributing to air or noise pollution, and that effects on general amenity should be taken into account. Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants and Policy BE.21 of the 2002 Plan seeks to protect amenity. In addition to this Policy FRP.11 of the 2002 Plan allows development liable to cause pollution only if the quality and enjoyment of the environment would not be unduly damaged or put at risk.

- 6.42 As the proposal involves a café use and likely associated cooking processes, it is considered necessary to impose a condition requiring approval of the tenant's extraction system and its implementation prior to first use.

- 6.43 Subject to this condition the proposal is considered to comply with the above-cited policy context, and no objection is raised in these terms.

Economic considerations

- 6.44 The development would generate economic activity from the construction phase, and potentially an increase in employment opportunities over and above the existing use, which weighs modestly in favour of the scheme.

7.0 CONCLUSION

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

- 7.2 The proposals would comply with the policy context cited above subject to certain conditions. Notably, the proposals would represent an enhancement to the setting of a listed building and to the character and appearance of the Conservation Area, which are positive benefits of the scheme. The proposals would also provide benefits in delivering additional retail floorspace in a City Centre location. The benefits outweigh the limited disbenefits of the scheme.

- 7.3 It is considered that the balance of material considerations weighs in favour of granting permission.

8.0 RECOMMENDATIONS OF THE CITY GROWTH AND DELIVERY MANAGER

8.1 That planning permission is granted subject to the following conditions:

Condition 1

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

Reason

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

Condition 2

The development shall be undertaken in accordance with the plan referenced;

P.1.1 Site location plan (received by the Local Planning Authority on 14th October 2017)

P.3.1 Rev. A Proposed ground floor plan

P.3.4 Rev. A Store front extension floor plan

P.3.5 Rev. A Proposed elevation

(all received by the Local Planning Authority on 20th November 2017)

P.3.2 Proposed first floor plan

P.3.3 Proposed second floor plan

(all received by the Local Planning Authority on 15th November 2017)

except where otherwise required by conditions of this permission.

Reason

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

Condition 3

No above ground construction shall be commenced until details of all facing materials and finishes to the development including new shopfronts, doors, window frames and canopies have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the materials and exterior building components are appropriate to their context, in accordance with Policies SD4 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adoption Version 2017, Paragraphs 58 and 131 of the National Planning Policy Framework and Policies BE.7, BE.23 and BE.29 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 4

The Use Class A1/A3 café unit hereby permitted shall not be occupied until ventilation and cooking fume control measures have been installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the equipment shall be operated and maintained in accordance with the manufacturer's instructions and the use shall only take place whilst the equipment is operational.

Reason

In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality in accordance with Policy SD14 of the Joint Core Strategy Adoption Version 2017, Paragraphs 17 and 120 of the NPPF and Policies FRP.11 and BE.21 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 5

The land defined as a rectangle and labelled "A3 café outdoor seating area" on plan ref. P.3.1 Rev. A Proposed ground floor plan shall only be used for external seating associated with the class A1/A3 café unit hereby approved, or as highway. For the avoidance of doubt the land shall not be used for the external display or storage of goods.

Reason

In the interests of the visual amenities of the area and preserving the character and appearance of the Conservation Area in accordance with Policy SD8 of the Joint Core Strategy Adoption Version 2017, Paragraphs 58 and 131 of the National Planning Policy Framework and Policy BE.29 of the City of Gloucester Second Deposit Local Plan 2002.

Condition 6

No development or demolition below slab level shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with Policy SD8 of the Joint Core Strategy Adoption Version 2017, paragraphs 131 and 141 of the National Planning Policy Framework and Policies BE.36, BE.37 & BE.38 of the City of Gloucester Second Deposit Local Plan 2002.

Condition 7

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

Reason

The site may contain significant heritage assets. The Council requires that disturbance or damage by foundations and related works is minimised, and that archaeological remains are, where appropriate, preserved in situ. This accords with Policy SD8 of the Joint Core Strategy Adoption Version 2017, Policy BE.31 and BE.36 of the Second Deposit City of Gloucester Local Plan (2002) and paragraphs 131 and 141 of the NPPF.

Note:

This planning permission does not give any authority to the applicant to carry out any works on the public highway. Any street furniture relocation works must be carried out by either the owner of the street furniture, the Local Highway Authority or the applicant with permission from the street furniture owner and highway authority. This permission also does not convey any approval to a stopping up order, which would be required separately.

Decision:

Notes:

.....

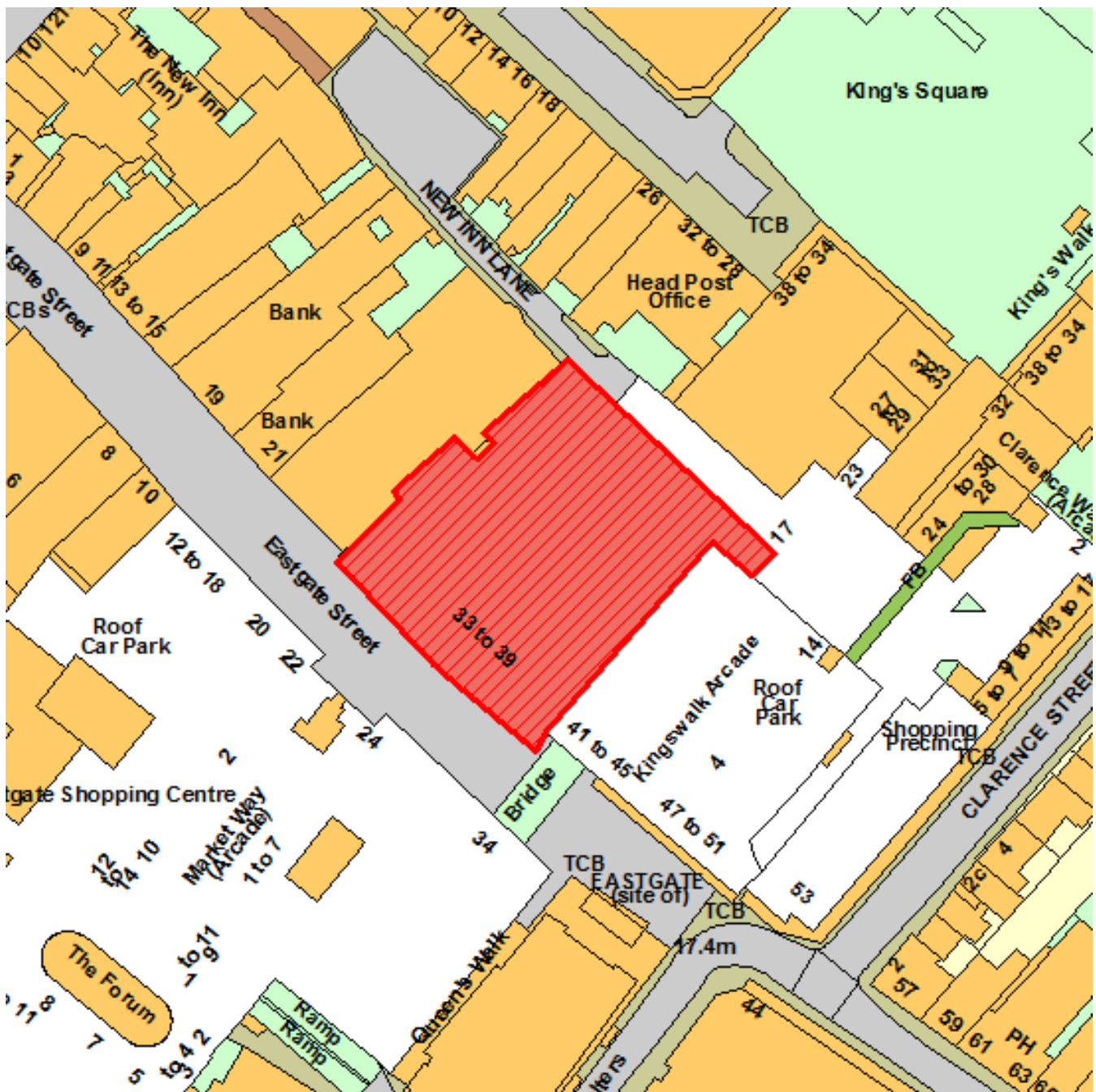
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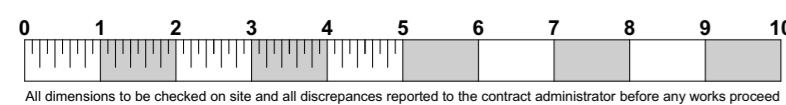
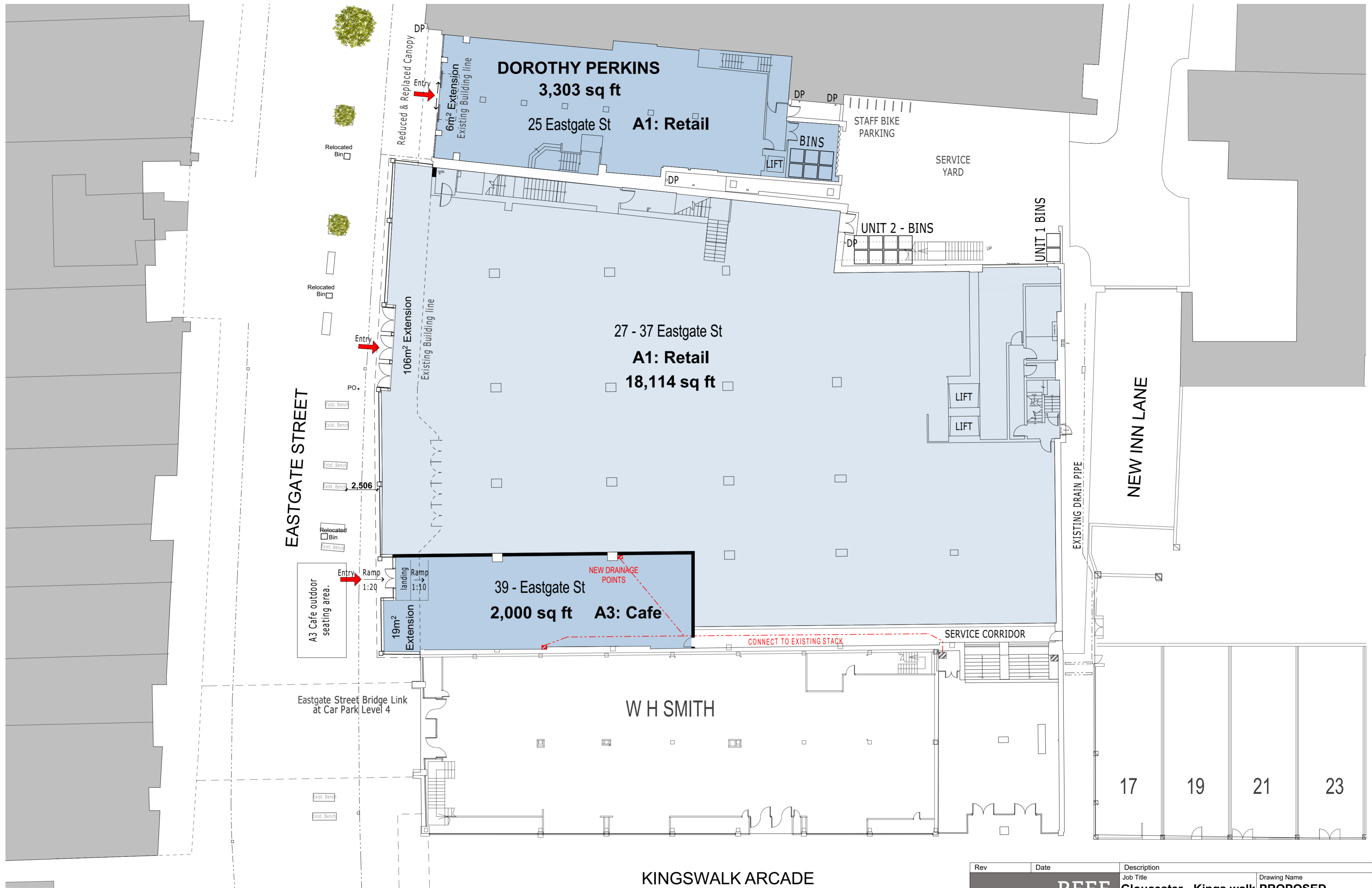
Person to contact: Adam Smith
(Tel: 396702)

17/01177/FUL

BHS
27 - 31 Eastgate Street
Gloucester
GL1 1NS

Planning Committee 05.12.2017





Rev	Date	Description	Drawing Name
		REEF ESTATES Job Title Gloucester - Kings walk 25 - 39 Eastgate Street Gloucester GL1 1NS	PROPOSED GROUND FLOOR PLAN
		14 Little Portland Street, London, W1W 8BN T: 020 7637 0601 W: www.reefestates.co.uk	Drawing Status Planning Drawing Scale 1:200 @A2
		URBAN REEF DESIGN AND CONSTRUCTION	Date first Issued 20.11.17 Layout ID P.3.1 Revision A

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