

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	4 th December 2018
Address/Location:	Kings Walk Shopping Centre Kings Walk Gloucester
Application No:	18/00515/FUL
Ward:	Westgate
Expiry Date:	13.09.2018
Applicant:	Reef Estates
Proposal:	Removal of Eastgate Shopping Centre connecting bridge and reinstatement/alteration of building facades, altered Kings Walk entrances, extension and facade treatment along Eastgate Street (including extension into Eastgate Street) and Kings Square, alterations to Clarence Street entrance, second floor extension to form Class B1 offices, overall enhancements to Kings Walk and Clarence Walk including new glass atrium, car park, access and new public toilets, cladding and alterations to the car park building and associated pedestrian footbridge, providing new build extensions totalling 296 sqm of Class A1 use, 893 sq of Class B1 offices and 12.5 sq m Sui generis (public toilets); change of use of 2,440 sqm from Class A1 to Classes A1 and A3 and 56sqm from Class A1 to public toilets.
Report by:	Adam Smith
Appendices:	Site location plan Proposed ground floor block plan Proposed first floor block plan Proposed second floor block plan Ground floor change of use plan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises the Kings Walk shopping centre between Eastgate Street, Kings Square and Clarence Street and includes the bridge across Eastgate Street and the car park above.
- 1.2 The application involves a range of physical works to the building and changes of use comprising:
 - Removal of the bridge across Eastgate Street and reinstatement of the façades of the buildings to either side;
 - Alteration of the Eastgate Street frontage including façade alterations and cladding, and extensions forward into Eastgate Street to a position flush with the existing oversailing upper floor car park. These works would encompass the frontage of what is currently WH Smiths and the former Co-op, and the upper floor car park, and would create new shop fronts and new facing materials to the upper floors including stone surrounds and use of a metal mesh cladding. Part of the first floor would be removed to create a double height entrance area in the current position with a media wall set into the entrance recess;
 - Alteration of the Kings Square façades to either side of the Kings Walk entrance and the

current Iceland unit. The frontage on the south eastern edge of the Square (including the current CEX and Entertainer units) would include new shopfronts and metal cladding extending to the first floor and stone surrounds, and with replacement windows. The current River Island unit would be extended at first floor to provide a two storey height unit fronting the arcade. The south western buildings (including the current Costa and Iceland units) would also include new shopfronts with a new facing cladding – to the Costa unit with metal and stone surrounds and use of the same metal mesh cladding above extending the façade upwards; to the Iceland unit the brickwork façade would be retained, with new window openings, and including a new access off The Oxbode for separate access to upper floors. The existing canopy would be removed;

- Alteration of the Clarence Street façade, including replacement shopfronts to the units either side of the entrance, and new cladding above the entrance in the same metal mesh cladding;
- Flat roof single storey extension at second floor above the ‘Iceland’ block, for Class B1 offices (893sqm), with a metal clad finish;
- New glass atrium roof to replace the existing pitched glazed roof and metal supporting framework;
- Alterations to car park and pedestrian access bridge and tower (including removal of the pitched roof of tower), and the car park entrance off Station Road/Market Parade; the tower and the multi storey car park facades would be clad with metal panels, the pedestrian bridge would be refurbished, and at the access ramp off Station Road/Market Parade metal mesh cladding would be added to the existing façade and the service area behind;
- New public toilets at first floor within Kings Walk, partially by converting existing floorspace, also by a single storey extension adjacent to the tower at the first floor service road area;
- A range of changes of use, comprising 2,440 sq m from Class A1 to A1/A3 and 56sqm A1 to the public toilets.

- 1.3 The total amount of extended floorspace for retail is 296sq m, plus 17 sq m of the circulation corridor extended at the Eastgate Street entrance. The total amount of extended floorspace for office is 893sqm. The total amount of extended floorspace for public toilets is 12.5sqm.
- 1.4 The application is referred to the planning committee as it involves Council land and an objection has been received.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
03/00360/FUL	Refurbishment of existing shopping mall to include an entrance canopy, new floor, wall and ceiling finishes and new lighting.	Granted Permission	27.05.2003
44/103975/HIS T	10914/06:- ERECTION OF NEW ROOF TO KINGS WALK.	Z45ASC Approved subject to conditions	29.09.1987

3.0 RELEVANT PLANNING POLICY

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

3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 Development Plan

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)

Relevant policies from the JCS include:

SD4 – Design requirements

SD8 – Historic Environment

SD14 – Health and environmental quality

INF1 –Transport network

3.4 City of Gloucester Local Plan (Adopted 14 September 1983)

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. The majority of the policies in the 1983 Local Plan are out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy. None of the saved policies are relevant to the consideration of this application.

3.5 Emerging Development Plan

Gloucester City Plan

The Gloucester City Plan (“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. Paragraph 48 of the NPPF 2018 sets out that local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

As the City Plan is at an early stage, it is considered that it carries limited weight in accordance with paragraph 48 of the NPPF.

3.6 Other Planning Policy Documents

Gloucester Local Plan, Second Stage Deposit 2002

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. 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:

BE.2 – Views and skyline

BE.11 – Shopfronts, shutters and signs

3.7 Supplementary Planning Guidance/Documents:

Shopfronts, Shutters & Signage – Design Guidelines for Gloucester 2017

Conservation Area Appraisals for Eastgate & St Michaels (no. 4), and City Centre (no. 5) Conservation Areas

All policies can be viewed at the relevant website address:- national policies:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Gloucester City policies:

<http://www.glos.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

4.0 CONSULTATIONS

- 4.1 The **Highway Authority** raises no objection subject to conditions to secure cycle storage, require the relocation of street furniture to at least 4m from the building frontage, a Construction Management Plan and Construction Method Statement.
- 4.2 The **Conservation Officer** raises no objection subject to conditions to secure details of external materials, signage guidance for the shopping centre, restrictions on time for the media screen, seagull prevention measures, Via Sacra interpretation, and external lighting.
- 4.3 The **City Archaeologist** queried several aspects of the scheme. Following the submission of further information the Archaeologist now raises no objection subject to conditions to secure an archaeological written scheme of investigation and to secure details of the foundation design and ground works.
- 4.4 The **Policy** department has not commented.
- 4.5 The **City Centre Improvement Officer (Environmental Protection)** raised no objection subject to a condition to secure a methodology for works if they are to take place outside the normal construction times required in the standard 'construction times' condition.
- 4.6 The **Police** have not commented.
- 4.7 The **Civic Trust** considers the proposals to be acceptable subject to the Trust's previous comments on the removal of the mural at BHS and its relocation to Clarence Street, and a programme of archaeological works for the Eastgate Street extension. No objection is raised to the removal of the bridge or to the moving of shop frontages which would re-establish the alignment of Eastgate Street. The materials are considered to be of high quality. The Trust considers that the frontage to Kings Square remains uncertain until the future of wider area is decided.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 Neighbouring properties were notified and press and site notices were published.
- 5.2 One letter of objection has been received on behalf of Heart FM (which occupies the bridge over Eastgate Street) referring to the direct and significant operational and financial impact of the proposals on their business.
- 5.3 The full content of all correspondence on this application can be viewed on:
<http://www.glos.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

6.0 OFFICER OPINION

6.1 *Legislative background*

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 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

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

- Principle and main town centre uses
- Design and built heritage
- Archaeology
- Traffic and transport
- Residential amenity
- Economic considerations

6.5 An Environmental Impact Assessment Screening Opinion has been adopted that the project is not EIA development.

6.6 **Principle and main town centre uses**

The NPPF sets out that decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation. It requires main town centre uses to be located in town centres, then in edge of centre locations, and only if suitable sites are not available should out of centre sites be considered. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact in terms of the assessment criteria, it should be refused.

6.7 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 application site is within the City Centre Boundary, the Primary Shopping Area, and the Primary and Secondary Shopping Frontages. Class 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.

6.8 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, that the proposed use would maintain or enhance the vitality and viability of the area, and it would not have a significant adverse impact on the amenity of adjacent residents or businesses.

- 6.9 Within the Secondary Shopping Frontage the change of use of A1 retail premises to A2 (financial institutions), A3 (restaurants and cafes), A4 (pubs), A5 (hot food takeaway), D1 (non residential institutions) and D2 (assembly and leisure) will be permitted provided it would not have a significant adverse impact on the amenity of adjacent residents or businesses. The policy also sets out that new uses including retail and leisure that contribute to the vitality and viability of designated centres will be promoted and supported, and 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, and that proposals that help deliver the regeneration strategies for the City will be supported.
- 6.10 Within the Secondary Shopping Frontage the change of use of A1 retail premises to A2 (financial institutions), A3 (restaurants and cafes), A4 (pubs), A5 (hot food takeaway), D1 (non residential institutions) and D2 (assembly and leisure) will be permitted provided it would not have a significant adverse impact on the amenity of adjacent residents or businesses. The policy also sets out that new uses including retail and leisure that contribute to the vitality and viability of designated centres will be promoted and supported, and 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, and that proposals that help deliver the regeneration strategies for the City will be supported.
- 6.11 The site is within the Primary Shopping Area as defined in the JCS. Within this, the Eastgate Street frontage, the internal shopping arcade and the south western edge of the Kings Square frontage (Iceland/Costa) are defined as Primary Shopping Frontage. The south eastern edge of the Kings Square frontage (River Island, CEX, The Entertainer, etc), and the majority of the Clarence Street frontage are defined as Secondary Shopping Frontage.
- 6.12 The Eastgate Street frontage units would remain in Use Class A1. At the Kings Square frontage the proposals would result in the current A1 Iceland unit being subdivided and the frontage being in A1/A3 use, similarly Units 34-38 and 40-44 Kings Walk (The Entertainer / Store 21) would change from A1 to A1/A3.
- 6.13 The applicant seeks flexibility in the use of certain units that are in A1 use; seeking A1/A3 use which could be all A1 or all A3 depending on the market. As such the proposal could result in the loss of A1 floorspace in the Primary and Secondary frontage if a unit changed entirely to A3. There are different policy tests for each frontage as set out above.
- 6.14 Policy SD2 sets out that proposals for A1 retail development within the Primary Shopping Area will be supported. The extensions proposing additional A1 floorspace are considered policy-compliant.
- 6.15 It is not considered that the change of use to an A3 use on Units 34-38 and 40-44 Kings Walk (in the Secondary Shopping Frontage) would have a significant adverse impact on the amenity of adjacent residents or businesses, nor would the change of use at first floor facing Clarence Street. As such the potential loss of A1 floorspace here would be compliant with Policy SD2.
- 6.15 With the proposed A1 extensions amounting to around 161 sq m of additional sales area (which could in fact be greater depending how some of the first floor extensions were to be utilised) and the proposed area for the subdivided Iceland frontage unit being 307sq m, there would be a net loss of around 146sqm of A1 sales area space in the Primary Shopping Frontage, taking the 'worst case' scenario of the subdivided 'Iceland' unit being changed entirely to A3 use. It is considered that the potential loss of the associated A1 storage/office space above Iceland to A1/A3/B1 would be unobjectionable, and it is noted in this context that there is a proposed increase of associated A1 first floor space (likely not sales area) in the extensions next to the atrium.

- 6.16 The modest loss of A1 sales area is in the context of a large amount of A1 floor space within Kings Walk and elsewhere around the square. While there is no case that the units are not suitable for continued A1 use (indeed an A1 use could continue under the proposals depending on the interest from tenants), the units fronting Kings Square are considered to be an attractive location for A3 uses with the aspect to the open space and given the extent of the floorspaces involved, would support the overall offer of the local area. It is considered that the proposals would maintain the vitality and viability of the area even if the unit were to change entirely from A1 to A3 use.
- 6.17 In terms of the new office use in the upper floor extension and the possible use of part of the first floor above the current Iceland unit, Policy SD2 notes that within the defined city centre boundary proposals for office use will be supported provided they would not have a significant adverse impact on the amenity of adjacent residents or businesses. It is not considered that offices uses here would have such significant adverse impacts and as such are considered policy-compliant as a matter of principle.
- 6.18 The provision of additional toilet facilities is welcome to support the commercial uses within the City Centre.
- 6.19 In conclusion, overall it is considered that the principle of the additional proposed floorspace in the extensions complies with the above cited policy context, and while the proposed changes of use might result in the loss of A1 floorspace within the Primary Shopping Area and it is not shown that the unit is unsuitable for A1 use, it is considered that in this case the proposals would maintain the vitality and viability of the area and in the context of the overall enhancements contained within the proposals, no overall objection is raised.
- 6.20 ***Design and built heritage***
The NPPF states that good design is a key aspect of sustainable development, and sets out criteria for decision making including ensuring that developments are visually attractive, sympathetic to local character and history while not preventing or discouraging appropriate innovation or change, establish/maintain a strong sense of place, optimise the potential of the site to accommodate an appropriate amount and mix of development, and create safe, inclusive accessible places.
- 6.21 In terms of heritage the NPPF requires Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness. Great weight should be given to the conservation of the designated heritage asset; the more important the asset the greater the weight should be. Any harm or loss should require clear and convincing justification; substantial harm to or loss of assets of the highest significance such as scheduled monuments should be wholly exceptional. Tests are set out if 'substantial harm' or 'less than substantial harm' to a designated heritage asset are identified.
- 6.22 In terms of the JCS, Policy SD4 sets out requirements for high quality design, including responding positively to and respecting the character of the site and surroundings, and being of a scale and materials appropriate to the site and setting. Design should establish a strong sense of place and have appropriate regard to the historic environment.
- 6.23 Policy SD8 deals with the historic environment and sets out that heritage assets and their settings will be conserved and enhanced as appropriate to their significance. Development should make a positive contribution to local character and distinctiveness and aim to sustain and enhance their significance and put them to viable uses consistent with their conservation whilst improving accessibility.

- 6.24 Policy BE.2 of the 2002 Plan requires development to respect and protect the city skyline and important views and vistas within the city. Policy BE.11 sets out a presumption in favour of retaining good quality traditional shopfronts where they make a positive contribution, and that new or refurbished shopfronts should be designed to take account of the design, style and proportions of the building and character of the street, and accessible to wheelchair users where practical.
- 6.25 The Shopfronts Guidance restates the policy objectives, seeking to ensure the retention of historic shopfronts and notable elements of historic shopfront design, with new proposals to be designed to take account of the design, style and proportions of the building and the character of the street, and sets out the elements of good shopfront design including for modern buildings where it is noted that there is more scope for innovation and creativity. The Conservation Area Appraisals encourage the redevelopment of sites that make a negative contribution to the Area.
- 6.26 The Kings Walk shopping centre was part of the 1960s Jellicoe plan which led to the demolition of much of the medieval streets and buildings, and included the bridge across Eastgate Street to provide roof top car park access.
- 6.27 The site is within the City Centre Conservation Area and, at Clarence Street is opposite the Eastgate and St Michaels Conservation Area. Much of the existing Kings Walk building is recorded as a ‘negative building’ in the Conservation Area Appraisals. There are listed buildings in the vicinity of the site at Eastgate Street (the Eastgate Centre entrance portico, and further up the row of buildings comprising the Guildhall and Lloyds and NatWest banks and beyond these St Michael’s Tower at the cross. Also further east along the section of Eastgate Street beyond Clarence Street), are no’s 4 to 30 Clarence Street on the opposite side of the road from the site, and the Museum and library on Brunswick Road. There are ‘positive buildings’ adjacent to the site at The Oxbode (Post office building and adjacent buildings), 37-41 Clarence Street on the opposite side of Clarence Street at either side of the row of listed buildings, and on Eastgate Street at the former Argos and Mecca buildings.
- 6.28 The demolition of the bridge across Eastgate Street would remove a large and obtrusive feature that is recorded as a ‘negative building’ in the Conservation Area Appraisal. The side wall at the south side would be reinstated in a render finish and above WH Smiths the façade treatment of the adjacent part of the building would be carried through in the reinstatement works. The proposals would open up wider views within the Conservation Area along the street, including the view of St. Michael’s Tower, and would have a positive effect on the character and appearance of the Conservation Area.
- 6.29 The proposed façade works to the Eastgate Street frontage are a bold and modern approach, deliberately so to avoid pastiche. Again this building is recorded as a ‘negative building’ in the Conservation Area Appraisal. The horizontal mass of the existing car park façade emphasizes its incongruous appearance in the streetscene, with the ground floor shop units recessed beneath the oversailing upper floors.
- 6.30 The proposals would break up the large facade into smaller vertical bays which would help to break down the mass of the building and reinstate a more traditional street scale alongside bringing the ground floor forward from beneath the overhanging upper floors. The metal cladding is a contemporary approach but is considered acceptable in this context, although it is recommended that the precise materials are agreed pursuant to a condition. The treatment of the easterly/right hand end is purposefully designed to form a ‘book-end’, and is inspired by a Roman mosaic pattern.

- 6.31 It is considered that these works would significantly enhance the appearance of the building. The character and appearance of the Conservation Area and setting of listed buildings would be enhanced.
- 6.32 The ground floor extensions at Eastgate Street would bring forward the shop units so as to be more prominent. An associated narrowing of the width of the street at ground level would occur, and the ability to shelter from the elements would also be lost, however it is considered that the these factors would be outweighed by the significant benefits that would arise from the scheme.
- 6.33 The proposed façade works to Clarence Street are more modest than to Eastgate Street but would again serve to modernize the appearance of the building and would enhance the prominence of the entrance to the arcade with use of the same metal cladding as to Eastgate Street. Again the current building is recorded as a 'negative building' in the Conservation Area Appraisal. It is considered that the appearance of the building would be enhanced. The character and appearance of the Conservation Area and the setting of the listed buildings on the opposite side of Clarence Street would be enhanced.
- 6.34 The existing facades to Kings Square are also recorded as 'negative buildings' in the Conservation Area Appraisal. The proposals would again enhance their appearance, modernising the frontage. The character and appearance of the Conservation Area would be enhanced. The Civic Trust alludes to the emerging proposals to redevelop Kings Square, however there is no application for these works yet and in any respect the proposals are considered to represent an enhancement that would not inhibit aspirations for wider improvements to the Square.
- 6.35 The removal of the existing atrium roof and supporting framework with a simple glazed roof in its place would significantly open up this part of the building with a far more lightweight appearance, and provide a more attractive and spacious appearance to the entrance of Kings Walk off the Square, removing the now dated appearance of the existing roof structure. These works would also represent a significant enhancement to the building.
- 6.36 The extension to form the new storey of office accommodation would be at a high level where there is an existing plant room and parapet wall at the second floor level at the Kings Square frontage. It is likely that this extension could be perceived from the wider area along the Oxbode and Kings Square as it would be modestly higher than the existing building at the frontage, but it would not be prominent and would sit comfortably within the scale of the surrounding buildings. It would be more clearly visible from the car park area and service road behind but would not be harmful in terms of its visual appearance.
- 6.37 The other works to the car park (other than the Eastgate Street façade), car park entrance area and the access tower and pedestrian link bridge would also enhance the building and the character and appearance of the Conservation Area and the small single storey extension for the toilets would not be prominent and would have a neutral impact.
- 6.38 As with the application for the former BHS unit, the part of Eastgate Street adjacent to the proposed footprint of the extensions includes various items of street furniture including advertisements, a phone booth, bollards, planters and cycle stands.
- 6.39 There would be a pinch point at the eastern end of the extension between it and the Brunswick Road/Eastgate Street junction even if the phone/advert panel were to be removed, and so the proposed extension returns back to the existing frontage before the end of the application site to leave a greater separation between the corner of the extension at the railings at the road edge.
- 6.40 The Via Sacra route runs through the shopping centre and an updated interpretation in the surfacing materials is sought, and it is recommended that details be secured by condition.

- 6.41 Overall, while the Conservation Officer retains some minor concerns about the detailed elements of the scheme, it is considered that subject to conditions the proposals would enhance the appearance of the building and be acceptable in design terms, would enhance the character and appearance of the Conservation Area and the setting of listed buildings, and would comply with the above cited policy context and satisfy sections 66 and 72 of the 1990 Listed Buildings and Conservation Areas Act.
- 6.42 **Archaeology**
The NPPF requires appropriate desk-based assessment and where necessary a field evaluation. Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness. Great weight should be given to the conservation of the designated heritage asset; the more important the asset the greater the weight should be. Any harm or loss should require clear and convincing justification; substantial harm to or loss of assets of the highest significance such as scheduled monuments should be wholly exceptional. Tests are set out if ‘substantial harm’ or ‘less than substantial harm’ to a designated heritage asset are identified. Paragraph 199 requires developers to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and the impact, and to make this evidence publicly accessible.
- 6.43 Policy SD8 of the JCS sets out that heritage assets and their settings will be considered and enhanced as appropriate to their significance. Development should aim to sustain and enhance their significance and put them to viable uses consistent with their conservation whilst improving accessibility. Proposals that secure the future conservation and maintenance of heritage assets and their settings that are at risk through neglect, decay or other threats, also those that bring vacant or derelict heritage assets back into appropriate use, will be encouraged.
- 6.44 The proposals are sited within the historic core of Roman, Saxon and Medieval Gloucester, in an area of high archaeological interest. The proposals sit directly above a sequence of archaeological deposits of national importance. The application is supported by an Archaeological Desk based Assessment and supplemented by further details of the foundation proposals that are envisaged.
- 6.45 The works at the Eastgate Street frontage require below ground works. The extension at the west side (forward from the existing WH Smiths unit) is over ground and first floors – above this a lightweight frame would be erected to support cladding for the new façade only. At the east side (forward of the former Co-op unit) the ground floor extension into the undercroft area may conflict with the eastern city gatehouse. There is also a lift pit indicated in the current Iceland unit and a requirement for service runs which may also impact on archaeological remains.
- 6.46 As noted, foundation designs have been drafted. With the removal of the bridge it is envisaged by the applicant that the existing foundation could support the extension at the west side. At the east side it is possible that piled foundations would be required.
- 6.47 Following the provision of further information about the proposed foundation arrangements to the Eastgate Street extensions, the City Archaeologist is satisfied that the likely impact on archaeological remains should be limited and could be managed pursuant to conditions.
- 6.48 In conclusion, subject to conditions it is considered that the proposals comply with the above cited policy context in terms of archaeology.

6.49 *Traffic and transport*

The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network, and sets out that permission will be granted only where the impact of development is not considered to be severe.

- 6.50 The proposal would result in a modest increase in floorspace and the potential for an associated increase in trip generation, however the site is in a sustainable location, accessible to public transport and with public car parks within reasonable walking distance. The additional trip generation would not generate a significant or material increase in new trips on top of the existing uses. No change is proposed to the number of car parking spaces. 16 staff cycle spaces are proposed on the first floor level service area next to the stair/lift tower.
- 6.51 The proposed extensions would encroach into the existing Eastgate Street. Similar issues arose with the extension of the BHS building and the Highway Authority recommended the applicant produce a Pedestrian and Cycle Quality Audit in support of this application. The developer would also require a Stopping-Up Order as a separate process given the extension would be across a public highway.
- 6.52 The submitted Pedestrian and Cycle Audit assesses pedestrian flows on Eastgate Street (taking into account the large amount of street furniture) based on the width of the route and the flow per minute of pedestrians (with surveys undertaken between 10am and 6pm on a Friday and Saturday) to produce data on the relative ‘crowding’ of the street. On Friday the analysis shows that currently, and with the proposed development narrowing the width of Eastgate Street, the pedestrian comfort level is A or A+; showing the pedestrian environment to be very comfortable (the minimum recommended level is B+). On Saturday the analysis shows that currently, and with the proposed development, the pedestrian comfort level is between A- and A+ (again this equates to a very comfortable pedestrian environment). As such the submitted analysis concludes that the proposed development would not lead to a reduction in pedestrian comfort levels below the recommended minimum provision.
- 6.53 Notwithstanding this the Highway Authority considers that the indicated 2.5m gap between the street furniture and resultant shop frontage is too narrow to accommodate the current level of pedestrian flows recorded within the Audit; they recommend 4m. While they note that the width of Eastgate Street would be reduced it is considered that sufficient width would remain overall.
- 6.54 A similar issue arose with the BHS extension application and the City Centre Improvement Officer advised that the City Council manages the street furniture and can assist with any relocation, and the process ought to be fairly straightforward. It has been confirmed this is also the case for the furniture in front of the current application site, and indeed the development may coincide with a separate project to de-clutter the street. A condition to require the re-arrangement to achieve a clear 4m corridor is considered necessary to achieve safe and secure access for all. Given the comments of the City Improvement Officer there is more than a reasonable prospect of this mitigation measure being achievable.
- 6.55 The removal of the bridge would sever the high level link between the roof top car parks, however it is understood that the vehicular crossing point has not been in use for some considerable time.

- 6.56 The bridge obviously crosses the full width of Eastgate Street and arrangements for its removal would require careful consideration. The Highway Authority has raised concerns about the method of demolition and construction. The applicant envisages that the removal process would involve fully scaffolding the bridge with crash decking within the new hoarding, and would be carried out outside of normal working hours. The works are likely to take several months. The applicant has also confirmed that access along Eastgate Street would be maintained during working hours. The Highway Authority has recommended a condition to secure a methodology.
- 6.57 Subject to conditions it is considered that the proposals would not create an unacceptable impact on highway safety and would not have a severe residual cumulative impact on the road network; they would comply with the above cited policy context.
- 6.58 ***Residential amenity***
The NPPF seeks to ensure that developments provide a high standard of amenity for existing and future users. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 6.59 The majority of the surrounding buildings are in commercial uses, however there are residential premises at Clarence Street, Brunswick Road and Eastgate Street.
- 6.60 Officers would normally consider the imposition of the standard hours of work condition. However it is evident that to mitigate disruption the bridge removal and other works may in large part take place outside of normal working hours. This would obviously assist with inconvenience but requires controlling in terms of impact on the amenities of nearby residents. This matter has been discussed with the Environmental Health Officer. It is considered reasonable to expect the developer to take all practicable measures to minimise noisy operations outside of normal working hours, and it is therefore suggested that a condition is imposed to require a methodology for any evening or Sunday/bank/public holiday works, although this is not to imply that any such works would be acceptable in principle.
- 6.61 The office extension would sit next to the rear yard of the current post office building and while this building is not in residential use, it is not considered that the proposal would harm the usage of the adjacent property.
- 6.62 It is considered that subject to conditions the proposals would comply with the above cited policy context in terms of residential amenity.
- 6.63 ***Economic considerations***
The proposals would modernise the commercial premises by their adaptation and modest enlargement, and are likely to enhance the conditions for investment. The construction phase would also support employment opportunities and therefore the proposal would have further economic benefit. In the context of the NPPF advice that 'significant weight should be placed on the need to support economic growth and productivity', this adds weight to the case for granting permission.
- 6.64 The removal of the bridge would result in the loss of the accommodation within it, currently used by Heart FM, who have raised objections regarding the operational and financial impact on their business. There would be a modest negative effect in terms of the loss of the space occupied by a business but it is considered that this is outweighed by the significant benefits in terms of creating the conditions for business investment and adaptation, and to the character and appearance of the area.

Other matters

- 6.65 In terms of flood risk and drainage the NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems. The site is within Flood Zone 1; the lowest risk, and there are not considered to be any significant flood risk/drainage issues.
- 6.66 In terms of the public art murals referred to in the Civic Trust's comments, the application proposals do not affect their current location and do not include their re-siting in a different location. The applicant is aware of Members' previous comments about finding a new site for the murals in early course, and it is noted that the earlier planning permission to extend and alter the former BHS unit includes a condition requiring that the murals be recorded and put into safe storage.

6.67 **Conclusion**

This application has been considered in the context of the policies and guidance referred to above. The proposals would enhance the appearance of the buildings and the character and appearance of the Conservation Area and setting of listed buildings. A limited impact on below ground archaeology could occur but could be mitigated, and there would be a minor negative effect in terms of the loss of business space in the bridge which would be outweighed by the positive effects of the proposals. Subject to conditions the proposals are consistent with the policies and guidance in terms of the principle and main town centre uses, design and built heritage, archaeology, traffic and transport, residential amenity, drainage and flood risk, and economic considerations; the proposals are acceptable and accordingly it is recommended that planning permission be granted subject to conditions.

7.0 RECOMMENDATION OF THE TECHNICAL PLANNING MANAGER

- 7.1 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 plans referenced;

Proposed ground floor block plan 20 0005 Rev. B02

Proposed first floor block plan 11187 BNY-MA 02 0006 Rev. B00

(both received by the Local Planning Authority 20th November 2018)

Proposed second floor block plan 11187 BNY-MA 02 0007 Rev. B01

(received by the Local Planning Authority 16th November 2018)

Proposed third floor / roof block plan 11187 BNY-MA 02 0008 Rev. B00

(received by the Local Planning Authority 4th May 2018)

Ground floor change of use plan 11187 BNY-MA 20 0010 Rev. B02

(received by the Local Planning Authority 13th June 2018)

First floor change of use plan 20 1001 Rev. B03
(received by the Local Planning Authority 20th November 2018)

Proposed elevations A & B 11187 BNY-MA 21 0001 Rev. B00
Proposed elevations C, D, E, Sections J, K, L 11187 BNY-MA 21 0002 Rev. B00
Proposed elevation F 11187 BNY-MA 21 0003 Rev. B00
Proposed elevation G 11187 BNY-MA 21 0004 Rev. B00
(all received by the Local Planning Authority 4th May 2018)

Existing & proposed Eastgate Street elevation 11187 BNY-MA 21 0009 Rev. B01
(received by the Local Planning Authority 2nd August 2018)

Proposed elevation M & N 11187 BNY-MA 21 0018 Rev. B00
Proposed elevation E & O 11187 BNY-MA 21 0019 Rev. B00
(both received by the Local Planning Authority 13th June 2018)

Proposed elevation H & I 11187 BNY-MA 21 0005 Rev. B00
Existing and proposed Station Road car park entrance elevation 11187 BNY-MA 21 0012 Rev. B00
(both received by the Local Planning Authority 4th May 2018)

Car park bridge south east elevation 21 0013 Rev. B01
(received by the Local Planning Authority 16th November 2018)

Car park pedestrian bridge south west & north east elevations 21 0015 Rev. B01
Car park pedestrian bridge north west elevation 21 0016 Rev. B01
Car Park Elevations R, S & T 21 0020 Rev. B00
(all received by the Local Planning Authority 20th November 2018)

Proposed elevations Eastgate Street building details 11187 BNY-MA 21 0010 Rev. B00
(received by the Local Planning Authority 4th May 2018)

Proposed elevations Kings Square Building details 11187 BNY-MA 21 0011 Rev. B01
(Received by the Local Planning Authority 2nd August 2018)

Proposed elevations Kings Square building details 11187 BNY-MA 21 0014 Rev. B00
received by the Local Planning Authority 4th May 2018)

Proposed ground and first floor plan Eastgate façade 11187 BNY-MA 20 0002 Rev. B00
(Received by the Local Planning Authority 4th May 2018)

Proposed alternative customer toilet 20 0009 Rev. B2
(received by the Local Planning Authority 20th November 2018)

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 development shall take place until a phasing scheme has been submitted to and approved in writing by the Local Planning Authority. The phasing scheme shall indicate the order of the works including an annotated layout plan and development shall take place only in accordance with the approved phasing scheme.

Reason

To ensure development is progressed in a structured fashion and to allow the phased discharge of details.

Condition 4

No works below current ground levels within any phase, shall commence until a written scheme of investigation (WSI) for that phase has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no development or demolition below slab level shall take place other than in accordance with the agreed WSI, which shall include a statement of significance and research objectives, and;

- An archaeological impact assessment;
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- A programme of community and public engagement and outreach;
- A programme for the recording of all new piles and pile caps within the site; and
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework (2018) and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 5

No works below current ground levels within a phase shall take place within the proposed development site until a detailed scheme showing the complete scope and arrangement of the foundation design and ground works of the proposed development of that phase has been submitted to the Local Planning Authority and approved in writing. 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 is in accordance with paragraph 197 of the NPPF (2018) and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 6

No above ground construction (for the purposes of clarity this excludes works of demolition) of any phase of development identified pursuant to condition 3 above shall be commenced until details of all facing materials and finishes to the development within that phase including new facing materials to walls, infilling of existing walls/openings, 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, and Paragraphs 58 and 131 of the National Planning Policy Framework.

Condition 7

No above-ground construction of any phase including the central corridor floor surface finishes through the arcade shall be commenced until details of the proposed hard surfacing to the corridor including the interpretation of the 'Via Sacra' route, comprising a scaled layout plan and details of the material products, 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

Condition 8

No phase involving construction at roof level other than demolition or infrastructure provision shall commence until details of measures to discourage seagulls from nesting and/or roosting on the building within that phase have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the Local Planning Authority's publication "Gulls: How to stop them nesting on your roof" December 2005.

Reason

In the interests of the appearance of the development and to avoid nuisance caused by nesting and roosting seagulls,

Condition 9

Any demolition or construction works including the delivery of materials for any phase of development identified pursuant to condition 3 above proposed to take place outside the periods of 0800 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturdays, or on Sundays or Bank/Public Holidays shall take place only in accordance with a Methodology for that phase which has first been submitted to and approved in writing in advance of any such works by the Local Planning Authority. The Methodology shall include but not be limited to; the scope of works, noise reduction/attenuation/mitigation measures, consultation measures for local residents and businesses, contact details and complaint logs.

Reason

To protect the amenities of the area.

Condition 10

Any Use Class A1/A3 or A3 uses 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.

Condition 11

Works to implement the extensions to the Eastgate Street frontages of the building shall not take place prior to the relocation of any street furniture within Eastgate Street parallel with the application site so as to maintain a 4 metre wide space that is clear of furniture between the forwardmost point of the new extensions hereby approved and the nearest part of any item of street furniture.

Reason

To give priority to pedestrian movements by ensuring that an adequate pedestrian corridor is

provided and maintained clear of obstruction and to ensure safe, suitable access for all people that minimises the conflict between highway users.

Condition 12

No development of a phase involving the removal of the bridge over Eastgate Street and/or the works to the Eastgate Street building façade shall commence, including any works of demolition, until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the demolition and construction period of that phase at all times.

Reason

To minimise conflicts between motorists, pedestrians and cyclists and to reduce the risk of falling debris over and adjacent to the public highway.

Condition 13

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

- i. specify the type and number of construction/demolition vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. specify measures to control the emission of dust and dirt during construction
- viii. provide a vehicle routeing strategy

Reason

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance paragraph 110 of the National Planning Policy Framework.

Condition 14

The 'digital media wall' facing Eastgate Street shown on the Proposed elevations A & B plan ref. 11187 BNY-MA 21 0001 Rev. B00 shall not be used for the display of media outside of the period 0800 to 1900 hours daily.

Reason

In the interests of the visual amenities of the area and the preservation of the character and appearance of the Conservation Area.

Informatives:

- i. 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.
- ii. The Applicant/Developer is advised to contact Amey Gloucestershire 08000 514 514 to discuss whether the development will require traffic management measures on the public highway.
- iii. The proposed development will involve the construction of part of a building over a highway maintainable at public expense and the Applicant/Developer is required to obtain an Over Sailing Licence under S177 of the Highways Act 1980 from the County Council

before commencing those works.

- iv. The proposed development will involve the stopping up of highway and the Applicant/Developer is required to obtain a Stopping-Up Order under S247 of the Town and Country Planning Act 1990 from the National Transport Casework Team before commencing those works.
- v. The applicant is advised to make provision for any cooking extraction equipment internally to the building. Any external provision that is proposed is likely to require a further planning permission and is likely to be undesirable if in a prominent location.
- vi. This permission does not convey consent to any advertising on the buildings including any by use of the digital media wall facing Eastgate Street.
- vii. This permission should not be read to imply that any works will be permissible outside of normal working hours – a submission under condition would need to demonstrate mitigation measures to ensure that no significant impact would occur to the amenities of local residents.
- viii. In accordance with the requirements of the National Planning Policy Framework 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.

Person to Contact: Adam Smith (396702)

Planning Application: | 18/00515/FUL

Address: | Kings Walk Shopping Centre
Kings Walk Gloucester

Committee Date: |

