

GLOUCESTER CITY COUNCIL - DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	
Address/Location:	12-16 Quay Street Gloucester GL1 2JS
Application No:	18/00641/FUL
Ward:	Westgate
Expiry Date:	
Applicant:	
Proposal:	Proposed demolition of existing buildings and redevelopment of the site for student accommodation comprising 115no. studio units, 1no. warden unit, ancillary student communal areas and servicing facilities, cycle/bin storage, soft/hard landscaping and access.
Report by:	Ron Moss
Appendices:	Site location and site layout plan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is located just to the south west, but in very close proximity to Gloucester city centre. It specifically contains buildings that front both Westgate Street and Quay Street, while to the west of the site runs Lower Quay Street. Westgate street predominantly contains commercial properties at this point, with residential properties then further along it to the west. Quay street contains a mixture of commercial and residential properties along it. Along the eastern boundary of the site is the open courtyard for the folk museum.
- 1.2 The site itself contains two former and now derelict nightclubs. One was positioned on the corner of Quay and Lower Quay Street and called 'Minx', while the other called King of Club's was a very deep plan building fronting Quay Street and extending back to the rear of the buildings in Westgate Street. The site then also includes 109 Westgate street, a property not currently in use. The topography of the site is generally flat with a slight fall from north to south. Parts of the site fall within flood zones 2 and 3 of the Environment Agency flood risk categorisations.
- 1.3 With regard to heritage matters the proposal site is located within the City Centre conservation area, while no.109 Westgate Street is a Grade 2 Listed building. It is listed along with the adjoining building no.111 Westgate street, which is not part of the application site. Directly to the east, adjoining this boundary is then the Grade 2* listed Folk House. The buildings that were utilised by the larger of the two night clubs and that were originally built as a brewery have facades that add interest to the conservation area, however it should be noted that they are classed as a neutral buildings within the City Centre conservation area appraisal.
- 1.4 The proposal is for the demolition of the two derelict night club buildings and proposed construction of student accommodation for 115 bed spaces and a warden's accommodation. The accommodation has been provided in a C – shaped plan form with built form along the north, east and south boundaries. There would then be a courtyard area in the middle and a large cycle storage shed on the western side to enclose the courtyard. The main access and frontage would be facing on to Quay Street, while the laundry and storage areas would be

towards the rear. The building generally comprises of 3 storeys with a variety of setback roof forms shown for a fourth storey along Quay Street.

- 1.5 Your officers have also screened the development in relation to The Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017. The proposal by reason of its small scale and not being located in a sensitive area does not constitute EIA development

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
16/01510/LDO	A residential led Draft Local Development Order that when adopted would grant planning permission for predominantly residential uses, with other supporting uses and car parking and that includes an Environmental Statement	Adopted	22.03.17
18/00642/LBC	Proposed demolition of existing buildings and redevelopment of the site for student accommodation comprising 115no. studio units, 1no. warden unit, ancillary student communal areas and servicing facilities, cycle/bin storage, soft/hard landscaping and access . Ground floor internal alterations are also proposed to No. 109 Westgate Street. Revised elevational treatment and floor layout for the third floor element.	Awaiting decision	

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:

- SD3 – Sustainable design and construction
- SD4 – Design requirements
- SD6 – Landscape
- SD8 – Historic Environment
- SD9 – Biodiversity and geodiversity
- SD10 – Residential development
- SD14 – Health and environmental quality

INF1 –Transport network
INF2 – Flood risk management
INF3 – Green Infrastructure
INF4 – Social and community Infrastructure
INF6–Infrastructure delivery
INF7 – Developer contributions

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. Paragraph 213 of the NPPF states that ‘...*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*’ Therefore it is considered that the 1983 Local Plan is out-of-date and superseded by later planning policy including the NPPF and the Joint Core Strategy.

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. As the 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.30a – Control of redevelopment in Conservation Areas.

4.0 **CONSULTATIONS**

4.1 **Highway Authority**

The site is located in a highly successful location in close proximity to the City Centre with good links to the Gloucester Transport Hub and Rail Station beyond. The site is also well served in terms of pedestrian and cycle routes to the surrounding areas and overall is deemed well located for the proposed development.

4.2 The development is proposed to be car free, however this would mean that at the end of the academic year there would be a large demand for students dropping off/picking up their belongings. The Highway Authority have some concerns regarding enforceability of a car free operation, however the site is located in the central CPZ and it would not be possible to park near to the site other than in public car parks, which would incur very high parking charges and would not be practical. Careful management would be required though to control the arrivals and departures at the start /end of the academic year, and a condition should be attached to any approval to ensure a programmed operation would be in place.

The Highway Authority recommend that no highway objection be raised subject to conditions to

provide cycle storage, pedestrian tactile crossing points across Quay Street and Upper Quay Street, and Westgate Street and Upper Quay Street , footway reinstatement, a construction method statement, a travel plan, and a management plan for students arrivals/departures.

4.3 **Conservation Officer -**

Original comments – The proposed scheme for the grade 2 listed 109 Westgate Street has not been clearly identified in the scheme and therefore plans of the building and a schedule of works are required. These details should include the proposed improvement of the building, which is currently in deteriorating condition and at risk.

4.4 All of the other buildings included in the proposal fall within the City Centre conservation area and are an interesting mix of buildings that contribute to the character of the conservation area. The two buildings that made up the brewery that then became the 'King of clubs' club are appraised in the conservation area appraisal as being of neutral value , but their facades do make a contribution to the appearance of the conservation area.

4.5 Revised comments – Further details have been provided with regard to the works at 109 Westgate Street. The proposed refurbishment works are supported as a positive enhancement to the listed building that would secure its future and its contribution to the conservation area. There is still concern at the loss of the old brewery buildings, however the revised design of the new development has addressed some concerns, in particular the corner of Quay and Lower Quay street, with the planting and setting back of the upper floor. The scale and massing is still though of an unacceptable level. The proposal would also cause less than substantial harm to the Grade 2 * listed 99 -103 Westgate Street by means of overbearing impact, however the communal areas of the proposal would overlook the rear of building, hence enabling more community visibility of the asset.

4.6 **Historic England**

It is recognised that the buildings on the site are considered as having a neutral contribution to the character and appearance of the conservation area, however they are considered to hold aesthetic value associated with the former use of the site and form a key juxtaposition with the more formal and varied domestic and commercial character on Westgate Street. There are also glimpses of the Nicholas's church tower through the fragmented built form along this part of Quay Street. The setting of heritage assets should be afforded sufficient weight within the planning balance.

4.7 The site has potential to include nationally significant archaeological remains and the City archaeologist should be consulted. With regard to the listed building, no .109 Westgate street, there would appear to be no substantial demolition taking place and therefore Historic England provide no statutory comment. The more significant element of the development however is the removal of the old brewery buildings and construction of the student accommodation. A more cogent case for the demolition of the historic brewery buildings is required. Paragraph 200 of the NPPF requires Local Planning Authorities (LPA's) to look for opportunities for new developments within Conservation Areas that enhance or better reveal their significance. The LPA should ensure development here makes more of a positive response to the distinctive character of this part of the conservation area.

4.8 In conclusion Historic England has concerns regarding the application on heritage grounds.

4.9 **Archaeologist**

12 – 16 Quay Street is potentially a very important archaeological site containing nationally important multi-phase remains dating from the Roman period to the 17th century. The available evidence suggests that this site was within, or adjacent to, some form of inlet of the River Severn during the early Roman period – the area appears to have been reclaimed and settled during the later Roman period. By the Norman period properties were being established along

Westgate Street and further south and the site is likely to have been an area of settlement and industry into the 17th century. It is likely that the site contains well preserved palaeo-environmental material, settlement evidence and industrial remains. Taken together the whole sequence is of national importance.

4.10 Due to the current building coverage of the site there is little opportunity for clear evaluation of the archaeology, however the assessments that have been carried out are considered acceptable and there is no objection to the proposal subject to conditions on any approval requiring historic building recording, archaeological evaluation, details of foundation and services and mitigation.

4.11 **Landscape Adviser**

No objection. The internal planting to the courtyard can be dealt with by condition on any approval.

4.12 **Ecology Adviser**

A Preliminary Roost Assessment report was submitted with the application. The report concluded that the site has negligible potential to support roosting bats, however it is suggested that an advice note is attached to any approval as a precautionary measure. Nesting birds were found on site, and again an advice note is suggested for any approval to have no works in the nesting season unless observed by an ecologist. The provision of bird and bat boxes is also recommended as a condition on any approval.

A Preliminary Screening for Likely Significant Effects under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 has also been undertaken and the conclusion is that there would be no likely significant effects on designated nature conservation sites.

4.13 **Natural England**

The application site is within proximity to the Cotswolds Beechwoods Area of Conservation (SAC), which is a European Site. while the site is also notified at a national level as Cotswolds Commons and Beechwoods Site of Special Scientific Interest (SSSI). Natural England has noted that Gloucester City Council, as the competent authority under the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects on these abovementioned areas. They concur with the view that as the proposal is for student accommodation and as there would be restrictions in place stating no pets (to require walking) or cars (to get to the areas of concern), then no likely significant effects would potentially occur as a result of this development. They have no objection

4.14 **Contaminated Land Adviser**

The supporting information states that a phase 2 Intrusive Site Investigation would be undertaken once the buildings have been demolished. Worcester Regulatory Services recommend the standard suite of contaminated land conditions.

4.15 **Local Lead Flood Authority**

The Local Lead Flood Authority confirm that they have no objection to the proposal subject to conditions on any approval requiring a detailed drainage design using a Sustainable Drainage System (SuDs) and a SuDs management and maintenance plan.

4.16 **Environment Agency**

The development proposes 'more vulnerable' uses in flood zones 2 and 3, therefore the Exception test would be triggered. The proposed floor levels set at 11.48 AOD are acceptable and the resilience and resistance measures set within section 6.2.2 of the Flood Risk Assessment are also what the EA would expect to protect future users from flood risk. No

objection to the proposal.

4.17 Drainage advisor

No objections, subject to a condition that the development shall not be occupied until a Flood Warning and Evacuation Plan have been submitted. The details shall include proposals for flood warnings, signage and emergency access/egress.

4.18 Severn Trent Water

No objection subject to provision of drainage plans for disposal of foul and surface water flows.

4.19 City Centre Improvement Officer (Environmental Protection)

No objection to the proposal, subject to conditions on any approval regarding hours of construction, a Dust Management Plan for demolition and construction, all recommendations in the acoustic report to be implemented and a noise management operation plan for the development to prevent impact on amenity of neighbouring occupiers and refuse and recycling provision.

4.20 Urban Design Adviser

Original comments – The proposed scheme is of a single height and has a substantial massing. This does not reflect the historic character of the buildings that were on this site. The buildings fronting Quay Street need to have more variation in height and appearance. The current scheme is quite generic in appearance and does not positively enhance the character of the area

4.21 Taller buildings will be appropriate on the corner with Lower Quay Street and I would expect buildings to step down towards the lower buildings adjacent to the site. Some alteration in the set back would also help to break up the massing of this elevation. Red brick and not render would be an appropriate material on this elevation and possibly the use of 2 different bricks to help break up the appearance of the street scene.

4.22 In conclusion, alterations are required to make this application acceptable.

4.23 Revised comments - The revised plans are considered to overcome the concerns above and are acceptable.

5.0 PUBLICITY AND REPRESENTATIONS

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

5.2 2 letters of objection raising the following issues :-

- 1) Concern over noise from new residents;
- 2) Extra traffic on roads ;
- 3) Need to ensure trees retained along the side of the prison (Officer note: Not part of the development site).
- 4) Massing along Quay street with regard to the original submission;
- 5) Potential air pollution from demolition and construction therefore if goes forward requires a dust management plan.

5.3 Civic Trust

Original Submission - Planning permission should be refused. The proposed building would be far too big, towering above the grade 1 Listed Folk museum and other historic listed buildings in the Westgate Conservation Area. The existing façade of the night club, a former brewery

nearly 100 years old, is a positive building in this area of traditional industrial use and should be retained. With regard to the Westgate frontage there is no information in the plans as to what is proposed to bring this listed building back in to use.

- 5.4 The full content of all correspondence on this application can be viewed on:
<http://www.gloucester.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 :

- a) Principle
- b) Design, Layout and Landscaping
- c) Impact on Conservation Area and Listed Buildings
- d) Archaeology
- e) Traffic and Transport
- f) Residential Amenity
- g) Drainage and Flood Risk
- h) Land Contamination
- i) Ecology

6.5 *Principle*

The NPPF at Paragraph 67 requires local planning authorities to demonstrate a 5 Year Housing Land Supply against the relevant housing requirement. Gloucester City Council can currently demonstrate a five year supply of deliverable sites. This positive housing land supply position means that the housing policies in the Joint Core Strategy can be given full weight. It also should be noted that under Central Government's method of calculating housing provision in relation to the new Housing Delivery Test student accommodation counts as 0.4 of a housing unit. Therefore this proposed development of 116 units (including warden's flat) would provide 46 extra units towards the Council's housing target.

- 6.6 Policy SD10 of the JCS allows for infilling within the existing built up areas of the City of Gloucester. In terms of the broad principles of development, the site is within the built up area of the City, is in a sustainable location for residential use and as stated above would contribute to housing supply. The general principle of residential development in this location is therefore acceptable.

- 6.7 It should also be noted that this site lies in an area that has consistently struggled to attract

development. The site lies just across the road from the Quayside/Blackfriars area for which a regeneration board was set up that looked at how to bring the area forward and with funding from GFirst LEP started undertaking de-risking investigative ground works and put forward a Local Development Order (LDO) to make it quicker and easier for development to take place here. This is now in place and two phases of student accommodation have now been approved on the Barbican car park, with the first phase now constructed. Whilst lying just outside this identified area it is still part of the overall area in need of regeneration and the development of this site would give developers greater confidence to then invest in the Quayside area, which sits opposite the site.

6.8 ***Design, Layout and Landscaping***

The NPPF states that good design is a key aspect of sustainable development. Paragraph 127 sets out criteria for achieving well-design places while paragraph 130 provides that permission should be refused for development of poor design. Policy SD3 requires all developments to demonstrate how they contribute to the principles of sustainability, Policy SD4 sets out requirements for high quality design, while Policy SD8 requires development to have regard to the valued and distinctive element of the historic environment.

6.9 In terms of general heights the predominantly three storey with an element of four storey was considered acceptable by officers. Whilst the site across Quay Street has been levelled, the Local Development Order adopted for this site indicates potential three storey development opposite this application site with development rising to four storey further to the east and five/six storey to the west.. Three storey with a part four storey would relate well to the LDO proposed heights of buildings across Quay street. Concern however was originally expressed by officers that the buildings were very regimented with a single height and with substantial massing. One of the characteristics of the town scape of Gloucester is that the roof form shows great variation in height, set back and form. Buildings sitting next to each other along a street can vary greatly in heights and roof treatment, which gives the place its character.

6.10 Considerable discussion took place between the applicants architects/planning team and council officers to overcome the above concerns. Revised plans now show considerable variation in the detailing of the blocks, to the point that they give the appearance in the street scene of being sets of individual fine grained buildings rather than large blocks. To elaborate, whilst recognising that the student accommodation would encompass standardised floor plates to allow it's effective operation, a solution to the large block issue has been found by raising and lowering sections of building heights and utilising flat roof elements and front gables in a random pattern along with brick colour and material changes to give the appearance of rows of individual buildings. Small relief changes in the front elevations further help to create this effect

6.11 Officers also sought to obtain a more contemporary approach to the corner building, which would sit in an extremely prominent position on the corner of Quay and Lower Quay street. Balconies have been introduced as well as variations to window detailing and the fourth floor element has been set back to enable planting to take place on the roof to introduce an element of greenery and interest and variety to the elevation. Communal rooms are now shown located in this position to give good street surveillance and to benefit from the better outlook.

6.12 With respect to landscaping, the site is somewhat limited, however there would be a central courtyard both to provide usable open space for the students and also to enable some landscaping to be put in place. There would also now be the newly proposed roof top landscaping on the corner element of the proposal. The Council's landscape officer confirms that she is satisfied with the landscaping subject to the standard conditions.

Impact on Conservation Area and Listed Buildings

- 6.13 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that where an area is designated a conservation area 'special attention shall be paid to the desirability of preserving the character or appearance of the area.' In terms of impact on the City Centre conservation area the appraisal recognises that there are a large number of both listed and unlisted buildings that make a positive contribution to the character and appearance of the conservation area. Whilst the King of Clubs building that used to be former brewery is noted within the Conservation appraisal as being a neutral building (identified as neither positive or negative), Historic England and the Council's conservation officer are of the opinion that this building should be viewed as a non-designated heritage asset with its façade in particular playing a key part in making a positive contribution to the character and appearance of the conservation area.
- 6.14 The proposal would involve the loss of the previous brewery building, a non-designated heritage asset. Discussion took place between officers and the applicant's designer/architects as to whether a way could be found to retain the façade of the building, which is considered the key part of the building that makes a positive contribution to the conservation area. The difficulty however was that the student accommodation would be set out on floor plates, which make its retention impractical. How the variety in roof heights and forms of the current buildings contribute positively to the character and appearance of the conservation area was however recognised and this has been incorporated in to the revised design. With regard to the concern from Historic England that glimpses through to the church tower and other listed buildings, it is considered that these are very restricted already with only the very top of the tower visible through the existing gates. Overall it is considered that the character and appearance of the conservation area would be preserved.
- 6.15 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that with development which affects a listed building or its setting, the local authority 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. The application site does include 109 Westgate Street, a Grade 2 Listed building, however the proposed works to the building which are being considered under the separate application reference:18/00642/LBC can be seen to help preserve the architectural and historic interest of the building in that the building is currently in a poor state of repair. The proposed works would repair the front windows, replace the current rear windows with heritage style windows, re-roof the building in slate and use limestone pointing for other external repairs. Overall improving the appearance of the building and to ensure it would be weathertight, thereby preventing further deterioration. Other works involve removing the unattractive staircase to the rear.
- 6.16 The City Council's conservation officer has raised concern with respect to the setting of the Folk Museum, a grade 2 *, listed building and the potential for the proposal to have a visually dominating impact on it. Your planning officers accept that the proposal would have a greater height than the existing buildings here, however the setting for the listed building here is one of back land buildings and there are not open views or glimpses through this application site to the Folk Museum.
- 6.17 **Archaeology**
The City Archaeologist states that 12 – 16 Quay Street is potentially a very important archaeological site containing nationally important multi-phase remains dating from the Roman period to the 17th century. The available evidence suggests that this site was within, or adjacent to, some form of inlet of the River Severn during the early Roman period – the area appears to have been reclaimed and settled during the later Roman period. By the Norman period

properties were being established along Westgate Street and further south and the site is likely to have been an area of settlement and industry into the 17th century. It is likely that the site contains well preserved palaeo-environmental material, settlement evidence and industrial remains. Taken together the whole sequence is considered of national importance.

6.18 However due to the current building coverage of the site there is little opportunity for clear evaluation of the archaeology. The City Archaeologist states that the assessments that have been carried out are considered acceptable and there is no objection to the proposal subject to conditions on any approval requiring historic building recording, archaeological evaluation, details of foundation and services and mitigation.

6.19 **Conclusion on Heritage Assets**

The proposal would involve the loss of the previous brewery building, a building considered a non- designated heritage asset by the Council conservation officer and Historic England. Paragraph 197 of the NPPF states that 'The effect of an application on the significance of a non- designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non – designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. First of all with regard to the significance of the asset it should be noted that whilst dated, the conservation area appraisal refers to this buildings as only a neutral building that has neither a positive nor negative impact on the conservation area.

6.20 Secondly it should be noted that the delivery of this proposal would enable funding for the repairs and weatherproofing of the grade 2 listed, 109 Westgate Street, to be carried out. The proposal therefore would involve positively enhancing a designated heritage asset and helping to preserve its architecture and historic importance.

6.21 The improvements to the heritage asset would in themselves be considered to positively counter balance the loss of a non- designated heritage asset and the less than substantial harm to the setting of the Grade 2 * listed building. Paragraph 196 then continues by stating that 'Where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.' Obviously there is the improvements to the grade 2 listed building mentioned above that would then allow it to be put to future use rather than further deteriorating. However the public benefits also need to be added to the balance, these being quite substantial benefits from developing out this site of derelict buildings for student accommodation with both the physical uplift in producing a high quality area between the Docks and City Centre and the economic benefit from having this number of new students in the city centre and the impact on local business. Furthermore the proposal would also help provide a figure of 46 housing units towards the Council's housing delivery Overall the improvements to the heritage asset, 109 Westgate Street, to secure its future along with the substantial public benefits from regenerating this derelict site, along with provision of additional residential units to help meet the Council's housing delivery figures, are considered to outweigh the loss of the non- designated heritage asset and the less than substantial harm to the setting of the Grade 2* Folk House. The proposal would also help provide a figure of 46 housing units towards the Council's housing delivery. Paragraph 80 of the NPPF then emphasises the importance of supporting development stating that 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking in to account both local business needs and wider opportunities for development'.

6.22 **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 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

- 6.23 The site is located in a highly successful location in close proximity to the City Centre with good links to the Gloucester Transport Hub and Rail Station beyond. The site is also well served in terms of pedestrian and cycle routes to the surrounding areas and overall is deemed well located for the proposed development.
- 6.24 The development is proposed to be car free, however this would mean that at the end of the academic year there would be a large demand for students dropping off/picking up their belongings. The Highway Authority have some concerns regarding enforceability of a car free operation, however the site is located in the central CPZ and it would not be possible to park near to the site other than in public car parks, which would incur very high parking charges and would not be practical. Careful management would be required though to control the arrivals and departures at the start /end of the academic year, and a condition should be attached to any approval to ensure a programmed operation would be in place.
- 6.25 The Highway Authority recommend that no highway objection be raised subject to conditions to provide cycle storage, pedestrian tactile crossing points across Quay Street and Upper Quay Street, and Westgate Street and Upper Quay Street, footway reinstatement, a construction method statement, a travel plan, and a management plan for students arrivals/departures. In conclusion policy INF1 of the JCS is considered satisfied.
- 6.26 With regard to neighbouring occupiers it can be seen that the most sensitive relationship would be with the rear elevations of the properties along Southgate Street. A number of these properties do have residential/vacant residential accommodation above the ground floor premises. The main property directly to the rear of the proposed dwelling would be Nicki's taverna and hotel. There are bedroom windows at first and second floors, however there would be a distance of some 16 metres between them and the proposal and therefore they would still obtain sufficient light. The residential unit above no.111 Westgate Street has rear windows which could potentially lose outlook, which is not a material planning consideration, however at 16m distance again they would receive sufficient day and sun light. The main windows in the elevations of the proposed development would then be at right angles to the windows in the elevations in the Lower Quay Street properties, while there would only be high level windows in the east elevation to prevent any overlooking of private outdoor areas or neighbouring properties.
- 6.27 A neighbour has raised concerns with regard to potential dust problems during demolition and construction on the site, however it is confirmed that a condition on dust management to be in place during these periods would be attached to any approval. Then with regard to potential anti-social behaviour by students impacting on the amenity of local residents, it is further confirmed that the submission and approval of an operational management plan would also be a condition on any approval.
- 6.28 Finally with regard to amenity area provision for the students it can be seen that there is an internal courtyard for them to utilize. An area that would be safeguarded via surveillance from the windows in the three internal elevations of the proposed building.
- 6.29 ***Drainage and flood risk***

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.

- 6.30 The site does have elements of it falling within Flood Zones 2 and 3 of the Environment Agency's classifications and there would therefore be the requirement to demonstrate that there are not any suitable sites available within flood zone 1, and then flood zone 2. This would normally be carried out over the whole local authority area, however allowance can be made on regeneration grounds to limit the search to a smaller area. In this case the site falls within an area of regeneration that would basically involve just the site itself and the neighbouring Quayside area, which has greater areas in flood zones 2 and 3. The applicants have then sought to ensure that the less vulnerable site uses such as plant room and common room are within the flood zones, which are located towards the south and south west of the site.
- 6.31 A small area of the front of the building would fall within flood zone 3 and as a development categorised as 'more vulnerable' the exception test would be triggered. For the exception test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community and a site specific flood risk assessment that must demonstrate the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk elsewhere
- 6.32 The wider sustainability benefits to the community would be the regeneration of this site, which would also likely help act as a catalyst to the Council's overall aim to regenerate the Quayside area as well as bringing economic benefits from introducing a number of people into the city centre. With regard to the flood risk assessment, there would be no change to flood storage or need for compensation as the site is occupied by buildings on raised floor levels above flood zone 3. Furthermore flood resistant measures of construction would be used, non – return valves on drainage connections to prevent back up, sockets/ electrical items set as high as reasonably practical. The Council's Drainage officer confirms that the proposal would not lead to flooding elsewhere and conditioning these measures along with a condition for a flood warning and evacuation plan would ensure the proposal would be acceptable in flood risk terms.
- 6.33 With regard to drainage the Local Lead Flood Authority confirm that they have no objection to the proposal subject to conditions on any approval requiring a detailed drainage design using a Sustainable Drainage System (SuDs) and a SuDs management and maintenance plan. In conclusion policy INF2 of the JCS has been met.
- 6.34 **Land contamination**
Policy SD14 of the JCS requires that development proposals incorporate the investigation and remediation of any land contamination. It is recognised that due to the existing situation where the site is covered with buildings there is a difficulty in obtaining a clear understanding of the underground situation. Worcestershire Regulatory Services (WRS) have however viewed the submitted Ground Investigation report and have confirmed they consider it satisfactory. They do require the standard contaminated land conditions on site investigation and risk assessment, possible remediation, and reporting of unexpected contamination on any planning approval. The development would therefore accord with Policy SD14 of the JCS.
- 6.35 **Ecology**
Policy SD9 of the JCS provides that the biodiversity and geological resource of the JCS will be protected and enhanced

6.36 The application site is within proximity (Circa 7km) to the Cotswolds Beechwoods Area of Conservation (SAC), which is a European Site, while the site is also notified at a national level as Cotswolds Commons and Beechwoods Site of Special Scientific Interest (SSSI). A Habitat Regulations Assessment was undertaken that concluded no significant impacts are predicted as a result of the proposed development. Natural England concur with this view stating that as the proposal is for student accommodation and as there would be restrictions in place stating no cars or pets (no dog walking), then no likely significant effects would potentially occur as a result of this development. They have no objection

6.37 The Council's ecology advisor also has no objection to the proposal subject to a condition on any approval to secure biodiversity enhancements in the form of bird and bat boxes as well as advice notes on roosting bats and nesting birds. Policy SD9 of the JCS is considered to be satisfied.

6.38 **Conclusion**

In conclusion it is recognised that the proposal would lead to the loss of a non-designated heritage asset as well as less than substantial harm to the setting of a listed building, however as indicated above, it would then enable the securing of a designated grade 2 listed Heritage asset, 109 Westgate Street, through works to the external fabric of the building and would bring about substantial public benefits from developing out this derelict site for student accommodation with the physical uplift of the area and the economic benefits from bringing students in to the city centre. The proposal would also help provide a figure of 46 housing units towards the Council's housing delivery. Paragraph 80 of the NPPF emphasises the importance of supporting development stating that 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking in to account both local business needs and wider opportunities for development'.

6.39 Furthermore the proposal can be seen to be of good design that in revised form has regard for the City Centre conservation areas and Gloucestershire in general's distinctive townscape characteristics of roof top variation, mixed plot widths and variety of materials. This would ensure it preserves the character and appearance of the conservation area. Finally in terms of highway safety implications, impact upon the amenity of neighbours, amenity space for potential occupiers, flood risk and drainage, site contamination and archaeology, the proposal is considered acceptable and accordingly it is recommended that planning permission be granted subject to conditions.

7.0 **RECOMMENDATION OF THE CITY GROWTH AND DELIVERY MANAGER**

7.1 That planning permission is GRANTED subject to the following conditions

7.2 **Time limit**

Condition 1

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

Reason

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

Plans

Condition 2

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

8436 PL01A Location Plan
8436 PL02 Existing Site Plan
8436 PL03D Proposed Site Plan
8436 PL04B Ground Floor Plan
8436 PL05B First Floor Plan
8436 PL06B Second Floor Plan
8436 PL07C Under roof Plan
8436 PL08B Front Elevation
8436 PL09B West Elevation
8436 PL10B East Elevation
8436 PL11A Section AA
8436 PL12A Section BB
8436 PL13 Demolition Plan
8436 PL14 Section CC
8436 PL15 Section DD
8436 PL16 Section EE

And in accordance with the following approved documents –

- Arboricultural Impact Assessment by ACD Environmental dated 11.05.2018
- Flood Risk Assessment by Hydrock dated May 2018
- Preliminary Roost Assessment by Wildwood Ecology dated April 2018
- Transport Statement by Cotswold Transport Planning dated 2018
- Student Moving In/Out Strategy dated May 2018
- Travel Plan Statement dated May 2018
- Noise Planning Report dated 24 May 2018
- External Lighting Assessment dated 22 May 2018

Reason

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

Archaeology

Condition 3: Historic Building Recording

No development or demolition shall commence within the proposed development site until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic environment work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The programme shall provide for archaeological recording of significant elements of the historic built environment that are likely to face an impact from the proposed development and any proposed demolition, with the provision for appropriate archiving and public dissemination of the findings.

Reason

The proposed development site includes significant elements of the historic built environment. The Council requires that these elements will be recorded in advance of any development or demolition and their record be made publicly available, 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. This work will require archaeological recording of standing buildings prior to any works taking place. Further recording will need to be undertaken during demolition works.

Condition 4: Archaeological Evaluation:

No development or groundworks, other than demolition to slab, 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 to and approved in writing by the Local Planning Authority. The agreed WSI shall include:

- The programme and methodology for an archaeological trial trench evaluation;
- The programme and methodology for an archaeological borehole survey; and
- The programme and methodology for the archaeological monitoring of geotechnical investigations.

Reason:

To make provision for a programme of archaeological evaluation, so as to describe the significance of heritage assets of archaeological interest within the site. This is to allow the scheme to be designed in a manner that reduces the impact on archaeological remains as much as possible. This is in accordance with paragraphs 193 and 199 of the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 5: Details of foundations, groundworks and services

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 pile type and methodology, 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 paragraph 199 of the NPPF and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 6: Archaeological Mitigation

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

- An updated archaeological impact and mitigation statement;
- 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 existing and 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 and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Environmental Protection

Condition 7

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

Monday to Friday – 0800 to 1800 hours

Saturday – 0800 to 1300 hours

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

Reason

To safeguard the amenities of the area, having regard to Policy SD14 of the Joint Core Strategy

Condition 8

No materials or substances shall be burnt within the application site during the construction phase.

Reason

To safeguard the amenities of the area and prevent pollution in accordance with Policy SD14 of the Joint Core Strategy

Condition 9

An operational management plan for the student accommodation shall be submitted to and approved in writing by the Local Planning Authority before occupation of the accommodation. The site shall then be managed at all times in accordance with this approved plan.

Reason

To safeguard the amenities of the area, having regard to Policy SD14 of the Joint Core Strategy.

Condition 10

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

- I. specify the type and maximum number of vehicles during the demolition and construction ;
- II. provide a suitable construction vehicle access;
- III. provide for the parking of vehicles of site operatives and visitors;
- IV. provide for the loading and unloading of plant and materials;
- V. provide for the storage of plant and materials used in constructing the

- development;
- VI.** provide for wheel washing facilities;
- VII.** specify the intended hours of construction operations;
- VIII.** provide measures to control the emission of dust and dirt during the demolition and construction phases from ground works, haul roads, stockpiles and material handling/removal;
- IX.** provide details of light from security compounds;
- X.** provide for the storage of waste.

Reason

To ensure that appropriate measures are in place prior to the commencement of development to reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework and to safeguard residential amenity and prevent pollution in accordance with policies SD14 of the Joint Core Strategy.

Condition 11

The development shall be carried out in accordance with all the recommendations in the submitted Noise Planning Report by Hydrock dated 24 May, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure a satisfactory living environment for the occupiers and to accord with Policy SD 14 of the Joint Core Strategy.

Highways

Condition 12

Prior to the occupation of the development, details of across Quay Street to Upper Quay Street and Westgate Street to Upper Quay Street shall be submitted to and approved in writing by the Local Planning Authority. The approved pedestrian tactile crossing points shall be implemented before occupation of the development.

Reason

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

Condition 13

The development hereby approved shall not be occupied until the dropped kerbs fronting the site on Quay Street and Lower Quay Street have been fully closed up with the adjacent footway reinstated to full height and with full height kerbing at the carriage way edge.

Reason

To ensure a safe and secure layout is provided that minimises conflict between vehicles and cyclists and pedestrians in accordance with the NPPF.

Condition 14

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

tenancies which include that clause.

Reason

In accordance with the applicants' stated position and to ensure that the development does not generate a level of vehicular parking that would be prejudicial to highway safety, in accordance with Policies INF1 and INF2 of the Joint Core Strategy

Condition 15

The development shall be carried out in accordance with the approved Student Moving In / Out Strategy dated May 2018 produced by Cotswold Transport Planning.

Reason

To ensure the smooth flow and safety of traffic in the area and to protect the amenities of neighbouring residents, thereby according with Policies INF1 and INF2 and SD14 of the Joint Core Strategy

Condition 16

The development hereby approved shall not be occupied until details of secure and covered bicycle storage for 116 cycles have been submitted to and approved in writing by the Local Planning Authority. The covered bicycle storage shall be retained in accordance with the approved plans at all times

Reason

To ensure adequate provision and availability of cycle parking, having regard to the policies of the NPPF.

Condition 17

No studio unit hereby permitted shall be occupied until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Green Travel Plan shall incorporate the following:

- A. Objectives and targets for reducing private car use
- B. Measures to promote sustainable transports
- C. Mechanisms for monitoring and review
- D. Appointment and funding of a travel plan coordinator,
- E. Means of funding of the travel plan, and;
- F. Implementation timetable including the responsible body for each action

The approved Green Travel Plan shall be implemented in accordance with the approved details and implementation timetable.

Reason

To promote sustainable travel patterns, having regard to the policies of the NPPF.

Materials

Condition 18

No work shall commence on the construction of the external facades/elevations of the building until details or samples of all materials to be used externally for built structures, hard landscaping and the public realm have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the materials harmonise with the surroundings in accordance with policy SD4 of

the Joint Core Strategy

Condition 19

Notwithstanding the approved drawings, no work shall commence on the construction of the external facades/elevations of the building until details of the following have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details:-

- Scaled drawings at 1:10 for doors, windows and their recesses, brick and panel details
- Scaled drawings 1:5 or 1:10 for landscaping details – walls, ramps, general boundary treatment, bin and bike storage
- Scaled drawings for parapet and gable details
- Scaled drawings and details for the installation of rainwater goods
- Details of ventilation flues and grills.
- Details of safety measures for roof if access is required.
- Details of lighting
- Details for meter boxes
- Details for security measures – external CCTV
- Details of seagull mitigation
- Details of any cable TV installation and the location of any associated equipment.

Reason

To ensure the satisfactory appearance of the development in accordance with policy SD4 of the Joint Core Strategy.

Condition 20

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

Reason

In order to define the permission and ensure that the development is of a scale and height appropriate to the site in accordance with policy SD4 of the Joint Core Strategy.

Landscaping

Condition 21

Before occupation of the proposed development details of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping shall be carried in accordance with the approved details before occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

Reason

In the interest of the visual amenity of the area and to accord with policy SD 4 of the Joint Core Strategy

Condition 22

A site management plan, including long term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The site management plan shall be carried out in accordance with the approved details.

Reason

In the interests of visual and residential amenity in accordance with policies SD4 and SD14 of the Joint Core Strategy.

Drainage**Condition 23**

No development shall commence on site until a Sustainable Drainage Systems (SuDS) strategy has been submitted to and approved in writing by the Local Planning Authority. The SuDS Strategy must include a detailed design, exceedance flow paths, maintenance schedule, confirmation of the management arrangements and a time table for implementation. The SuDS strategy must also demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage flood risk to the site and elsewhere, and the measures taken to manage the water quality for the lifetime of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is occupied and thereafter retained for the lifetime of the development.

Reason:

To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding, and to accord with policy INF2 of the Joint Core Strategy

Condition 24

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

Reason

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

Condition 25

Prior to the commencement of the development details of the proposed foul water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first occupation of the development hereby permitted.

Reason

In order to ensure that satisfactory foul drainage arrangements are provided in accordance with policy INF2 of the Joint Core Strategy

Condition 26

The approved development shall be carried out in accordance with the Flood Resistance and Resilience measures as stated in section 6.2.2 of the Flood Risk Assessment by Hydrock dated May 2018. The measures shall be retained for the duration of the development.

Reason

To prevent flooding of the development and to accord with Policy INF2 of the Joint Core Strategy

Condition 27

The approved development shall not be occupied until details of a Flood Warning and Evacuation Plan have been submitted to and approved in writing by the Local Planning Authority. The details shall include proposals for flood warnings, signage and emergency access/egress. The development shall be constructed in accordance with these approved details and thereafter retained for the lifetime of the development.

Reason

In the interest of the safety of the occupants and to accord with Policy INF2 of the Joint Core Strategy.

Condition 28

Details of any floodlighting /external lighting proposed to illuminate the development, shall be submitted to and approved in writing by the Local Planning Authority before the buildings are occupied. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason

To safeguard local amenities in accordance with policy SD14 of the Joint Core Strategy

Waste Management**Condition 29**

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

Reason

In the interests of amenity in accordance with policy SD14 of the Joint Core Strategy

Contaminated Land**Condition 30**

Development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to D below, have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part D below has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site which has first been submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must be conducted in accordance with DEFRA

and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and include:

- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must accord with the provisions of the EPA 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part B above, and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part C above.

E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring of the long-term effectiveness of the proposed remediation over a period of [x] years, and the provision of reports on the same, must be prepared, shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is first occupied. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason

To ensure that appropriate measures are in place prior to the commencement of any works to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy SD14 of the Joint Core Strategy

Ecology**Condition 31**

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

Reason

To secure biodiversity mitigation and enhancement in accordance with Policy SD9 of the Joint Core Strategy

Heritage Matters**Condition 32**

The works to the Listed building, 109 Westgate Street, granted under application reference 18/00642/LBC shall all be completed prior to the occupation of any studio flat hereby permitted.

Reason

In the interest of safeguarding the listed building and to accord with Policy SD8 of the Joint Core Strategy

Condition 33

The buildings on the application site shall not be demolished until a contract for the carrying out of the works of the redevelopment of the site has been entered into and a copy of that contract provided to the Local Planning Authority and agreed by them before any demolition takes place.

Reason

To preserve the character and appearance of the conservation area and to accord with Policy SD8 of the Joint Core Strategy

Informatives

All birds, their nests and eggs are protected by law and it is thus an offence to:
intentionally kill, injure or take any wild bird
intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
intentionally take or destroy the egg of any wild bird
intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to £5,000, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Council's Ecologist.

Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 – Bats

It is an offence for any person to:

Intentionally kill, injure or take a bat. Under the Habitats Regulations it is an offence to deliberately capture or kill a bat.

Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and Conservation Regulations 1994 that works to trees or building where that work involves the disturbance of a bat is an offence if a licence has not been obtained by DEFRA. If a bat is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Council's Ecologist. You can also call the UK Bat helpline on 0845 133 228.

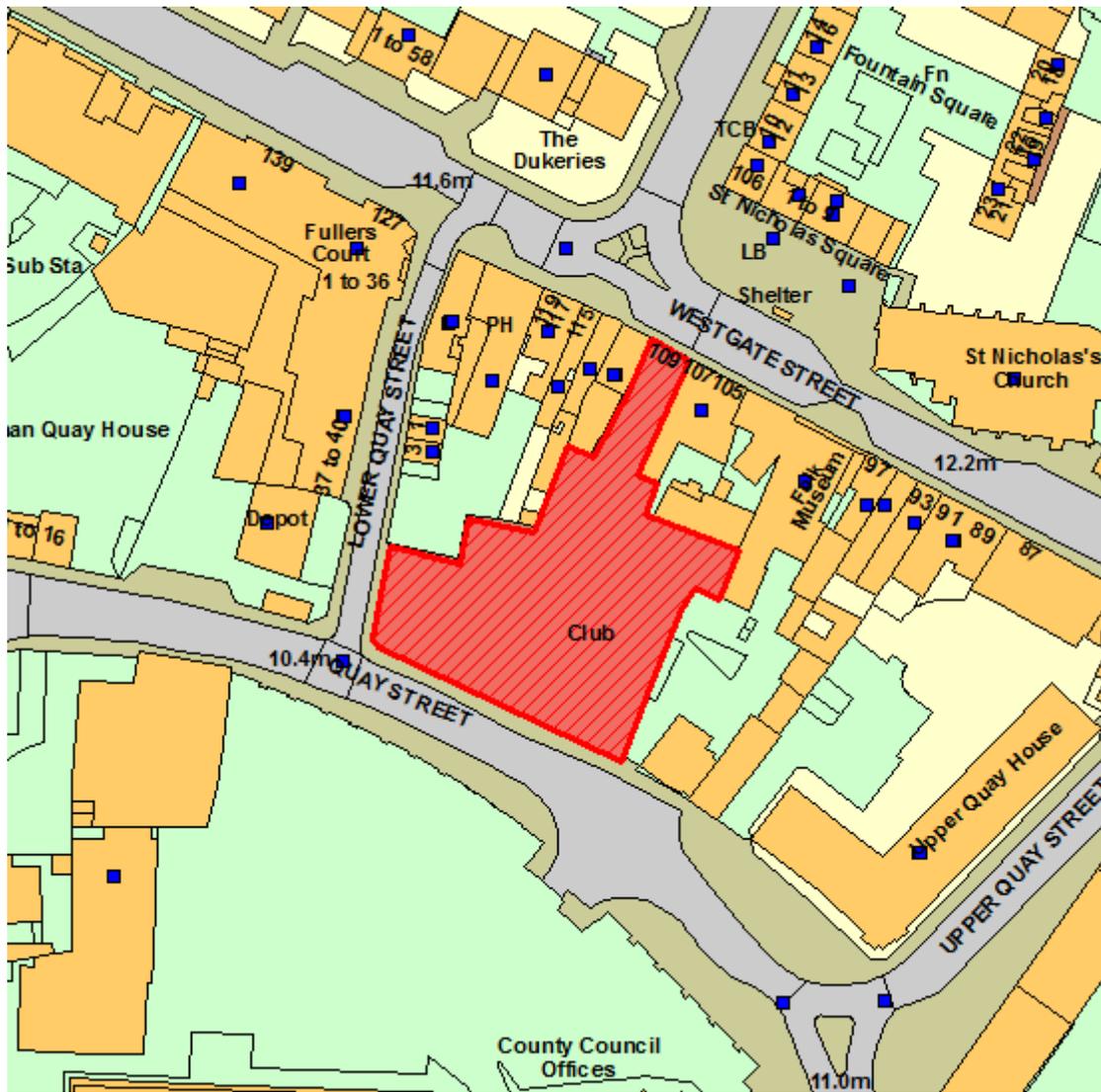
Person to Contact: Ron Moss (396835)



Planning Application: | 18/00641/FUL

Address: | 12-16 Quay Street Gloucester
| GL1 2JS

Committee Date: |



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