

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

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| Committee: | Planning |
| Date: | 1 st March 2022 |
| Address/Location: | 30-44 Northgate Street (former Debenhams), Gloucester |
| Application No: | 21/01323/FUL |
| Ward: | Westgate |
| Expiry Date: | 8 th February 2022 |
| Applicant: | University of Gloucestershire |
| Proposal: | Refurbishment works to the exterior of the building and change of use to create circa 20,000sqm of use class F.1(a), (d) and (e) uses from use class E(a), and associated works of demolition, construction and landscaping |
| Report by: | Adam Smith |
| Appendices: | Site location plan Proposed Ground floor layout plan |

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises the former Debenhams unit at Northgate Street and its service yard (accessed off St Aldate Street). The site has frontage to Northgate Street, The Oxbode, Kings Square and St Aldate Street. Adjacent to the site and on the opposite side of Northgate Street, The Oxbode and St Aldate Street there are commercial premises, as well as several residential premises above, notably to the north side in the St Aldate Street/Northgate Street area. On the south east side is Kings Square, currently undergoing refurbishment as a public space, with commercial premises fronting the other sides of the square.
- 1.2 The existing property was built in phases and comprises of 3 main elements; the Victorian section fronting Northgate Street (the dutch-gabled white painted part); the 1930s part along The Oxbode and the 1950/60s part fronting Kings Square. The property is currently vacant and the last use was for retail.
- 1.3 The proposal is for the change of use of the property for use by the University of Gloucester and as a public library. Specifically, the application proposes class F.1(a), (d) and (e) uses. This would provide for the building to be used for the provision of education, public library, and public hall/exhibition hall.
- 1.4 Physical works to the property are also proposed, including:
- Alterations to the Kings Square elevation to insert a new bronze frame entrance feature with large glazing panel above, and replacement of the single glazed sections with curtain walling and brise soleil. This would be the main entrance to the University part of the building. The canopy would be removed and new detailing added at the top of windows in its place with a roman mosaic design.
 - Replacement of the existing windows including the 1930s Oxbode section.
 - Recladding of the building elevations facing the service yard and associated removal of plant and structures in this area.
 - Construction of new structures in the service yard for; transformer, bin store, cycle store

and generator.

- New boundary treatments, and planting, to the St Aldate Street/service yard boundary.
- Restoration and repair of various existing features, including roof lanterns and the metal cladding to the Oxode window panels.
- Insertion of roof lights.
- New plant and plant enclosures to roof.

(Works shown in the original plans to demolish some structures on the roof have now been omitted from the proposal; this is explained later in the report).

- 1.5 The access to the service yard would be retained in the same position, off St Aldate Street. Five accessible parking spaces for disabled persons would be provided within the yard.
- 1.6 The building layout would provide for University accommodation across most of the floorspace, including University library/reception/café, lecture rooms, offices and associated facilities. The exception to this is at ground floor where a public library is proposed in broadly the north-western half of the Oxode block and this would be accessed from the old Debenhams access at the corner of The Oxode and Northgate Street. There would be a glazed separation internally between the University premises and the public library.
- 1.7 The application sets out that the proposal would be built out and occupied in phases. Phase 1 would comprise 7000sqm of the 23000sq m total proposed for opening in September 2023, with Phase 2 proposed for opening for the 2027/28 academic year. The Victorian block, while included within the change of use proposal, would not be subject to any physical works other than repair and maintenance and would not be occupied in the short term at least. A new wall would be constructed between the two blocks to split them where they are currently linked through (as part of the former retail unit floorspace). It is currently undecided whether this separation would be permanent or not. All cores and structural works would be undertaken in Phase 1 along with roof and façade repairs.
- 1.8 The application is referred to the Committee because of the S106 agreement proposed.

2.0 RELEVANT PLANNING HISTORY

| Application Number | Proposal | Decision | Decision Date |
|--------------------|--|----------------|---------------|
| 95/00077/FUL | Alterations to shopfront | Granted | 22.03.1995 |
| 95/00236/FUL | Installation of air conditioning units and acoustic screening yard. | Granted | 18.07.1995 |
| 95/00635/FUL | External painting of windows to Kings Square and St Aldate Street elevations | Granted | 07.02.1996 |
| 96/00074/FUL | Installation of plant on roof. | Granted | 26.03.1996 |
| 96/00365/FUL | Installation of air conditioning units and acoustic screen walls. | Granted | 15.07.1996 |
| 11/00131/ADV | Scheme A - Display of various illuminated and non - illuminated signage. (Signs B1, B2, B3, B4, C, D, E1, E2, E3, F,H, I, J, K, L1 & L2) Scheme B - Display of 1 no. two sided, wall mounted, projecting sign (Sign M) | Split decision | 01.04.2011 |
| 11/00471/ADV | Internally illuminated vertical projecting sign comprising individual lettering | Granted | 14.06.2011 |

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:

SP1 - The need for new development
SP2 – Distribution of new development
SD1 – Employment – except retail development
SD2 – Retail and City/town centres
SD3 – Sustainable design and construction
SD4 – Design requirements
SD8 – Historic Environment
SD9 – Biodiversity and geodiversity
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 219 of the NPPF states that '*...due weight should be given to (existing policies) 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).*' 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 hearing sessions for the examination of the pre-submission version of the Gloucester City Plan (City Plan) have concluded and the examining Inspector's post hearing letter has been received. The letter provides the inspector's view on modifications required to make the plan sound. Policies which are not listed as requiring main modifications may now attract more weight in the consideration of applications, with those policies which require main modifications attracting less weight depending on the extent of the changes required. The Plan remains an emerging plan and the weight that may be attributed to individual policies will still be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and the degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).

Relevant policies include:

A1 – Effective and efficient use of land and buildings
B3 – New employment development and intensification and improvements to existing employment land
C1 – Active design and accessibility

- C5 – Air quality
- C7 – Fall prevention from tall buildings
- D1 – Historic environment
- D2 – Non designated heritage assets
- D3 – Recording and advancing understanding of heritage assets
- D4 – Shopfronts, shutters and signs
- D5 – Views of the Cathedral and historic places of worship
- E2 – Biodiversity and geodiversity
- E4 – Trees, woodlands and hedgerows
- E5 – Green infrastructure: Building with nature
- E6 – Flooding, sustainable drainage, and wastewater
- F1 – Materials and finishes
- F2 – Landscape and planting
- F3 – Community safety
- F4 – Gulls
- G1 – Sustainable transport
- G2 – Charging infrastructure for electric vehicles
- G4 - Walking

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.11 – Shopfronts, shutters and signs

3.7 **Supplementary Planning Guidance/Documents**

- SuDS design guide
- Designing safer places
- Shopfronts, shutters and signage design guide
- Waste minimisation in development projects

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.gloucester.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 that are awaited and a financial contribution to Travel Plan monitoring of £10,000.
- 4.2 The **Conservation Officer** raises no objection subject to conditions to secure approval of certain detailed aspects of the development.
- 4.3 The **Civic Trust** has not commented.
- 4.4 The **City Archaeologist** raises no objection subject to conditions to secure an archaeological written scheme of investigation, its implementation, and approval of foundation design and ground works.

- 4.5 The **Contaminated Land consultant** raises no objection subject to the standard contaminated land condition.
- 4.6 The **Drainage Officer** raises no objection subject to conditions to secure approval of the detailed design of the surface water system, and its management and maintenance.
- 4.7 The **Environmental Health consultant** raises no objection but recommends clarifying that the plant proposed can meet the noise standards set out (this has subsequently been done).
- 4.8 The **Ecological consultant** raises no objection subject to conditions to secure further surveys, and details of a precautionary method of working.
- 4.9 The **20th Century Society** has not commented.

5.0 **PUBLICITY AND REPRESENTATIONS**

- 5.1 Neighbouring properties were notified and press and site notices were published. Due to the cyber incident a second round of this publicity was undertaken during February 2022. Please note that the second publicity periods expire shortly after submission of this report; based on the press notice period on 24th February, the neighbour notification period expiring on 18th February, and the site notice period 22nd February.

- 5.2 3 representations have been received. The issues raised may be summarised as follows:

Support for the scheme given by Stagecoach West.

Scheme would strongly compliment The Forum development.

The nature, size and format of the building means it would have continued to struggle as a retail asset.

At adoption of the JCS 5 years ago, was already accepted that town centre policy needed to be urgently re-addressed. Accelerated changes over recent years including from Covid could never have been anticipated by policy.

Opportunity for the City should be capitalised on without delay.

Supports a city centre location for the University.

Proposal should facilitate much more effective outreach and access to the community.

University is one of largest generators of personal trips in the area and vital that trips are by sustainable travel.

City Centre is by far the most accessible place in the County by all forms of sustainable mobility. Also good access to Gloucester from the most peripheral and deprived parts of the County.

Stagecoach wishes to assure that they do not see the capacity of public transport services being stretched as a result of the development.

Stagecoach will continue to collaborate closely with the University to ensure that service optimally meets travel needs and that pricing is attractive.

Other than for disabled provision, dedicated parking for the development would be unnecessary and inappropriate.

Almost inconceivable that a more appropriate site for University activities.

No material harms arising that would justify the proposal being resisted.

Full support to the proposal. Believes Gloucester needs to reinvent the city centre and give people a reason to visit.

Location makes it accessible to everyone and likely to drive new interest in skills development.

No decent central events facility in the City and is exciting that the venue will be able to offer

spaces for exhibitions and conferences.

Public library and health clinic facilities will drive people into the City and generate revenue and sustainability for small businesses.

Significant synergy between reuse of building and the new developments by Kings Square. Accepts there will be a need for an adequate Travel Plan to avoid congestion. Keen to see more cycle routes and green travel options into the City. Growth in their use by staff and students will make them more viable.

Please consider the lack of a decent art gallery and performing art space in the City. The City deserves better arts provision.

Please consider party of this vast building for flexible use for the visual and performing arts.

- 5.3 The application can be viewed on: [View your planning applications - Gloucester City Council](#) within the Westgate ward.

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 regard to this application are as follows.

- Principle
- Public benefits of the development
- Heritage – built heritage and archaeology
- Design, layout and landscaping
- Traffic and transport
- Residential amenity / environmental health
- Drainage and flood risk
- Land contamination
- Ecology
- Sustainability
- Waste minimisation
- Economic considerations

6.5 Principle

The NPPF requires decisions to give substantial weight to the value of using suitable brownfield land within settlements for identified needs, and promote and support the development of under-utilised buildings. Decisions should support development that makes efficient use of land. The NPPF also sets out that planning decisions should help create the conditions in which businesses can invest, expand and adapt, with significant weight given to the need to support economic growth and productivity. In relation to town centres it advises that decisions should support the role that they play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

- 6.6 Policies SP1 and SP2 of the JCS set out a requirement for a minimum of 192ha of B class employment land to support new jobs, with only part of it on strategic allocations. JCS Policy SP2 seeks to focus development in the JCS area at Gloucester and Cheltenham.

Policy SD2 of the JCS deals with retail and city centres and the background text notes the importance of maintaining and improving them to ensure their long term role and wider function and promoting competitiveness. Furthermore that they have a role in providing a diverse range of shops, services and facilities for the community as well as an economic function. It acknowledges the changing nature of the centres largely due to structural changes in the retail market, the importance of allowing centres the flexibility to diversify vitality and viability, and acknowledging that successful centres are about more than just shopping. The Policy sets out that within the city centre boundary, proposals for community facilities will be supported provided they would not have significant adverse impact on the amenity of adjacent residents or businesses. It also sets out that within the primary shopping frontage change of use of retail premises will not be permitted unless it can be demonstrated that; the unit is not suitable for continued retail use; the proposed use will 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. The Policy also sets out key principles for development in centres, including; new community facilities that contribute to the vitality and viability of designated centres will be promoted and supported; town centre development will be of a scale appropriate to its role and function and not compromise the health of other centres or sustainable development principles; proposals that help deliver the regeneration strategies for Gloucester City Centre will be supported.

- 6.7 The site is within the JCS Primary Shopping Area and all of the building frontage is designated as primary shopping frontage. The proposal would result in the loss of the retail use of the whole building and as such the loss of a substantial amount of retail floorspace and frontage.

- 6.8 Given the existing and proposed uses involved in this proposal Policy SD2 therefore has several somewhat competing elements. The proposal includes cultural and community facility uses. The applicant notes that the University is a well-established and important community facility for Gloucester and the County. Furthermore that the City centre campus would continue to enhance the role and function of the University as a key community facility. In this respect the Policy supports the cultural and community facilities that would be sited in the City Centre boundary (assessment of any significant impacts on the amenity of adjacent residents or businesses is dealt with later in the report). However the Policy also supports new retail development and there is a tension between the support for the new use and the associated loss of retail premises address in part 3 ii of the Policy.

6.9 In relation to the Policy SD2 part 3ii tests:

▪ The unit is not suitable for continued retail use –

It appears that the retailer formerly in occupation had issues with the scale and layout of the building. Furthermore it is apparent that department stores have been closing in volume in recent years. The applicant has sought to comment in detail on this trend in relation to this Policy criterion, asserting that structural changes in the retail market, particularly as a result of the pandemic, coupled with a shift in consumer patterns to online shopping have affected the vitality and viability of high streets. They note a major and sustained decline over the last decade with the costs of 'bricks and mortar' retailing proving unsustainable for many traditional retail business models. The pandemic will have further harmed this. They report numerous retail studies concurring that large department store formats are no longer viable and are highly unlikely to be suitable for continued retail use, and that this is also recognised by the Government. Former Debenhams sites are specifically referenced in the Government's 'Build back better high streets strategy'; stating that several Debenhams sites are expected to be converted into University lecturing halls, new homes, art galleries and entertainment venues, and these are all considered by the strategy to "breathe new life into high streets".

The applicant also reports that at the time of writing, approximately 85,600sqft of retail premises are available within the City Centre, a vacancy rate of around 3.3% that is slightly higher than the national average for the south west region. The application site is not included in that figure – if it were the vacancy rate is 11% and much higher than the regional average. This is useful context for this application because on face value while continued use for a department store format appears to be questionable, the floorspace remains essentially useable. The applicant asserts that there is unlikely to be any demand for retention of large retail formats, while if subdivided into smaller units, given existing vacancy rates in the centre it is unlikely that there would be any significant demand. The applicant therefore considers that the building is unsuitable for continued retail use.

This is an important consideration for the application because a substantial amount of primary shopping area floorspace and retail street frontage would be lost. The building is in a good location for retail and is useable. However in the context of the retail market as it exists now it does appear that demand for continued retail use either in a single or subdivided unit format, is likely to be limited in the near future, if not permanently.

- 6.10 ▪ the proposed use will maintain or enhance the vitality and viability of the area
As above, Policy SD2 acknowledges the need for flexibility to diversify while retaining vitality and viability, and the NPPF acknowledges that successful centres are about more than just shopping. The proposed layout sites the more public-facing elements of the use at the ground floor frontages, which is welcomed.

The use would also bring a new demographic of users into the City in volume, providing social and economic benefits, including through increased business activity in the city centre and increased footfall and patronage of city centre businesses in general. The applicant anticipates 1023 FTE students and 140 FTE staff would use the campus on opening in 2023/24, increasing to 1207 FTE students and 159 FTE staff by end of Phase 1 in 2026/27, and to 3694 FTE students and 359 FTE staff by 2030/31 with Phase 2. Two of the University's schools would be based entirely at the site.

Further evidence has been provided to seek to substantiate the impact on vitality and viability. The University commissioned an Economic Impact Assessment for the redevelopment of the building which set out that a fully operational campus would deliver £86.3mil GVA and 1235 jobs in Gloucester; £317mil GVA and 4424 jobs in Gloucestershire; £751.4mil GVA and 7225 jobs across UK.

The applicant also cites social benefits arising from the proposal, by giving an opportunity to address socio-economic challenges in the local area, as the site would become the home of the Schools of Health and Social Care and Education, and increasing the skill set of local students and graduates.

Overall, via a number of means, it is considered that the proposed use would at least maintain, and potentially enhance, the vitality and viability of the city centre.

The third criteria is that it would not have a significant adverse impact on the amenity of adjacent residents or businesses, and this is assessed later in the report.

- 6.11 In terms of Policy SD2's key principles for development in centres mentioned above; having concluded above that the proposals would maintain and potentially enhance vitality and viability, it is noted that the Policy gives support to new community facilities that do so. It is furthermore considered that the proposed city centre development is of a scale appropriate to its role and function and would not compromise the health of other centres or sustainable development principles.
- 6.12 Overall, while there is some tension with the prospects for re-use of the building for retail, there is broad compliance with Policy SD2, particularly in the context of the wider guidance in the NPPF and Government strategies.
- 6.13 Employment development
Policy SD1 of the JCS deals with employment, noting the potential for education uses to be employment providers and notes that such development will be supported for a range of circumstances including the redevelopment of land already in employment use and for the development of new employment land within Gloucester City. As above the NPPF also sets out that planning decisions should help create the conditions in which businesses can invest, expand and adapt, with significant weight given to the need to support economic growth and productivity.

- 6.14 The uses proposed would represent employment uses and while not proposed at a site allocation for such uses, would support the delivery of the employment floorspace set out in JCS policies SP1 and SP2. In relation to Policy SD1, the employment uses would take place within the City and would comply with that broad principle. While it would not represent redevelopment of land already in a traditional employment use, it appears likely to be associated with a larger number and greater variety of jobs than the retail use. It is considered that the proposal complies with the JCS and the NPPF in relation to the principle of employment use in this location.
- 6.15 Social and community infrastructure
The uses proposed would represent social and community infrastructure and JCS Policy INF4 deals with this. Policy INF4 sets out in relation to new community infrastructure that this should be centrally located to the population it serves and be easily accessible on foot and bicycle, and to have the potential to be well served by public transport. Flexible, multifunctional facilities are encouraged. The NPPF advocates ensuring an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 6.16 The application sets out that the University is seeking to significantly grow its teaching provision over the next decade and is anticipating increasing its student numbers by 65% by 2030/31 (to 14,565). It is noted that the University's current infrastructure is not sufficient to facilitate these growth ambitions. While the JCS and national policy does not include a test to demonstrate the 'need' for the development, it appears clear that there is a need for expanded facilities.
- 6.17 The JCS seeks to focus development on the main centres and given the likely geographical extent of the population it would serve – in relation to staff, and, likely to a much wider extent, the students, it is concluded that the site would be central to that population. The site is easily accessible on foot and bicycle and by public transport, with the potential to enhance this via the extension of the University's bus system, and provision of cyclist facilities at the new campus. Within the scope allowed for by the proposed uses, it would provide multifunctional facilities, and the development would be mixed use, providing benefits to the community with the cultural and education offer. The proposal is therefore considered to comply with Policy INF4 and the NPPF in relation to social and community infrastructure.
- 6.18 Other 'in-principle' policies
Policy A1 of the City Plan requires effective and efficient use of land and buildings which the proposals would deliver. The scheme would be of suitable scale for the site. The tests of overall improvement to the built environment and maintaining or enhancing the character of the locality and streetscene are considered later in the report. As above, the criterion of impact on amenity is discussed below. It would not prejudice the potential for comprehensive development of adjacent land. Provision of adequate parking, cycle and bin storage is addressed later. There is therefore no in-principle conflict with Policy A1 either.

6.19 Potential alternative uses

Finally on matters of principle, it should be noted that because uses within Class F1 are proposed, if planning permission were granted the building could also be used for other uses within that class without a further planning permission, including;

Display of works of art (not for sale or hire);

Museum;

Public worship or religious instruction;

Law court.

The Authority often considers a condition restricting this permitted change of use, if the alternative uses were likely to be harmful, hadn't been fully assessed, etc. Given the sustainable location of the site within the city centre, and considering the presence of similar uses already elsewhere within the centre, it is not considered that these alternative uses would be likely to have such significant impacts that a restriction of permitted development rights to limit the permission only to the uses mentioned in the application, is required in this instance.

6.20 Overall it is considered that the principle of the development is acceptable in this location within the City.

6.21 **Public benefits of the development**

Consideration of the likely public benefits of the scheme is relevant to the determination of this application, both in the overall balancing of the application's merits and in the context of any harm to heritage assets, whereby the NPPF advises that such heritage harm should be balanced against public benefits.

6.22 It is noted that the supporting text to JCS Policy SD1 explicitly comments on the University, noting the significant financial value it brings to the County, and these aspects have already been noted above. Public benefits from the proposal are also likely to include the following:

- Introduction of significant staff and student numbers to the City, likely to be accompanied by a related increase in footfall and associated spend in the locality. This has associated social benefits as well as community safety benefits in terms of natural surveillance within the area.
- Creation of jobs directly and indirectly.
- Investment in City centre building fabric.

Overall these are considered to be public benefits of considerable weight.

The applicant also promotes the securing of an optimum viable use of a non designated heritage asset and making a positive contribution to the Conservation Area as public benefits, which are acknowledged and agreed in the main, although some remaining concerns about heritage harm are considered to qualify these benefits somewhat.

6.23 **Heritage**

The proposal would affect designated heritage assets which are set out below. The buried archaeological assets and the building itself are non-designated. The NPPF requires that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in determining the application, and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Built heritage

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that where an area is designated as a conservation area *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area'*.

The National Planning Policy Framework sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance. In particular, paragraph 197 states that in determining planning applications, local 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'. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Policy SD8 of the JCS similarly seeks to preserve and enhance heritage assets as appropriate to their significance. Policy A1 of the city plan requires development to avoid a significant adverse impact on the streetscene and character of the locality. Policy D1 of the emerging City Plan reflects the guidance in the NPPF and JCS in respect of designated and non-designated heritage assets respectively. Policy D2 sets out criteria for dealing with non-designated assets. Policy D3 sets out requirements for recording and understanding the significance of assets where revealed, altered or damaged during proposals. Policy D4 sets out a presumption in favour of retaining good quality traditional shopfronts where they make a positive contribution to the character of an area, and supports new shopfronts which are of a high quality and respond to the character of the area, while the shopfronts guidance SPD sets out similar considerations. Similarly Policy CA5/8 of the Conservation Area Appraisal sets out that the Council will seek to ensure the retention of existing historic shopfronts and notable elements of historic shopfront design.

- 6.24 The site is situated in the City Centre Conservation Area and the building is designated as a 'positive building in the Conservation Area' in the Conservation Area Appraisal. The Appraisal mentions the building in the context of 'the 1920s and 1930s period of building demolition in Northgate and Eastgate Streets for new department stores e.g. Debenhams (then Bon Marché, built between 1928 and 1931)'. It furthermore notes features that are typical of the Inter-War period; 'the Art Deco details, picked out in ashlar blocks of Portland stone, on Debenhams and the other buildings in The Oxbode'. Negatives of the site are also recorded in the Appraisal; the openness of Debenham's service yard, without any street frontage buildings.
- 6.25 Neighbouring properties in St Aldate Street and The Oxbode are all recorded as 'positive buildings in the Conservation Area' within the Appraisal. Furthermore there are listed Buildings in the wider area, the nearest being the Grade 2* church on opposite side of Northgate Street (St John the Baptist church). Also in the vicinity are 11 Northgate Street (Grade 2); The New Inn (Grade 1); 62 Northgate Street (Grade 2), and the Grade 1 Cathedral farther from the site but clearly visible in the context of the upper levels of the application building.

6.26 *Applicant's assessment*

A heritage statement has been submitted which considers the building's history and significance, and the significance of the proposed works. As above, the building comprises 3 main phases; Victorian/Edwardian building on Northgate Street, 1930s art deco building on the Oxbode and 1960s wing facing Kings Square. It was originally designed for the Bon Marche department store, which was bought by Debenhams and rebranded in 1973. The statement records very few internal elements of architectural merit or interest. Elements that are of interest are decorative horizontal glazing at third floor roof lanterns; decorative plaster of the ceiling within at third floor level; and original 1930s passenger lift doors.

6.27 The applicant's overall assessment is that the building's significance is predominantly connected to its aesthetic value in relation to its architectural coherence and quality of design, principally the elevations to Oxbode and Northgate. The 1930s phase of the building is of good to medium/moderate significance while the 1960s phase is medium/moderate to low significance. The interiors have been substantially altered and the elements remaining such as staircases are of low quality and little interest. Historic features that have survived and are of higher significance include the hexagonal roof lanterns and accompanying decorative plasterwork which had graced the high status space of the restaurant on the top floor.

6.28 In terms of the impact arising from the proposals, the applicant's impact assessment assigns a magnitude of impact to parts of the building including minor/low adverse impacts to ground and first floors, with high beneficial impact to the 3rd floor and medium/moderate benefit to roof. Overall it concludes that the magnitude of impact of the sum of the alterations is adverse minor/low. They conclude that the harm caused by the proposal is less than substantial, in the context of the NPPF terminology.

6.29 *Positive works*

The proposal includes several positive works that would enhance the appearance of the building and area. The opening up of the painted-over windows, repairs and the adaptation of the Kings Square-facing façade would all contribute positively. The overcladding to the service yard elevations with insulated render system would unify the appearance of this lower-quality part of the building and would be beneficial. The plasterwork of the 3rd floor ceiling in the former restaurant area is proposed to be retained with the area now shown for an open plan staff area. The historic roof lanterns here are now also to be retained and restored which is welcomed (the roof lights covering the period lanterns would be replaced). The Portland stone façade of the building would be repaired. Stained glass fascia panels above the shop windows would be repaired and refurbished to remove the later metal grills. The existing clock at The Oxbode/Northgate corner would be retained and refurbished. Trees would be planted and railings installed to replace the St Aldates Street/service yard boundary wall and redefine this edge in a more attractive manner which would improve the appearance of the streetscene.

6.30 *Replacement windows to the Oxbode block*

This has proven to be the most notable heritage impact consideration. The 1930s block comprises the whole northern side of The Oxbode and the windows make a significant contribution to the character of the street. The applicant has supplemented the original submission with a further analysis of the existing windows and the proposal for their replacement. This sets out the poor thermal performance of the existing windows, their deteriorated condition and the significant cost (noted as c £1.2million) and practical difficulties of retention/repair compared to replacement. A more thermally efficient Crittal window system is proposed as the replacement which has worked successfully elsewhere. The applicant believes this would have a very similar appearance to the existing.

- 6.31 The heritage appraisal comments on the replacement window proposal, noting that replacement to match in material and appearance would cause some damage to the integrity of the building but not destroy it nor impact on the understanding and appreciation of the building. It considers the impact of the proposed replacement windows to be adverse minor/low. Reinstating the colour with painted finish to the 1st/2nd floor panels sited vertically between the windows would have a beneficial medium/moderate impact to a key characteristic and improvement of asset quality.
- 6.32 While there is a negative impact arising from the loss of historic fabric, the Conservation Officer accepts the replacement with the new Crittal windows. To ensure that the quality of detailing, glazing pattern, etc are delivered, precise detailed drawings are proposed to be secured by condition alongside approval of materials and methodologies for some of the repair work. However the Conservation Officer cannot support the ground floor fenestration works including the use of a grey louvre detail and seeks a revised treatment by condition.
- 6.33 *Roof level works*
The additional plant and screens at roof level could impact on the appearance of the building and street. However at the Northgate end the plant screens would be set back approximately 2.5m from the perimeter of the building to mitigate the appearance from street level. The submitted 3d visual shows it has limited visual impact from street level. A second smaller rooftop plant area on the Kings Square block towards St Aldate Street would also have a louvred metal plant screen. This would be fairly substantial and perceived in views of the street but the applicant has confirmed they have sized it to the worst case scenario to hide the plant, and it is considered that the screen is preferable visually.
- 6.34 *Built heritage conclusions*
Given the building is of heritage interest but not formally listed, the efforts of the applicant to amend the scheme to retain internal heritage features, notably at the upper floor former dining area, are welcomed. While there have been concerns about the loss of the original windows, the proposed replacements are of good quality and would generally replicate the existing arrangement in a more thermally efficient manner. Most of the other works would serve to enhance the appearance of the building. In terms of overall impact on built heritage, subject to conditions it is considered that the development would preserve and enhance the character and appearance of the Conservation Area and setting of listed buildings and would sustain their significance as heritage assets. As such the proposal accords with the above policy context and Sections 66 and 72 of the 1990 Listed Buildings and Conservation Areas Act are satisfied.

Archaeology

- 6.35 There is a formal scheduled monument designation nearby to the site on the Kings square side. While the site is outside the formal designation, given its location within the Roman City walls and evidence of previous finds, it is likely to contain significant archaeological remains, unless they have been destroyed by previous development.
- 6.36 This site is located in an area of the highest archaeological sensitivity and an archaeological desk-based assessment has been submitted with the application, and intrusive archaeological evaluations undertaken recently both inside the basement of the building and in the service yard area. An Archaeological Impact and Mitigation Statement has subsequently been provided. The construction of the basement itself removed a large depth of archaeological levels however the investigations have shown that significant remains of Roman date survive at a fairly shallow depth beneath the basement floor level, and post-medieval remains in the service yard area where the buried remains of the medieval and post-medieval churches may also reasonably be expected to be encountered.

- 6.37 The proposal involves several areas of intrusive works including excavations for new lift pits, sump pumps, foundation strengthening, surface water attenuation, and other drainage and service connections. These may damage archaeological remains however the City Archaeologist has advised that they are quite localised and small-scale impacts, and furthermore some have some flexibility in their precise arrangement. In the service yard area the attenuation system has been redesigned to a shallower depth. It should avoid the majority of remains and if connections are needed at a deeper level this would also be a localised, small scale impact.
- 6.38 The impact of the proposed development on buried heritage assets is acceptable with mitigation (likely to be archaeological excavation of the affected areas prior to development).
- 6.39 Overall conclusion on heritage matters:
The overall conclusion on built heritage is an acceptable impact subject to approval of details under conditions. The overall conclusion on archaeology is an acceptable impact subject to mitigation being secured by conditions. The NPPF requires that, where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. No outright objection is raised to the proposals in the consultation advice given, and the impacts can be addressed by use of conditions. The limited harm that would arise can therefore be mitigated and is outweighed by the public benefits that would arise from the development.
- 6.40 **Design, layout and landscaping**
The NPPF states that good design is a key aspect of sustainable development, and sets out criteria for decision making including ensuring that developments will function well and add to the overall quality of the area, 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.
- 6.41 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. Policy INF3 requires development to positively contribute to green infrastructure, also setting out that proposals that would impact on trees will need to include a justification for why this cannot be avoided and should incorporate mitigation for the loss.

- 6.42 Policy A1 of the Pre-Submission City Plan requires overall improvements to the built and natural environment, preserving the character of the area and appearance of the streetscene, and appropriate bin storage. Policy C1 requires development to meet the highest possible standards of accessible and inclusive design. Policy C7 seeks measures to help prevent suicide and accidental falls on buildings or structures over 12m in height. Policy D4 sets criteria for shopfronts, seeking high quality and response to the local character, as does Policy BE.11 of the 2002 Plan. Policy E4 requires biodiversity net gain on site (or a suitable alternative) if there is unavoidable significant adverse impact on trees, woodland or hedgerows, and tree protection measures during development. Policy F1 requires high quality architectural detailing, external materials and finishes that are locally distinctive, and developments to make a positive contribution to the character and appearance of the locality. Innovative modern materials will be encouraged where they strongly compliment local distinctiveness. Policy F2 requires hard surfacing, boundary treatments and planting to be appropriate to the location, and incorporate existing natural features where possible, and ensure adequate space for trees to mature. Policy F3 requires development to be designed to ensure that community safety is a fundamental principle.
- 6.43 The proposal would lead to several design benefits. These include increasing active frontage at the building. The opening up of the windows throughout the building including the provision of more activity at ground floor would be beneficial to the appearance of the building and natural surveillance. The applicant has confirmed that the public library operator's planned layout would be such as to retain views through into the unit as well. The main entrance addresses Kings Square, broadly aligned with the new links through the Square, which would increase activity onto, and connections with, the public space. The increased natural surveillance of the surroundings would be a benefit in designing out crime. The layout design would provide for the separation of the Victorian/Edwardian block and the public library from the remainder of the building at least in the short term.
- 6.44 General improvements to the appearance of the building overall would also be made. The St Aldate Street side of the site is of particularly poor quality currently and the improvement of the boundary edge to the street and the façades of the building are welcomed. The building would no longer function with a traditional shopfront however the works to the ground floor windows would generally be in keeping with its character (subject to reviewing the scope for alterations in relation to the vent additions), which is the general thrust of the shopfronts policy and guidance.
- 6.45 Policy D5 of the City Plan seeks to protect views of the Cathedral and places of worship, and while there are some additions to the roofscape in terms of the plant, no significant adverse effect is likely and there are larger existing structures on the roof. As above, the applicant has advised that the plant screen has been designed to the worst case scenario and might be able to be reduced later in the design process.
- 6.46 The application sets out that the design would meet all current regulations and good practice standards to provide a safe, secure and fully accessible development including the access from the accessible car parking spaces being flush to the footpath, and also access to the building being flush. In terms of fall prevention measures the application sets out that the roof would be restricted to public, but that the applicant would accept mitigation measures by condition.

6.47 *Landscaping and tree protection*

It is not yet clear what the likely extent of scaffolding, etc would be to undertake the works. There are trees nearby with substantial canopies, on The Oxbode and Kings Square. In the absence of clarity that they would not be harmed by the works, a tree protection condition is recommended. The planting to the service yard boundary is welcomed in terms of environmental enhancement.

6.48 Overall, subject to conditions the proposal would comply with the above policy context.

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 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 and sets out that permission will be granted only where the impact of development is not considered to be severe. Policy G1 of the emerging City Plan notes that the Council will work closely with the County Council and other organisations on local transport matters. Policy G4 supports development that protects and enhances convenient, safe and pleasant walking environments, and improvement of walking routes to sustainable transport hubs. Proposals that disrupt walking desire lines, reduce the pedestrian legibility or reduce pedestrian connectivity will not generally be supported. Policy A1 requires adequate off-street parking, access, and covered and secure cycle storage.

6.50 *Accessibility:*

The site is centrally located, with good accessibility for pedestrians and cyclists, with the main entrance off the pedestrianised square, and footway on the other three sides, and with cycle parking provision proposed in the service yard. The public library access would be off the Northgate Street/Oxbode corner from the footway in the same manner as the former retail unit, and close to the pedestrianised part of Northgate Street. The site is well served by public transport being in close proximity to the railway station and bus station and other bus stops (the applicant suggests 27 bus routes within 400m of site). The surrounding area is covered by a controlled parking zone and there are further parking restrictions in the immediate surrounding area. The Highway Authority is satisfied that there is good visibility out of the site from the vehicular access. Overall the site has good accessibility credentials.

6.51 *Parking:*

The scheme is proposed to be largely car free. Five blue badge parking spaces are proposed in the service yard (for staff, students or visitors) accessed off St Aldate Street via Northgate Street, and the Highway Authority considers this a suitable amount and note that blue badge holders can also park in nearby streets. Two of those five spaces would be serviced by one electric vehicle charging point. There are several public car parks nearby as well as some on-street parking availability. The Highway Authority has recommended that a Service Management Plan be produced, including to ensure service vehicles do not conflict with use of the parking bays.

6.52 Cycle parking comprising of 128 double stacked spaces is proposed from first occupation, also showers, lockers and changing facilities are proposed at the site. The scheme provides for room to provide more cycle spaces (up to 54 more), and the applicant commits to monitoring the need for this; the Highway Authority recommends that this be monitored via the Travel Plan.

6.53 The Highway Authority accepts the largely car-free proposal, and considers that there is suitable capacity to accommodate vehicles associated with the site, noting the different peak use times of the proposed use compared to the predominantly retail surrounding uses.

6.54 *Servicing:*

The applicant anticipates that service vehicles would be vans associated with the University's activities however servicing for the café may use larger vehicles, so a 10.5m rigid HGV has been tracked to ensure deliveries can be made with the proposed layout. Refuse bin collection would be from the bin collection point on St Aldate Street. The Highway Authority require the avoidance of on-street servicing and a refinement of the internal arrangement to facilitate it, which can be secured via the condition for the Service Management Plan.

6.55 *Highways impact:*

Existing and future demand:

The applicant has derived an existing demand from TRICS of:

AM peak

23 car driver trips

PM peak

311 car driver trips

The Highway Authority is satisfied with the methodology used to generate the trip rate. In terms of the trip generation of the proposed use they have used information from the applicant, based on teaching days running 9:15 – 17:15, with the on-line learning impacts of Covid addressed to factor in lower numbers in 2020/21. The staff and student predicted arrivals/departures are:

AM peak arrivals:

students 335, staff 37 (first phase); 372

students 1070, staff 87 (full development). 1157

PM peak departures:

students 291, staff 32 (first phase); 223

students 931, staff 76 (full development). 1007

Factoring in better accessibility of the proposed site compared to other campuses, the applicant proposes reducing student car driver modal share by 90% and staff car driver share by 50%, with remaining modal shares pro rata. This creates the following forecast trip generation:

AM peak ,

car driver 20, car share 39 (students and staff) Phase 1

car driver 56, car share 123 (students and staff) Full development

PM peak,

car driver 18, car share 34 (students and staff) Phase 1

car driver 49, car share 107 (students and staff) Full development

(other travel modes not referenced here)

The peak times of the existing and the main proposed uses are not likely to correlate (weekend retail use / weekday education use). The Highway Authority notes that the weekly levels of trip generation by the existing use would be significantly more than the proposed use and the proposal represents a de-intensification in use when weekly totals are considered. Similarly they note that service vehicle movements would be reduced.

- 6.56 The applicant concludes that the impact on the highway network is negligible with the relatively small number of car trips being made being distributed across a number of public car parks. The majority of trips is anticipated to be made on foot or by public transport. The impact in the PM peak as well as through the weekday and at weekends, is lower than the previous retail use, though accepted that it results in an increase in AM peak period trips.
- 6.57 The Highway Authority notes that public transport operators have confirmed that the surrounding public transport network has the capacity to accommodate the expected movements associated with the proposed use (this is combined with pre-pandemic public transport use).
- 6.58 The Highway Authority notes that there are no road safety hotspots nearby and the reduction in overall trips and in private vehicle/service vehicle trips would contribute to improving road safety.
- 6.59 *Travel Plan:*
The University has its own Travel Plan already and the application sets out that the development would build upon the existing Travel Plan objectives and be periodically reviewed with a 5 year lifetime. The existing Travel Plan sets out strategic objectives and an associated action plan. The targets in the proposal are welcomed, including increasing the proportion of trips by sustainable modes and reducing single occupancy vehicle trips including for business use, increasing awareness of travel options, as well as more ambitious targets for cycle use and reduction in staff single occupancy vehicle use. The Travel Plan sets out the proposed target outcomes, additional measures proposed and monitoring and review measures, as well as remedial actions that are committed to if targets are not met. Monitoring of the Travel Plan would be undertaken by the County Council, funded via a financial contribution that has been agreed by the applicant (£10,000 for 10 years' monitoring).
- 6.60 *Construction period:*
The application has not addressed vehicular/highways arrangements for the construction phase and this would likely need the detailed input of the contractor. The Highway Authority has raised issues of keeping such vehicles inside the site, use of a booking system and a banksman. This can be secured by condition.
- 6.61 *Highways conclusions:*
Overall the Highway Authority advises that the proposal will not generate a significant negative impact on the performance and safety of the surrounding highway network and its users subject to conditions and the financial contribution.
- 6.62 In conclusion, subject to conditions and the financial contribution, the proposal would not cause an unacceptable impact on highway safety or a severe impact on congestion, and would comply with the above policy context.
- 6.63 **Residential amenity / environmental health**
The NPPF seeks to ensure that developments provide a high standard of amenity for existing and future users. The NPPF sets out that decisions should ensure development is appropriate for its location taking into account effects of pollution on health and living conditions, and should mitigate and reduce to a minimum adverse impacts from noise, and avoid noise giving rise to significant adverse impacts on health and quality of life. It also requires planning decisions to sustain and contribute towards compliance with relevant limit values or national objectives for pollutants.

- 6.64 Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Policy SD14 also requires development to cause no unacceptable levels of pollution with respect to national and EU limit values. Policy C5 of the emerging City Plan requires major developments to demonstrate compliance with EU limit values and achieve national objectives for air pollutants. It also seeks to avoid building configurations that inhibit pollution dispersal, minimise public exposure to pollution sources, use green infrastructure to absorb pollutants, provide infrastructure that promotes transport modes with low air quality impacts, and control dust and emissions from construction operation and demolition. There is also an amenity criteria in Policy SD2 where considering changes of use in the primary shopping frontage. Furthermore Policy A1 of the City Plan includes criteria on the amenity of neighbours and future residents.
- 6.65 While the area is predominantly commercial there are residential units in the surroundings that could be affected by the proposal including on St Aldate Street and Northgate Street.
- 6.66 *Impacts of the building works:*
The scale and location of the building works are such that they would not cause harm to the living conditions of nearby residents or other occupants. It is recommended that a condition restricting times of works is imposed given the nearby presence of residential premises.
- 6.67 *Impacts of the building use:*
The proposed uses are considered appropriate in a mixed use city centre location that includes residential. Activity and some noise is to be expected during reasonable times of day. As the retail unit pre-dates the planning system it would not have been subject to conditions on a planning permission as to deliveries, however it seems unlikely that that the proposed uses would cause a significant increase in impacts from deliveries above and beyond a retail use, indeed the Highway Authority expects this to reduce.
- 6.68 New plant is proposed to support the proposed uses and a noise assessment has been produced considering its impact. This identifies that the main new noise source would be the rooftop plant (chillers, air handling units and air source heat pumps at roof level, plus some plant in the courtyard). It sets out that noise emissions from new or replacement building services noise sources would be controlled so that the rating noise from normally operational plant would be no greater than 5dB below the existing background noise level or 35dB LAeq, whichever is greater at the nearest noise-sensitive receiver. The Council's Environmental Health consultant is content with the analysis. It is recommended that an absolute restriction on plant noise to those levels is required by condition. The applicant has confirmed they can comply with the levels set out in the standard condition.
- 6.69 A café is proposed but the application confirms that catering facilities are proposed as reheat only, therefore there is no requirement for specific kitchen extract equipment. A condition is proposed to address the need for extraction equipment if hot food cooking were introduced, to protect amenity.

- 6.70 External lighting is proposed, mostly for safety. This includes columns at the rear of the service yard parking spaces, and some architectural façade lighting to the Kings Square and Oxboe elevations and potentially to the service yard. The final specification of this is not yet finalised. In the interests of visual amenity details of these should be secured by condition. The applicant has indicated that because 24/7 access to the library is needed, some lighting will also be needed, so a restricted 'times of use' condition on all lighting would not work for them. It is quite possible that the lighting scheme would cause no harm to residential amenity and there are already building-mounted streetlights on the St Aldate Street buildings on the far side which will have some impact, however as we cannot currently make a detailed assessment of the proposal, it is recommended that the details be considered under condition to preserve amenity as well as for design reasons. Illuminated signage is proposed and referred to in the application. This would need a separate advertisement consent application and would need to be sensitively designed to preserve the character and appearance of the building and Conservation Area.
- 6.71 An Air Quality Assessment has been submitted although the City Plan policy is directed at major development. In terms of the construction phase dust and emissions are likely to be below the threshold criteria, however given the residential premises in the vicinity it is a sensitive location for dust emissions and provision of a construction environmental management plan under condition should secure measures to mitigate the impacts including the measures in the air quality report. In terms of the occupation phase some minor emissions would be associated with it but the current car park capacity would be reduced. The site is not likely to be significantly affected by road traffic emissions given the surrounding area and nature of the adjacent roads and the closest monitoring site at the Guildhall has been below the annual mean NO₂ standard for several years. For the area, DEFRA-predicted background concentrations are all below the relevant air quality standards for all pollutants. No mitigation measures are considered to be required for the operational phase given the negligible change in pollutant concentrations.
- 6.72 Overall, subject to conditions the proposal complies with the above policy context.
- 6.73 **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. Policy E6 of the emerging City Plan sets out a similar approach to making development safe, avoiding an increase in flood risk, the sequential and exception tests, requiring Sustainable Drainage Systems, incorporating climate change considerations, facilitating benefits to watercourses and floodplains, and maintaining a buffer strip for maintenance and ecology.
- 6.74 The site is in Flood Zone 1, the lowest risk, so there are no fluvial flood risk implications. Surface water flood mapping does not show any significant risk in this regard.

- 6.75 The drainage strategy and layout have been revised. The current drainage system appears to take all building roof runoff into the sewer in The Oxbode. The scheme proposes separate foul and surface water systems rather than the current combined system. A SuDS design is proposed with a shallow attenuation tank beneath much of the service yard area, with restricted discharge rate into the public sewer. In addition modified roof outlets would mobilise attenuation on the roof. The space for an easily accessible form of attenuation on the site is limited. This revised proposal uses a large extent of the service yard area while also addressing the archaeological constraint, and utilises the roof, and is considered a reasonable approach to sustainable drainage given the competing issues and limited space. The Drainage Officer advises that the surface water strategy is acceptable subject to approving the precise final design including addressing water quality, and its maintenance under condition.
- 6.76 All foul connections from the buildings would be connected via the existing combined sewer connecting to that in Northgate Street.
- 6.77 Subject to conditions the proposal complies with the above policy context.
- 6.78 **Land contamination**
The NPPF requires decisions to enhance the environment by remediating and mitigating contaminated land where appropriate, and ensure that a site is suitable for the proposed use taking account of ground conditions and any risks, and that after remediation as a minimum the land should not be capable of being determined as contaminated land. Responsibility for securing a safe development rests with the developer/landowner. Policy SD14 of the JCS requires that development does not result in exposure to unacceptable risk from existing or potential sources of pollution, and incorporate as appropriate the investigation and remediation of any contamination.
- 6.79 The submitted Geotechnical Report considers that contamination is not a significant risk. The applicant has responded to queries from the Council's contaminated land consultants regarding potential contaminative sources and pathways. The applicant proposes further geo contamination testing, and verification of works to remove fuel tanks and substations would be needed, to ensure that any impacted underlying soils do not pose an ongoing risk.
- 6.80 Overall, because it is not clear that all potential contaminative sources have been considered in the existing report, the full, staged contaminated land condition is recommended by the Council's consultant. Subject to this condition the proposal would comply with the above policy context.
- 6.81 **Ecology**
The NPPF requires development to minimise impacts on and provide net gains for biodiversity. Policy SD9 of the JCS similarly requires the protection and enhancement of biodiversity in the area. The emerging City Plan Policy E2 requires the conservation of biodiversity and providing net gains. Policy E4 requires biodiversity net gain on site (or a suitable alternative) if there is unavoidable significant adverse impact on trees, woodland or hedgerows. Policy E5 requires development to contribute to the provision, protection and enhancement of the Green Infrastructure Network. Policy F4 of the City Plan covers measures to deal with gull roosting, nesting and damage.
- 6.82 A desk study and an extended phase 1 habitat survey, plus internal and external preliminary bat roost assessment have been undertaken. These conclude the habitats of the site are of negligible value. Using the biodiversity metric their baseline biodiversity net gain calculation indicates that the site currently has 0.02 habitat units of medium distinctiveness.

- 6.83 The main issues for this application are considered to be the potential impact on birds and bats. The applicant proposes to undertake construction with buffer zones from any nesting birds, with their ecologist advising whether works can continue with such mitigation. The Council's ecology adviser is happy with the proposed measures for birds given the species likely to be affected and the potential year-round impact of them. In terms of bats the submitted report considers the site's commuting and foraging habitat to have low suitability. No bats or evidence of bats were observed during the inspections. However several potential roost features were assessed to have 'low' suitability to support roosting bats under the review criteria, and as such in accordance with guidance further surveys were recommended, which can only take place between May and August. While subsequent additional detailed surveys have clarified the bat potential somewhat further, and reduced some features from a 'low' potential to a 'negligible' potential, there remain some features where a further survey is still needed to verify the status.
- 6.84 Both the developer and the local authority have a general duty in respect of protected species in addition to considering what planning policy sets out for the determination of a planning application. The government guidance is clear that an authority needs to consider the full impact of the proposal on protected species before it can grant planning permission, that the authority should not decide on planning applications until it has received all the necessary surveys and should not usually attach planning conditions that ask for surveys. It has not been possible to confirm the absence of protected species from several of the roof structures originally proposed for demolition. In these circumstances, given the applicant's programme and the associated need for a Committee decision in March, the works to the roof have been reduced, with the proposed demolition of two of the 'low potential' features now omitted from the current application. As such in the current application all the 'low potential' features are now either retained on the 1930s/1960s block, or located on the Victorian block where no planning application works are proposed anyway. It is likely that a further planning application solely for the roof alterations, new plant, lift overruns, etc would be submitted after the May surveys, if this initial planning application were granted. The applicant's ecologist has advised that given the large size of roof and the locations of the potential features, it is reasonable that works at roof level that have no potential impact on the roosting features can be undertaken in advance of the further surveys under a precautionary method of working that would provide information to contractors, and set out features that must not be disturbed and working methods to minimise potential disturbance. This can be secured by condition.
- 6.85 Subject to specific actions being carried out by the applicant as specified by the Council's ecology adviser, there is now no objection to the principle of the works. These actions comprise undertaking a dusk emergence survey between May and August to determine if the features do support a bat roost, prior to any impacts on these features. If this shows no evidence of a roost works may continue. If a roost is identified, two further surveys are required to characterise the roost, come up with any mitigation necessary, and a Natural England license would be required. To ensure that the works would avoid impacts the Precautionary Method of Working would need to be considered prior to commencement of works.
- 6.86 In terms of ecological benefit, overall the applicant's biodiversity metric calculation indicates that post-intervention habitat creation and enhancement (including planting of broadleaved trees, green roofs and green walls), would provide 0.05 habitat units which although limited represents a net gain of over 250% from the existing. This should be secured by condition.

- 6.87 In terms of specific enhancement measures the report suggests two nest boxes for swifts plus the 2HW Schwegler nest box. Mitigation or enhancement measures for bats can be refined following completion of further bat surveys but the report indicates possible bat boxes, tiles or houses.
- 6.88 With mitigation the report concludes that the development would not lead to likely significant effects on habitats and birds within the study area. If bat roosts are identified, suitable mitigation would be devised.
- 6.89 The applicant's report suggests that the existing netting is removed from roof to prevent harm to birds. Given this is a significant expanse of flat roof it is recommended that alternative gull mitigation measures are secured by condition. The applicant confirms that the existing access to the roof would be retained, so management measures may be an option.
- 6.90 Subject to conditions the proposal would comply with the above policy context.
- 6.91 **Sustainability**
The NPPF supports the transition to a low carbon future and contributing to reductions in greenhouse gas emissions. It expects developments to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. Policy SD3 of the JCS requires all developments to demonstrate how they contribute to the principles of sustainability by increasing energy efficiency. Proposals will be expected to achieve national standards. Policy G2 of the emerging City Plan requires that for non-residential development providing 100 or more spaces at least 2% should be utilised for charging.
- 6.92 An energy strategy has been submitted. Proposals include multiple building-fabric measures including insulation, external shading and high performance glazing, air tightness, using natural light as well as efficient artificial lighting, and air source heat pump, however the PV at roof level referred to in the report has now been removed from the proposals by the applicant (not associated with the bat constraint). The applicants are targeting BREEAM 'Excellent'.
- 6.93 The report includes the estimated building energy usage as proposed and predicts that the proposal would, with the improved u-values, represent an 80% reduction in annual energy use compared to the existing building with no fabric improvements. The use of air source heat pumps would provide a further energy saving.
- 6.94 There are therefore some commitments to sustainability measures which is welcome. The car park includes 5 spaces, below the City Plan threshold for charging spaces, although the NPPF and JCS encourage provision of electric vehicle charging facilities and some could be secured by condition. Policy SD3 requires proposals to demonstrate how they contribute to the aims of sustainability by increasing energy efficiency, and will be expected to meet national standards. On that basis, there would be no conflict with Policy SD3.
- 6.95 **Waste minimisation**
The NPPF sets out that sustainable development has an environmental objective that includes minimising waste. The saved Gloucestershire Waste Local Plan Policy 36 relates to waste minimisation and requires developments to include a scheme for sustainable management of waste generated from the scheme during construction and occupation.

- 6.96 A statement has been submitted. As noted already the project is targeting a BREEAM 'Excellent' rating and the BREEAM WST credits will be used to guide design and construction. A range of proposed measures are set out although at this stage of the project the measures cannot be fully set out and they propose that a site waste management plan would be produced prior to the main construction works commencing. It is proposed that measures for the construction phase be secured by condition. As a private occupier waste collection would be for them to manage, however provision of a dedicated refuse store in the service yard and collection point off St Aldate Street (subject to the Highway Authority reviewing the service management plan under condition), as well as their commitment to achieving the BREEAM operational waste credit in full, appears to be reasonable provision to manage waste and recycling arising from the use (the BREEAM operational waste credit encourages provision of dedicated storage facilities for operational-related recyclable waste streams).

Subject to securing the measures by condition, the proposal is considered to comply with the above policy context.

6.97 **Economic considerations**

The proposals potentially support economic growth and the NPPF gives significant weight to such benefits. The construction phase would support employment opportunities in the short term, and the significant number of employment opportunities (the application refers to 359FTE) and the associated benefits already noted earlier in the report such as associated spend in the locality, could have further positive effects. Therefore the proposal would have economic benefit. In the context of the NPPF advice that 'significant weight should be placed on the need to support economic growth through the planning system', this adds some weight to the case for granting permission.

6.98 **Other matters**

In terms of the representations about use for performing arts and an events venue, the use of the building would have to be proposed by the applicant where it is not allocated for such a specific use in the development plan. The uses proposed are for Class F1 a) education, d) public library and e) public or exhibition hall. As a public or exhibition hall it could be put to similar use, while use for the display of works of art (not for sale or hire) would also be a Class F1 use not requiring further permission. However the use for such is ultimately down to the operator and the proposed layout does not indicate such use. In planning terms the proposed uses in the application are considered acceptable. The site might equally be acceptable for performing arts or events more extensively, although that would likely require a further planning application for assessment, and would ultimately be up to the owner/operator to submit that.

6.99 **Legal agreement heads of terms**

The Travel Plan monitoring is the only issue needing to be addressed by legal agreement. The terms are;

Financial contribution to monitoring of the Travel Plan. £10,000 to fund monitoring for 10 years.

6.100 **Conclusion**

This application has been considered in the context of the policies and guidance referred to above. While there are tensions in relation to the inherent useability of the former retail building and the associated loss of retail floorspace and frontage that would arise from the proposal, significant environmental, economic and social benefits would also arise. Subject to conditions and completion of the legal agreement, the proposal is considered to be broadly consistent with those policies and guidance in terms of the principle, and furthermore consistent in terms of heritage, design, traffic and transport, residential amenity/environmental health, drainage and flood risk, land contamination, ecology, sustainability, waste minimisation and economic considerations. The proposal is acceptable and accordingly it is recommended that planning permission be granted.

7.0 **RECOMMENDATION OF THE PLANNING DEVELOPMENT MANAGER**

7.1 That planning permission is **GRANTED** subject to;

completion of a legal agreement to secure a financial contribution to Travel Plan monitoring;
and;

the following conditions and additional highways-related conditions that are awaited:

7.2 Members will be updated on this at the Committee meeting along with the Highway Authority conditions.

Condition 1

The development hereby permitted shall be begun before the expiration of 3 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.

Condition 2

The development hereby permitted shall be carried out in accordance with the drawings on the following plans except where otherwise required by conditions of this permission:

Location plan ADP-00-XX-DR-A-0905 Rev. S2 P3
Proposed block plan A-901 Rev. S2 P2
Lower ground floor plan ADP-00-B1-DR-A-1018 Rev. S2 P11
Ground plan ADP-00-GF-DR-A-1019 Rev. S2 P8
First floor plan ADP-00-01-DR-A-1020 Rev. S2 P7
Second floor plan ADP-00-02-DR-A-1021 Rev. S2 P5
Third floor plan Option D ADP-00-03-DR-A-1022 Rev. S2 P5
Roof plan ADP-00-R1-DR-A-1023 Rev. S2 P6
Proposed elevations 01 ADP-00-ZZ-D-A-1250 Rev. S2 P3
Proposed elevations 02 ADP-00-ZZ-D-A-1251 Rev. S2 P3
Proposed sections ADP-00-ZZ-D-A-1310 Rev. S2 P2
Proposed bay study The Oxboode ADP-XX-ZZ-D-A-4200 Rev. S2 P2
Proposed bay study Kings Square 01 ADP-XX-XX-D-A-4201 Rev. S2 P2
Proposed bay study Kings Square 02 ADP-XX-XX-D-A-4202 Rev. S2 P2

Reason

To ensure that the development is carried out in accordance with the approved plans.

Condition 3

The development shall be constructed in accordance with the Phasing legend shown on the approved floorplans.

Reason

To ensure that all relevant planning considerations are addressed for each phase.

Condition 4

Notwithstanding the submitted details, construction or alteration of the following elements of the development shall take place only in accordance with details, specifications and samples of their appearance (and their implementation where specified), as well as scaled elevations showing their use across the building, that have been submitted to and approved in writing by the Local Planning Authority in advance:

- New cladding, render, and brickwork to walls;
- Brickwork/facing material to new structures in service yard;
- Cladding to roof top plant enclosures and metal louvred plant screen;
- New window and door framing / curtain wall glazing (including back painted glass to spandrel panels within curtain wall system);
- Brise soleil / metal fins, and metal louvres where inserted into window openings;
- Any new railings to roof level perimeter;
- Granite plinth;
- Detailed drawings including sections and methodology for new windows and (new or repair) window-column panelling to the elevation facing The Oxbode;

Reason

To ensure a satisfactory appearance to the development and preserve the character and appearance of the Conservation Area and setting of listed buildings

Condition 5

The development shall be carried out in accordance with detailed drawings of the proposed windows and doors, at a minimum scale of 1:5 with moulding profiles at full size, including elevations and sections, which have first been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory appearance to the development and preserve the character and appearance of the Conservation Area and setting of listed buildings

Condition 6

Notwithstanding the approved drawings, the development shall be undertaken only in accordance with revised drawings for the treatment of the ground floor windows and doorways that have first been submitted to and approved in writing by the Local Planning

Authority.

Reason

To preserve and enhance the character and appearance of the conservation area in which this development is located.

Condition 7

The repair and restoration of the third floor 'restaurant' area panelling and interior design shall be undertaken in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

To preserve the heritage asset.

Condition 8

Notwithstanding the submitted details, alteration of the following elements of the development shall take place only in accordance with details that have been submitted to and approved in writing by the Local Planning Authority in advance:

- Methodology for any repair to railings to roof level perimeter;
- Methodology and detailed drawings at a minimum scale of 1:5 of repairs to roof lanterns, and details of replacement covers;
- Methodology for façade cleaning and repair works to the building facade and features;

Reason

To ensure a satisfactory appearance to the development and preserve the character and appearance of the Conservation Area and setting of listed buildings

Condition 9

Notwithstanding the submitted details, any boundary treatments or means of enclosure (notably fence/railing/gates to St Aldate Street boundary including the perimeter of the access to the bin store area) shall be implemented only in accordance with scaled drawings of their location, form, appearance and materials that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory appearance to the development and preserve the character and appearance of the Conservation Area.

Condition 10

Notwithstanding the submitted details, prior to commencement of any planting details of any soft landscaping including tree planting, ground level planting, green roofs and wall climbers (comprising of a scaled layout plan, planting specification including with respect to trees the size of specimen at the time of planting, tree pit details and any below ground mechanism to accommodate trees alongside utilities), and the phase in which the works will take place, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory and well planned development and to preserve and enhance the

quality of the environment.

Condition 11

The approved soft landscaping details shall be carried out in full concurrently with that phase of the development and shall be completed no later than the first planting season following the completion of the building works for that phase. The planting within that phase shall be maintained in accordance with the approved details for a period of 5 years following implementation of each phase. During this time any trees, shrubs or other plants which are removed, die, or are seriously damaged shall be replaced during the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

Reason

To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

Condition 12

No development to the external parts of the building that requires scaffolding or other mobile or fixed access equipment, including demolition works, shall be commenced on the site nor shall any machinery or material be brought onto the site for the purpose of such development until full details of adequate measures to protect trees on adjoining land have been submitted to and approved in writing by the Local Planning Authority, These shall include:

(a) Fencing. The protective fencing design must be to specifications provided in BS5837 2012 or subsequent revisions, unless agreed in writing with the Local Planning Authority. A scale plan must be submitted and approved in writing by the Local Planning Authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been inspected on site and approved in writing by the Local Planning Authority. Such fencing shall be maintained during the course of development to the external parts of the building that requiring scaffolding or other mobile or fixed access equipment.

(b) Tree Protection Zone (TPZ). The area around trees enclosed by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ, unless agreed in writing with the Local Planning Authority. The TPZ shall be maintained during the course of development to the external parts of the building that requiring scaffolding or other mobile or fixed access equipment.

Reason

To ensure adequate protection to existing trees and to retain habitat, in the interests of the character and amenities of the area and protecting biodiversity.

Condition 13

Any external lighting installed for the development shall be in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. The submitted details shall include their location, scale, design/specification, light spill, and times of use.

Reason

To ensure the proposed development does not have an adverse effect on the character and appearance of the area or the amenities of nearby properties.

Condition 14

No demolition or development shall commence below existing ground level within the application site until a Written Scheme of Investigation of archaeological remains, including a timetable for the investigation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:

- a) The programme and methodology of site investigation and recording.
- b) The programme for post investigation assessment.
- c) Provision to be made for analysis of the site investigation and recording.
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e) Provision to be made for archive deposition of the analysis and records of the site investigation.
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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.

Condition 15

All demolition and development shall take place in accordance with the approved Written Scheme of Investigation of archaeological remains. This condition shall not be discharged until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 14, provision has been made for the analysis, publication and dissemination of results and archive deposition has been secured.

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.

Condition 16

No development other than any demolition down to ground floor slab level, site securing, or works to the external façade or roof of the building shall commence within the application site 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, ground contamination remediation, 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 of archaeological interest. These details are required to ensure that disturbance or damage by foundations and related works are minimised, archaeological remains are, where possible, preserved in situ.

Condition 17

Measures to ensure the security of, and/or safety of persons accessing, the roof of the building shall be implemented prior to the occupation of the building for the use hereby approved in accordance with details to be submitted to and approved in writing by the Local Planning Authority in advance.

Reason

To help prevent suicide and accidental falls.

Condition 18

The rating level of sound emitted from any fixed plant or machinery associated with the development shall not exceed background sound levels by more than 5dB(A) between the hours of 0700 to 2300, taken as a 15 minute LA90 at the nearest sound sensitive premises and shall not exceed the background sound level between 2300 to 0700, taken as a 15 minute LA90 at the nearest sound sensitive receiver. All measurements shall be made in accordance with the methodology of BS 4142 (2014 Methods for rating and assessing industrial and commercial sound) or any national guidance replacing that Standard. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Reason

To safeguard the amenities of the area.

Condition 19

Construction and demolition work and the delivery of materials shall only be carried out between 0800 hours to 1800 hours Monday to Friday, 0800hours to 1300hours on Saturdays and no construction or demolition work or deliveries shall take place on Sundays or Public/Bank Holidays.

Reason

To safeguard the amenities of the area.

Condition 20

Prior to commencement of any development within a phase (as shown on the Phasing legend shown on the approved floorplans) a Construction (and demolition) Environmental Management Plan (CEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but is not limited to):

- a. Site access/egress
- b. Staff/contractor facilities and parking
- c. Storage, loading and unloading areas for materials and plant
- d. Dust mitigation measures
- e. Noise and vibration mitigation measures

f. Measures to minimise disturbance to ecological assets

Development of that phase shall take place only in accordance with the approved CEMP.

Reason

To protect the environment and ecological assets.

These details are required pre-commencement due to the potential impacts of the first phase of works.

Condition 21

No café or other facility involving the cooking of hot food on the premises shall open to customers until ventilation and cooking fume control measures have been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter the equipment shall be maintained in accordance with the manufacturer's instructions for as long as hot food provision is continued.

Reason

In the interests of protecting the amenities of the area

Condition 22

Notwithstanding the submitted details, prior to commencement of the approved use, a scheme for biodiversity enhancement, including incorporation of permanent bat roosting features, measures such as nesting opportunities for birds, and a planting scheme including species of value to wildlife, shall be submitted to and approved in writing by the Local Planning Authority. The approved details thereafter shall be implemented concurrently with the development of the phase in which they are proposed to be located, and retained and maintained for their designed purpose, in accordance with the approved scheme. The scheme shall in its totality reach at least a value of 0.05 habitat units in accordance with the biodiversity metric submitted with the application reports, and shall include, but is not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- ii. Materials and construction to ensure long lifespan of the feature/measure;
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken;
- iv. When the features or measures will be installed and made available.

Reason

To provide net gains for biodiversity.

Condition 23

Prior to the commencement of the use hereby approved, a scheme of seagull mitigation measures for the building shall be implemented in full in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. Any management measures comprised in the approved details shall be operated for the lifetime of the development.

Reason

To deal with gull nuisance issues in the interests of the amenities of the area.

Condition 24

Building works and vegetation removal shall take place outside of the bird nesting season. If this cannot be achieved, a suitably qualified ecologist shall carry out a nesting bird check prior to work and supervise those works where required.

Reason

To protect biodiversity interests.

Condition 25

A dusk emergence/re-entry survey for bats shall be undertaken between May and August in any single year and the results shall be submitted to the Local Planning Authority prior to any works being undertaken that affect features on the roof of the building identified in the application as having low bat roost potential.

Reason

To protect biodiversity interests.

Condition 26

If the dusk emergence survey for bats submitted under Condition 25 identifies a roost, two additional dusk emergence/re-entry survey for bats shall be undertaken between May and August in any single year to characterise the roost and the results of these additional surveys, alongside a scheme of mitigation, shall be submitted to and approved in writing by the Local Planning Authority prior to any works being undertaken to features on the roof of the building identified in the application as having low bat roost potential. The scheme of mitigation shall include, but is not limited to; measures proposed, details of their location and form if physical works are proposed, and a timetable for implementation. The approved mitigation scheme shall be implemented in full in accordance with the approved timetable.

Reason

To protect biodiversity interests.

Condition 27

Unless proof of the absence of protected species from the site has been submitted to and approved in writing by the Local Planning Authority in advance, no works shall be undertaken to the roof of the building until a Precautionary Method of Working has been submitted to and approved in writing by the Local Planning Authority. Any subsequent works to the roof of the building shall be undertaken only in accordance with the approved Precautionary Method of Working.

Reason

To preserve conditions for any bats that may be present at the site.

Condition 28

No development of a phase (as shown on the Phasing legend shown on the approved floorplans) that involves intrusive works to the ground or soft landscaping at ground level, other than archaeological works or that required to be carried out as part of an approved scheme of remediation shall commence until parts 1 to 4 below have been complied with for that phase. 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 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site, 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 shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

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

2. 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. Where undertaken on a phased basis the Remediation Scheme must specify measures to ensure that remediated phases continue to be protected from impacts from un-remediated phases.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development that involves intrusive works to the ground or soft landscaping at ground level other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

4. 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 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of

part 2 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, and submitted to and approved in writing by the Local Planning Authority in accordance with part 3 above.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an appropriate time period, and the provision of reports on the same, shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to and approved in writing by 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 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. This condition is required prior to intrusive works because there is potential for contamination to exist on the site.

Condition 29

No development shall commence other than any demolition down to slab level, site securing, or works to the external façade or roof of the building until a detailed design for the surface water drainage strategy presented in the Drainage Statement GCC-ARUP-ZZ-XX-RP-C-0001 P02 has been submitted to and approved in writing by the Local Planning Authority. The submitted design must demonstrate the technical feasibility and viability of the proposed drainage system through the use of SuDS to manage the 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 implemented in accordance with the approved details and shall be fully operational before the development is first occupied for the use hereby permitted.

Reason

To ensure the development is provided with a satisfactory means of drainage and thereby reducing the risk of flooding and to minimise the risk of pollution. It is important that these details are agreed prior to the commencement of intrusive development as any works on site could have implications for drainage, flood risk and water quality in the locality.

Condition 30

The development hereby permitted shall not be occupied for the use hereby permitted until a SuDS management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SuDS maintenance plan shall be implemented in full in accordance with the approved details for the lifetime of the development.

Reason

To provide for the continued operation and maintenance of sustainable drainage features

serving the site and to ensure that the development does not result in pollution or flooding, to improve water quality at point of discharge.

Condition 31

No development of a phase (as shown on the Phasing legend shown on the approved floorplans) shall commence until a Waste Minimisation Statement for the Demolition and Construction Period for that phase has been submitted to and approved in writing by the Local Planning Authority. The Waste Minimisation Statement shall include details of the types and volumes of construction and demolition waste likely to be generated including measures to minimise, re-use and recycle that waste, and minimise the use of raw materials. The development shall be carried out in accordance with the approved Waste Minimisation Statement.

Reason

In the interests of waste minimisation. This is required pre-commencement given the impacts are likely to commence immediately upon development starting.

Condition 32

Prior to the commencement of the approved use cycle and bin storage facilities shall be made available for use in accordance with the approved plans (subject to any revisions approved pursuant to other conditions of this permission), and those facilities shall be maintained for the lifetime of the development.

Reason

To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up, and in the interests of the visual amenities of the area and avoid clutter on the highway.

Condition 33

The development hereby approved shall not be brought into use until electric vehicle charging points have been installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such spaces and power points shall be kept available and maintained for the use of electric vehicles as approved.

Reason

To encourage sustainable travel and healthy communities.

Condition 34

No development of a phase (as shown on the Phasing legend shown on the approved floorplans) shall commence, including any demolition works, until a Construction Management Plan for highways matters has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period for that phase. The plan shall provide for:

- 24 hour emergency contact number;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;

- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles including a banksman if necessary;
- Booking system for deliveries, etc.
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason

In the interests of safe operation of the adopted highway during the demolition and construction phase of the development.

Condition 35

Service Management Plan condition subject to Highway Authority recommendation.

Conditions 36 +

Conditions pursuant to the Highway Authority recommendation, to be confirmed.

Informatives:

Note

This permission is associated with a legal agreement.

Note

Notwithstanding the mechanical and electrical equipment, ducting, lifts and other infrastructure shown on the approved floorplans plans for the interior of the building, this permission does not convey tacit approval to the installation of plant to the roof or other alterations to existing roof structures other than that shown on the approved roof plan.

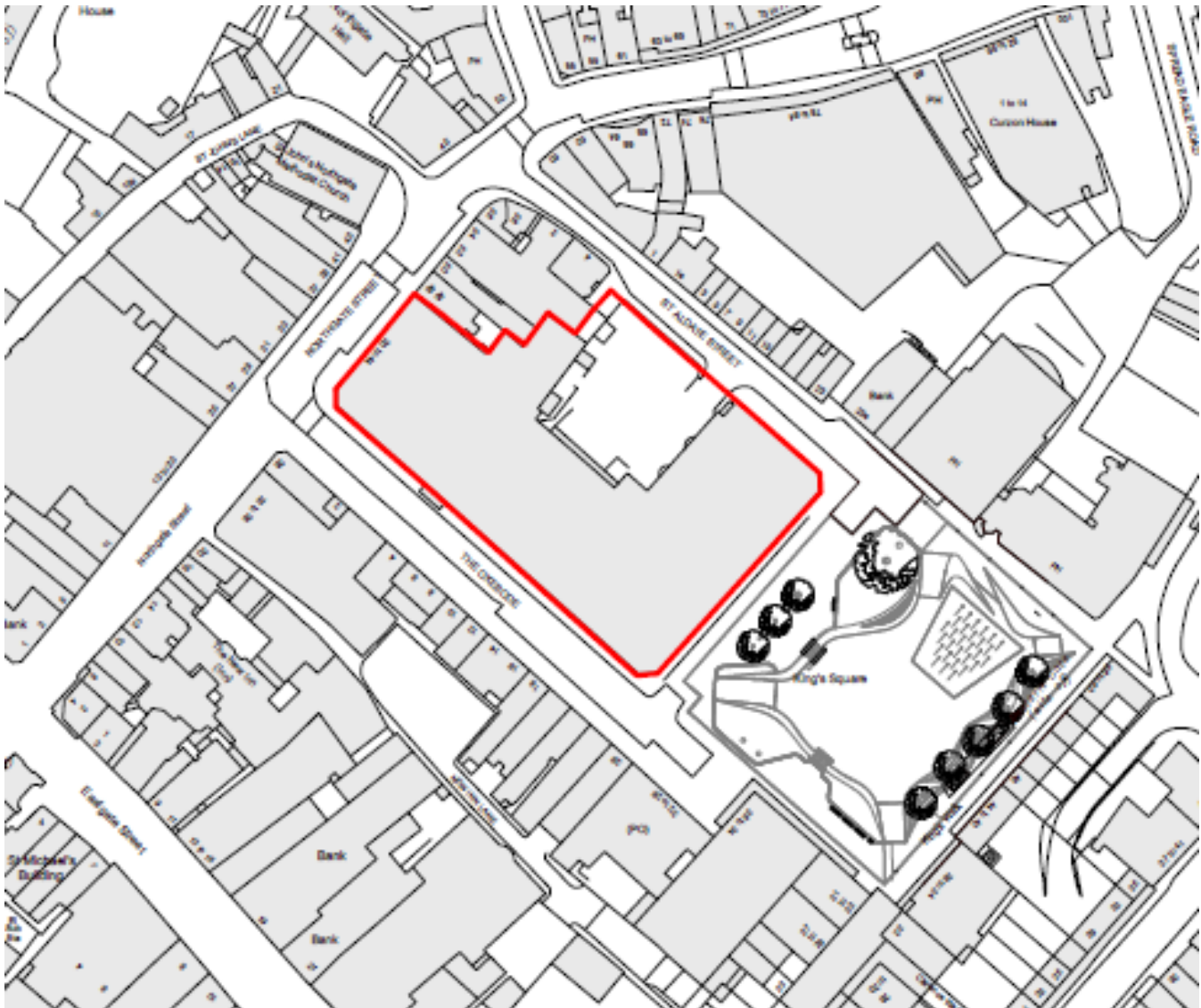
Person to Contact: Adam Smith (396702)

Planning Application: | 21/01323/FUL

Address: | 30-44 Northgate Street,
Gloucester

Committee Date: | 1st March 2022

Site location plan



Proposed Ground floor layout plan

