

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Address/Location: | Downings Malthouse, Merchants Road, Gloucester

Application No: | 22/00628/FUL

Ward: | Westgate

Expiry Date: |

Proposal: |
Alteration, including partial demolition, restoration, development and extension of Downings Malthouse and the High Orchard Street Warehouse, plus the creation of a new basement level in Downings Malthouse accessed from Merchants Road to provide car parking, together with an extension and bridge link to Downings Malthouse Extension to provide 49 residential units on the ground and upper floors and 60 sq.m of commercial floorspace for use for Class E purposes on the ground floor.

The development of a new building comprising basement ground and nine upper floors on the site of the former Silo and the retention of the remaining portion of the High Orchard Street Kiln containing basement car parking, a ground floor plaza, reception and ancillary accommodation linking the building to Downings Malthouse, and 68 residential units on the ground and upper floors together with additional ancillary parking to the south of Downings Malthouse Extension, access, turning and landscaping all at Bakers Quay Merchants Road/High Orchard Street Gloucester.

Report by: | David Millinship

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 Site description

The application site forms part of “Phase 2” of the wider Bakers Quay Regeneration site. It comprises two areas within Bakers Quay, the first being the grade II listed building known as Downing’s Malthouse that sits between the public highways at High Orchard Street and Merchants Road. Downings Malthouse shares its western boundary with the Docks Conservation Area (CA), but is not within the CA itself. The second area of the application site comprises an area of land that is currently vacant land with part occupied by parking in association with Phase 1. This area is sited to the south-west of Downings Malthouse, to the south of the substantial grade II listed building at Downings Malthouse Extension and grade II listed former Transit Shed sited marginally to the north. This section of the site is within the Docks CA.

1.2 To the east and north are the modern buildings housing the Gloucester Quays Outlet Village and part of the Docks Restaurant Quarter. Located to the south is the completed Phase 1 of the Bakers Quay Regeneration site (comprising a modern coffee shop unit, hotel building and rebuilt Llanthony Provender Mill building in a mixed-use featuring residential and restaurant units).

1.3 Downings Malthouse has been vacant for a number of decades and is currently required to be supported by a substantial amount of scaffolding since public safety works were undertaken to stabilise the buildings in 2020. The remains of the building include a four-storey section to the north of the site comprising the High Orchard St. Malthouse and High Orchard St. Kiln (subsequently referred to as “Downing’s Malthouse”) and three four storey

walls that were previously part of the former warehouse and an earlier kiln building.

- 1.4 A 1950s concrete silo previously occupied the southern area of Downings Malthouse. It was a square concrete structure with metal framing that extended to approximately 6-7 storeys in height. Although the silo was part of the listed building, it was not considered to possess any notable significance and was permitted to be removed in its entirety to enable access into the former kiln and warehouse sections to permit the previously mentioned stabilisation works to be undertaken (the silo site is subsequently referred to in the report as the “New Build” site).
- 1.5 **Planning History and background to current applications**
The Bakers Quay regeneration (comprising the Phase 1 site, Downing’s Malthouse redevelopment and Malthouse Extension conversion) was granted planning permission and listed building consent in 2016 (ref: 15/01144/FUL & 15/01152/LBC). The scheme was supported as a phased development including a substantial element of new build to support the redevelopment and conversion of the heritage assets within the site. Phase 1 included the construction of a purpose built hotel, a stand-alone coffee shop unit and mixed-use building (comprising the rebuilding of the fire damaged grade II listed Llanthony Provender Mill) to provide a number of residential units with restaurant and leisure floor space at ground floor level. An element of Phase 1 that shares part of the northern boundary of Downing’s Malthouse was the completion of a part conversion of a section of the High Orchard St. Warehouse into 4 residential units now known as “The Maltster’s Cottages”. Phase 1 was completed in 2018-2019.
- 1.6 The original permission sought to deliver Phase 2 of the Bakers Quay Regeneration scheme as a conversion of the grade II listed Downings Malthouse Extension (subsequently referred to as “Malthouse Ext.”), rebuilding of the adjacent grade II listed Transit Shed (and its conversion into restaurant use) and redevelopment of the grade II listed Downings Malthouse into a mixed-use site of predominantly restaurant floor-space on lower levels with some provision of residential units on upper floors. The more substantial Malthouse Extension, occupying the canal-side within the northern half of Bakers Quay, was granted permission as a residential conversion. The majority of details relating to the Phase 2 works were secured by conditions. Some details have been agreed, of note the demolition works to the Downings Malthouse (removal of the concrete silo and stabilising works) that were formally agreed in 2020.
- 1.7 Whilst the 2015 planning permission remains extant, a subsequent downturn to the restaurant market (compounded by the global pandemic) as well as significantly increased building costs, has stalled delivery of Phase 2 with the applicant forced to review the viability of the extant permission going forwards. Attempts to secure grants (historic building, regeneration enabling grants) or other financial support to enable implementation of the extant planning permission have been unsuccessful and the application has subsequently concluded that a redesign of the redevelopment scheme for the Downings Malthouse phase of the wider Bakers Quay development is the only option to ensure that Phase 2 can be secured.
- 1.8 The scheme as it had originally been planned, had a significantly high budget relating to the heritage works, mainly those relating to the Malthouse Ext. conversion, but also the other historic buildings within the wider site. The heritage budget would have been balanced by the financial surplus that would have been delivered by the new build restaurant floorspace within the Downings Malthouse and Transit Shed redevelopments. As the restaurant market can no longer be relied upon to generate a surplus, redevelopment of the site into a predominantly residential use has been considered the most viable. The Malthouse Ext. was already approved as a residential conversion and options to amend that sub-phase of the scheme are limited due to the heritage constraints.

As such, the applicant's primary option to redesign a viable scheme for Phase 2 site predominantly within the Downings Malthouse site.

- 1.9 A number of redesigned schemes for the Downings Malthouse have been considered by the applicant with two schemes submitted to the Local Planning Authority (LPA) for pre-application advice (in 2020 and 2021). Several schemes were discounted on viability grounds with both pre-application schemes also rejected due to significant concerns raised by heritage consultees (mainly Historic England and the LPA's Conservation Officer). The current design has been reached as a balance between the ability to deliver completion of the Bakers Quay Regeneration and the aim to preserve as much of the remaining fabric of the listed building that spans the Downings Malthouse sites.
- 1.10 **Development Proposal**
The proposal seeks the rebuilding/conversion of the northern section of Downings Malthouse to provide 49 residential units (one bedroom to three bedroom in size) across four storeys. A further 68 units would be provided within the New Build occupying broadly the area of the former concrete silo. The New Build would be a nine-and-a-half storey building (nine storeys with duplex apartments at the highest level). Approximately 60 sq/m of new restaurant (use Class E) floorspace would be provided at ground floor level. Communal areas (with access only to residents of the development) would also be provided at lower levels, to be used as breakout home working/shared social areas.
- 1.11 The New Build would occupy a broadly triangular footprint, designed to enable the retention and support of the remaining walls of the listed building that face onto High Orchard St. and Merchants Rd. The New Build is proposed to be separated from the remainder of the northern section of the Downings Malthouse building that would be partially rebuilt and converted. A publicly accessible cut through between the two separate structures would be created to provide a plaza with sitting-out areas (a mixture of private and public) at ground level. The proposal also includes the reinstatement of a 2nd and 3rd storey bridge link between Downings Malthouse and the Malthouse Ext. (the former bridge link was removed in 2019/2020).
- 1.12 Car and cycle parking would be provided at basement level and within the open land located to the north of Downing's Malthouse and the southern elevation of the modern Gloucester Quays/Restaurant Qtr building. Additional public realm and car parking would be provided within the application site area to the south of the Transit Shed/Malthouse Ext. The main public highway access into the development site would follow the Gloucester Quays and Bakers Quay Phase 1 access from St. Ann's Way with Merchants Road reopened at the southern point of Downings Malthouse.

Application Number	Proposal	Decision	Decision Date
22/00628/LBC	Listed building consent for the alteration, including partial demolition, restoration, development and extension of Downings Malthouse and the High Orchard Street Warehouse, plus the creation of a new basement level in Downings Malthouse accessed from Merchants Road to provide car parking, together with an extension and bridge link to Downings Malthouse Extension to provide 49 residential units on the ground and upper floors and 60 sq.m of commercial floorspace for use for Class E purposes on the ground floor.	Pending	

	<p>The development of a new building comprising basement ground and nine upper floors on the site of the former Silo and the retention of the remaining portion of the High Orchard Street Kiln containing basement car parking, a ground floor plaza, reception and ancillary accommodation linking the building to Downings Malthouse, and 68 residential units on the ground and upper floors together with additional ancillary parking to the south of Downings Malthouse Extension, access, turning and landscaping all at Bakers Quay Merchants Road/High Orchard Street Gloucester.</p>		
15/01144/FUL	<p>Alteration, including partial demolition, refurbishment and restoration of Downings Malthouse and Downings Malthouse Extension, the demolition and redevelopment of Provender Mill and the restoration and extension of the Transit Shed to provide commercial floorspace for A3/A4 purposes at ground floor level in Downings Malthouse, Provender Mill and the Transit Shed, conversion of basement and ground floors of the Downings Malthouse extension for ancillary car parking, and the upper floors of Downings Malthouse, Downings Malthouse extension and new-build Provender Mill to provide 162 new residential units, and the restoration of 4 no. three-storey cottages. The development of a 105 bed hotel and freestanding unit for use for A3/A4 purposes on the site together with ancillary parking, turning, access and landscaping all at Bakers Quay Gloucester</p>	Granted with Conditions	12 th August 2016
15/01152/LBC	<p>Demolition, internal works and external works to Grade 2 listed buildings associated with redevelopment at Bakers Quay: Alteration, including partial demolition, refurbishment and restoration of Downings Malthouse and Downings Malthouse extension, demolition and redevelopment of Provender Mill, and the restoration and extension of the Transit Shed to provide commercial floorspace for A3/A4 purposes at ground floor level in Downings Malthouse, newbuild Provender Mill and the Transit Shed, conversion of basement and ground floors of the Downings Malthouse extension for ancillary car parking, and the upper floors of Downings Malthouse, Downings Malthouse extension and new-build Provender Mill to provide 162 new residential units and the restoration of 4 no. three-storey cottages. Ancillary parking, turning, access and landscaping all at Bakers Quay Gloucester</p>	Granted with Conditions	12 th August 2016

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), Planning Practice Guidance (NPPG) and National Design Guide (NDG)

3.3 **Development Plan**

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

Relevant policies from the JCS include:

SP1 – The need for new development;
SP2 – Distribution of new development;
SD2 – Retail and City/Town Centres;
SD3 – Sustainable design and construction;
SD4 – Design requirements;
SD6 – Landscape;
SD8 – Historic Environment;
SD9 – Biodiversity and geodiversity;
SD10 – Residential development;
SD11 – Housing mix and standards;
SD12 – Affordable housing;
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 **Gloucester City Plan (Adopted January 2023) (GCP)**

Relevant policies from the GCP are:

A1 – Effective and efficient use of housing, land and buildings;
A6 – Accessible and Adaptable Homes;
B1 – Employment and Skills Plans;
B2 – Safeguarding Employment Sites and Buildings;
B4 – Development within and adjacent to Gloucester Docks and Canal;
B5 – Tourism and Culture;
C1 – Active Design and Accessibility;
C3 – Public open space, playing fields and sports facilities;
C4 – Hot food takeaways;
C5 – Air Quality;
C7 – Fall prevention from taller buildings;
D1 – Historic environment;
D3 – Recording and advancing understanding of heritage assets;
D4 – Views of the Cathedral and historic places of worship;
E1 – Biodiversity and geodiversity;
E3 – Green/blue infrastructure;
E4 – Flooding, sustainable drainage, and wastewater;

E6 – Development affecting Cotswold Beechwoods Special Area of Conservation;
 F1 – Materials and finishes;
 F2 – Landscape and planting;
 F3 – Community Safety;
 F4 – Gulls;
 F6 – Nationally Described Space Standards;
 F7 – Shopfronts, shutters and signs;
 G1 – Sustainable transport and parking;
 G2 – Cycling;
 G3 – Walking;
 G4 – Broadband connectivity;
 G6 – Water efficiency.

3.5 **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 215 of the NPPF states that ‘...*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.*’ 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 considered relevant to the consideration of this application.

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: :

OS.2 – Public Open Space Standard for New Residential Development;
 OS.3 – New housing and open space;
 A.1 – New housing and allotments.

3.7 **Supplementary Planning Guidance/Third-party Guidance**

- Gloucester City Council – Docks Conservation Area (Conservation Area No.3) Appraisal and Management Proposals (2006);
- Gloucester City Council – *Heights of Buildings* (2008);
- Gloucester City Council – *Townscape Character Assessment: Gloucester* (June 2019);
- Historic England – *GPA2: Managing Significance in Decision-Taking in the Historic Environment*;
- Historic England – *GPA3: The Setting of Heritage Assets (2nd Ed.)*;
- Historic England – *HEAN 1: Conservation Area Appraisal, Designation and Management (2nd Ed.)*;
- Historic England – *HEAN 4: Tall Buildings (2nd Ed.)*;
- Historic England – *HEAN 17: Planning and Archaeology*.

3.8 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:

4.0 **CONSULTATIONS**

Responses received to the application consultations have been summarised by the case officer as follows (the full responses are available by request from the case officer).

4.1 **Conservation Officer (Gloucester City Council)**

Objection.

The original recommendation to the proposal was for officers to refuse planning permission and listed building consent. Subject to a more detailed assessment the following conclusion was presented:

The poor condition of the Downings Malthouse complex, and its ongoing deterioration, make the need for an appropriate scheme of development vital. In addition, it is acknowledged that a number of schemes for the site have been explored, and that a more residential than mixed scheme is required. However, whilst this is the case, what is currently proposed gives rise to significant concerns, in particular with regard to the harm that this scheme, by virtue of its inclusion of a 9+ storey tower block will cause to the significance and setting of a wide range of designated heritage assets across the centre of Gloucester. This harm varies, from the lower end of less than substantial harm (in terms of the NPPF) to substantial harm, in the case of the Malthouse complex itself.

According to the NPPF, '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 (and the more important the asset, the greater the weight should be)' It also notes that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification' and that 'substantial harm to or loss of ...grade II listed buildings...should be exceptional' and should require 'substantial public benefits'. In cases where the harm is less than substantial, it 'should be weighed against the public benefits of the proposal'

Whilst it is not disputed that the current proposals will provide some level of public benefit for Gloucester, there is no evidence provided to show that it is substantial, which is required to outweigh the harm that will occur. Indeed, it appears that the main benefit in this scheme is the principle of regenerating this site, rather than the current scheme itself. This is of considerable concern as it appears that for this benefit to be achieved the price will be very high and permanent, in terms of the impact that it will have on a number of Gloucester's designated heritage assets and the character of Gloucester's historic centre.

Following the submission of amended elevations, a Heritage Addendum and Heritage Policy Overview the following comments were made:

...whilst the revised drawings that have been submitted are welcome, they are, in reality, a minor change on a major scheme, with no other changes to the application proposed. In addition, further concerns have been raised regarding the additional information submitted, as well as in the planning agent's comments, elements of which are unclear.

Bearing in mind these factors, and the requirement of the NPPF that 'great

weight should be given to the asset's conservation' and that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification', the comments made in the initial conservation officer response remain unchanged.

4.2 **Historic England**

Following the submission of additional landscape visualisations illustrating the Llanthony Priory site, Historic England conclude that there would be some harm to the significance of the Scheduled Priory, by virtue of another dominating structure adding to the already crowded open skies around the site. The open semi-rural nature of the site as a monastic complex on the edge of the city and then a farm contributes to its significance and any loss of the open nature of the surroundings will impact on its significance. The Canal, docks and recent developments have greatly compromised this setting, so any remaining openness is important and should be retained.

4.3 **Archaeology (Gloucester City Council)** Objection.

An initial response sought the undertaking of an archaeological evaluation to establish whether any remains of significance could be affected by the proposal. Some informal discussion agreed that archaeology was unlikely to be present across the entire site (due to previous excavation works) and it was agreed the most sensitive area of the site would require on site investigation prior to the determination of the application.

The applicant has subsequently confirmed that investigative works would not be commenced prior to determination and requested a pre-commencement condition, noting that the extant planning permission had no conditional requirements for investigations of the Downings Malthouse site.

Final comments from the City Archaeologist were subsequently received:

Given the applicants failure to provide the required supporting information the City Council should, in my judgment, refuse consent for this proposed development. It should be noted that archaeological evaluations are only requested by the council when there is clear potential for a scheme to damage archaeological remains... Without the results of an archaeological evaluation we are unable to understand the significance of the heritage assets affected by the development - this is contrary to the NPPF. Furthermore, we are unable to understand the impact of the scheme on the significance of those heritage assets, again this is contrary to the NPPF. We are, in effect being asked to give consent to a scheme without understanding the damage it may cause.

4.4 **Canal and Rivers Trust**

No objection – subject to conditions.

The poor condition of the site currently has a detrimental effect on the canal environment. The redevelopment of the site (and wider Bakers Quay) will deliver much needed improvements to the waterway. Comments in relation to the design of the development have been summarised below.

The re-development of Downings Malthouse features the retention of existing fabric where possible and the reinstatement of historic features where lost, e.g., the former projecting dormer to High Orchard Warehouse, and

reinstatement of features such as the traditional painted signage livery to the gable wall serve to greatly reinforce the heritage values of the site...Although the reinstated link bridge now seems much heavier than the original structure, this element of the scheme sits behind the Malthouse Extension buildings and, as such, does not have a considerable impact upon the navigation.

The Downings Tower element is the more contentious aspect of the proposal, but this has to be judged within the wider context, where it sits adjacent to other modern buildings, and therefore does not seem entirely incongruous, whilst also being of good design quality in terms of its materiality, form and detailing. Whilst the height and mass of the building undoubtedly has an impact on views from the canal, the introduction of height does not seem, in this instance, to be particularly damaging to the historic context or key views, possibly due to the sizable mass of many of the existing historic warehouses. As such, the height and scale of the proposed scheme acts as a kind of counterbalance to the heavier mass of buildings surrounding it...

The parking adjacent to the navigation is of greater concern as it will be very visible from the canal corridor (and Llanthony Priory) and further consideration needs to be given to the landscaping of this area in order to reduce the prominence of vehicles on the waterfront, which will be detrimental to the visual amenity of the canal corridor. The changes in ground levels will exacerbate the prominence of parked cars and more robust landscaping will be required to screen the front row of vehicles. It is suggested that further details of soft landscaping is provided to allow this element of the proposal to be given greater consideration. This can be by way of a suitably worded condition if required.

Conditions to secure full details of protective fencing (during the construction phase), external lighting and surface water drainage to ensure that pollution of the waterway is minimised are also requested.

4.5 **Civic Trust** Objection.

The successful re-development of Gloucester Docks, going back to the 1980s, has been on the basis that no new buildings should be higher than the existing Georgian and Victorian buildings which provide a maritime conservation area of local, national and, arguably, international importance. We see no reason to change this principle.

The proposed tower block completely dominates its close listed building neighbours to an unacceptable extent and sets a precedent for further tower blocks of a similar size which would be obtrusive in the docks setting and block views of the Cathedral from the south.

A ten storey building is not needed because there is land available in this quarter of the redevelopment to site, for instance, two, five storey residential blocks which would comply with the approved policy.

4.6 **Developer Contributions Investment Team (Gloucestershire City Council)** Contributions are sought towards education and libraries.

Of the proposed new housing 55 are qualifying dwellings with potential to impact upon education facilities within the area. The Gloucester Secondary Planning Area is forecast to be full. Gloucestershire County Council is therefore requesting a secondary (11-16)

contribution of £ £222,296.25 towards the provision of these places.

The new development will generate a need for additional resources at local libraries, and this is costed on the basis of £196.00 per dwelling. A financial contribution of £22,770 is therefore required to make this application acceptable in planning terms.

4.7 Economic Development Manager (Gloucester City Council)
Support.

...the development will create 117 new homes, a small amount of commercial space, and physical improvement to the immediate environs of the property. These are important contributions to the economic wellbeing of the city, and the new homes in particular will result in more people living in a sustainable location with the potential consequence of greater local spending...

More importantly the scheme will enable the resolution of a difficult site, which has remained derelict and redundant for over 30 years. It will also enable the completion of the next phase of the development of the Gloucester Docks, continuing the economic uplift of the area through physical improvement.

4.8 Planning Policy (Gloucester City Council)
Objection.

The policy framework is set out with regards to the development plan (JCS and GCP). The opinion given is that the development conflicts with a number of policies with possible conflicts with other policies dependent on further consideration. The main policy conflicts centre on design, living conditions and heritage impacts. Comments are summarised below.

Legibility and landmark buildings – excessive scale is not a requirement for a landmark building. Besides which the principle of a landmark building within the Docks is unnecessary. The fundamental character of the Docks and Quays is not one of landmark buildings. The buildings are substantial warehouses viewed in groups. No one building competes with another. This approach to landmark buildings is incongruous to the character of the area.

Amenity and Space – The flats on the northern elevation, adjacent to the parking will have poor natural light and potential for noise and disturbance and air quality issues from the parking and ramp. Environmental Health to provide specialist comments. I am particularly concerned about the light, outlook and quality of the living environment to those single aspect flats that look out onto the parking area and have no potential for cross ventilation or altered outlooks. They also have no amenity space.

Concerns over the lack of sustainable transport being promoted and the design not sufficiently addressing accessibility were also put forward:

The disabled parking is located a significant distance from the level access entrance at the back of the building away from the main entrances. No ramp is provided on the Merchants Road side...Developments should have no disabling barriers and should be used without separation or special treatment.

No facilities for mobility scooter storage and flats too small to accommodate internally. No disabled parking internally near lifts.

Car is clearly prioritised over cycling and cycle storage. No cycle parking near entrances or public uses.

4.9 Contaminated Land (Worcestershire Regulatory Services)

No objection.

The reports submitted relate to the previously approved development with differing end uses. The LPA is advised to secure an up to date tiered ground investigation and scheme of remediation using a pre-commencement condition.

4.10 Noise (Worcestershire Regulatory Services)

No objection.

Subject to conditions to secure full details of plant, details of noise levels from commercial unit and compliance with the noise mitigation measures set out by the applicant.

4.11 Association for Industrial Archaeology

Objection

The Association considers the reuse/conversion of Malthouse No 2 and the Warehouse acceptable, the new build of the Maltings Tower is too dominant and harms the setting of the adjacent listed buildings as well as further afield views of the city, it objects to this application which should be refused.

4.12 Council for British Archaeology

Objection

We recommend that the applicants revise their plans to retain and conserve as much as possible of the surviving fabric of the listed Malthouse buildings, and to reduce the scale of the proposed tower to fit with the skyline of the existing Docks area.

4.13 Historic Buildings and Places (Ancient Monument Society)

Objection

For a number of reasons, the development fails to comply with the aims of Chapters 12 and 16 of the NPPF. Whilst there is no objection in principle to the restoration of the northern range of the listed building, there are concerns over the design and number of new openings/use of balconies etc.

The main content of the objection is to the New Build summarised below:

The tower element of this application is unacceptable due to:

- *the harm to the significance and setting of a number of adjacent and nearby heritage assets;*
- *the significant harm to the significance, appearance, and setting of the Docks Conservation area;*
- *the negative impact of a tall building on the city skyline and protected views of the cathedral.*

It is also advised that , should the LPA be minded to approve the scheme, a mechanism to ensure the listed building restoration works are secured should be put in place (in accordance with NPPF para. 204).

Queries in relation to the accuracy of some of the application documentation were also submitted.

4.14 **The Victorian Society** Objection

This proposal would not result in the conservation of the significance of the listed building, or the setting of the Docks Conservation Area and nearby listed buildings. Considering a less harmful proposal was approved previously there is no clear or convincing justification why this cannot be implemented.

5.0 **PUBLICITY AND REPRESENTATIONS**

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

5.2 Six third-party responses to the public consultation were received:

Objections have been summarised as follows:

- The nine-storey building is too tall within this area of mainly 4-5 storey buildings;
- Overly modern design not in keeping with the character of the listed building;
- Concern over lack of parking given the number of new dwellings to be created;
- Concern over conflict with access to neighbouring businesses.

Support has been summarised as follows:

- Downings Tower would be a striking and welcome addition to the city's skyline and appears to be the only realistic method of funding the regeneration of Maltings Warehouse - a building of unique character which deserves to be saved and put to good use;
- The development will benefit the city economy providing much needed new homes within the Docks area;
- The development will help to support further investment into the area.

5.3 The full content of all correspondence on this application can be viewed on:
<http://www.gloucester.gov.uk/resident/planning-and-building-control/Pages/public-access.aspx>

6.0 **OFFICER OPINION**

6.1 **Legislative background**

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

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

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

6.3 The development plan consists of the Gloucester, Cheltenham and Tewkesbury Joint Core

Strategy (JCS) and the partially saved 1983 City of Gloucester Local Plan. However, as outlined earlier, the 1983 Local Plan is considered to be out-of-date.

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

- Principle;
- Historic environment;
- Urban design, layout and landscaping;
- Affordable Housing;
- Traffic and transport;
- Residential amenity;
- Drainage and flood risk;
- Open Space, Recreation, Education and Community Facilities;
- Economic considerations;
- Planning obligations.

6.5 **Principle**

The NPPF requires local planning authorities to demonstrate a 5 Year Housing Land Supply, with an appropriate buffer, against the relevant housing requirement. The JCS addresses housing supply and demand under Policies SP1 (The Need for New Development) and SP2 (Distribution of New Development) as well as within Part 7 (Monitoring and Review).

The NPPF sets out that there will be a presumption in favour of Sustainable Development. For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The NPPF (2021) clarifies that: 'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (5yrHLS) (with the appropriate buffer..).'

At the time of writing, the Council is unable to demonstrate a 5 year housing land supply so the 'tilted balance' as set out by the NPPF is engaged. The site is also subject to an extant planning permission that has established that certain principles to the redevelopment of the site are acceptable.

6.6 **Fall-back Position as a Material Planning Consideration**

As outlined above, planning permission and listed building consent (LBC) for the regeneration of the wider Bakers Quay site (encompassing the application site) was granted in 2016. Although the permissions were granted subject to a number of conditions it is a material planning consideration that the permission can provide the developer with a lawful fall-back position. This is particularly pertinent with regards to the principle of the

works to construct new build elements in tandem with works to convert and restore the listed buildings.

- 6.7 However, there can be some cases where the situation within an application site changes between Phases of a development that can remove the ability for a developer to implement subsequent phases of an extant planning permission. No material changes to land around the site have occurred that could influence the ability of the developer to implement the extant consent. Vehicular/pedestrian access remains as it was in The obvious physical changes relate to the condition of the buildings on site.
- 6.8 Whilst the condition of the building within the Downing's site area of Bakers Quay has deteriorated since 2016, I accept that partial demolition of the buildings within the site was agreed (in principle) by the original planning permission and LBC. The full extent of demolition relating to the High Orchard St. Warehouse was subsequently formally agreed through a discharge of condition approval in 2020. Some conditions relating to certain design specifications remain in need of discharge, I am of the view that this would be a technical matter and not affect the fundamental ability of the developer to continue to implement the redevelopment of the Downing's site (following the demolition phase).
- 6.9 The changes to the viability of the scheme (since that as assessed in 2015/2016) have been assessed in greater detail above. Whilst it is accepted that the original scheme is no longer financially viable, I do not consider this presents a planning barrier to the implementation of the scheme (i.e. the planning permission remains lawfully able to be implemented). As such, I am of the view that the planning permission remains extant and could be implemented.
- 6.10 Policy SD10 of the JCS allows for infilling within the existing built up areas of the City Gloucester. In terms of the broad principles of development, the site is within the built up area of the City, is in a highly sustainable location characterised by a mixture of commercial and residential uses. The development would contribute to the city's housing supply at a time of demonstrable need.

6.11 **Principle of a residential-led redevelopment of Downings Malthouse**

As the site is located within the built up area of the city within the southern area of the Docks Regeneration Area and close to the city centre. Therefore, the principle of residential development is considered to be acceptable in accordance with strategic policies SP1 and SP2. JCS Policy SD10 sets out more specific requirements for residential development with the broad aim to ensure that new housing will be planned in order to deliver the scale and distribution of housing development set out in Policies SP1 and SP2. As the city council is unable to demonstrate a 5yrHLS the policy can be considered to be out-of-date. However, there some elements that I consider require some consideration with regards to the general principle of the development. These are:

3. On sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the existing built-up areas of Gloucester City...except where otherwise restricted by policies within district plans...

There is currently no policy restricting the proposed development within any district plans (see GCP policy assessment below). So, I must accept that the broad principle of a residential-led development is acceptable in this

- 6.12 In terms of the general principle, GCP policy A1(4) sets out that new development should not prejudice the potential for the comprehensive development of adjacent land. The proposal in this case would secure the comprehensive redevelopment of the Bakers Quay

site, within a wider area that has seen a number of large-scale development schemes already built-out (including the Quays Outlet Centre, Docks Restaurant Quarter and a number of residential and leisure conversions of existing warehouse buildings). I consider the scheme would provide a viable long-term use for a site that has, for a substantial period of time, presented an unsightly feature of the local townscape.

- 6.13 The proposal would potentially involve the loss of employment land (since the last known use of the site would have been within B1, B2 and B8 use classes). However, taking into account the length of time the site has been vacant, that a comprehensive redevelopment of the site has been granted (into a mixed-use commercial, leisure and residential scheme) and considering the modern development and changes of use to surrounding land (also into mainly commercial, leisure and residential uses) the LPA are of the opinion however that the land currently has 'nil' use. The reasons being that the former storage and materials processing uses ceased several decades ago, with the Docks Area earmarked for a comprehensive scheme of modernisation, moving away from the historic reliance on maritime businesses to contribute to the city economy, provision of housing land and modern types of employment. There has been no current industrial operation on this area of land, which only forms a small part of the wider Docks, since the 1980s. The site also does not benefit from any commercial allocation within the development plan. I do not recognise any conflict with the employment protection policies of the NPPF, JCS or GCP.
- 6.14 GCP policy B4 sets out criteria specifically related to development within proposals within, or adjacent to the docks and canal. Predominantly the criteria relates to design matters and heritage impacts but, there are considerations relating to the use of the waterways and protection of existing businesses. The area of the site adjacent to the canal is proposed to be used as public realm with some additional car parking. This is broadly in line with the use of the land permitted by the 2016 permission and would not hinder use of the waterways (if anything would improve access to the canal adjacent to Bakers Quay).
- 6.15 There is also the requirement (under B4.5) to ensure the functions of existing businesses are protected. I do not consider the proposal would have the potential to give rise to any adverse impacts on the modern uses that have been established within surrounding land over recent years (if anything impacts on the viability of the leisure, restaurant and retail uses would be significantly positive). There is an existing industrial unit directly to the north-west of Downings Malthouse. Vehicular and pedestrian access to this site is currently restricted via Merchants Road (with only an approach from the north possible). The development would reopen the southern access along Merchants Road to St. Ann Way whilst also providing significantly better pedestrian and cycling links to this site. Some third-party concern has been raised that the residential vehicles could block access to the business yard. However, I see little reason why this would be the case (and access matters are civil disputes in any case). I am satisfied there would be no in principle conflict between the proposal and existing business uses.
- 6.17 The proposal would provide approximately 60 sq.m of use Class E¹ floor space with potential to be put into a number of uses (leisure, retail, café, restaurant, etc.). Consultees have raised some concern over the inclusion of this floorspace and the potential for Class E to allow a fluidity to uses that may (or may not) be acceptable in this location. Given the relatively small floor area of the proposed unit (particularly in comparison to the restaurant floor space permitted by the extant planning permission) I find it would be unreasonable to restrict the use of this unit to any particular type of use within Class E. Impacts on the viability of the city centre would be minimal and the wider Docks Area is characterised by buildings within mixture of uses, with mainly commercial uses at ground floor level (none of which I consider would be out-of-character with those permitted by Class E). Conditions have been requested to ensure that residential amenities are protected once an end-user is

¹ As defined within the 2020 changes to the Town and Country Planning Use Classes Order 1987 (as amended).

put in place (see residential amenity section below), but beyond those protective conditions I see no reason (in principle) to restrict the use of the commercial floor space.

6.18 **Affordable Housing**

The NPPF states that where local authorities have identified the need for affordable housing, policies should be set for meeting this need on site, unless off-site provision or a financial contribution can be robustly justified. Policy SD12 of the JCS provides that a minimum of 20% affordable housing will be sought on sites of 11 or more dwellings in the Gloucester City administrative area. The supporting text at paragraph 4.13.6 explains that the policy reflects the viability of differing value areas that exist across the JCS, hence the requirement for a 40% contribution within Cheltenham and Tewkesbury, but only a 20% contribution within Gloucester. However, bullet 10 of the Policy provides that the viability of the site may enable additional levels of affordable housing to be provided.

6.19 Bullet point 9 of the Policy states that 'If a development cannot deliver the full affordable housing requirement, a viability assessment conforming to an agreed methodology, in accordance with Policy INF7 will be required ... '

6.20 In this case the applicant has submitted a viability appraisal, predominantly to demonstrate that the redesigned scheme for the redevelopment of Downings Malthouse is required to financially support the heritage restoration works granted to the Malthouse Ext. and Transit shed within the wider Bakers Quay site. This appraisal has been assessed by an independent party appointed by the Local Planning Authority to ensure the applicant's redesigned scheme is justified as a viable development (within the context of delivering the Bakers Quay regen scheme in full). The LPA has also instructed the independent review to consider the potential for the site to deliver affordable housing or to pay a contribution towards off-site provision.

6.21 A similar independent review of the original scheme concluded that no on-site affordable housing provision was viable and that funds of around £65,000 should be available to be paid towards affordable housing provision within the city. The original permission was granted subject to a s.106 agreement requiring payment of the contribution at the point that the 70th residential unit was occupied (originally assumed to be a unit within the converted Malthouse Ext. due to the sub-phasing of the works agreed).

6.22 The updated viability assessment (and independent review) conclude that on-site provision of affordable housing remains unviable and, the level of profit now reasonably expected to be delivered by the development would not support payment of a contribution towards off-site affordable housing. In the event the redesigned scheme is approved I consider that a variation of the original s.106 agreement will be required. This would essentially link the new planning permission into the wider Bakers Quay regen scheme and remove the requirement for an affordable housing contribution to be paid. This is undesirable, but is not disputed and the benefits of securing the completion of the Bakers Quay site regeneration are considered to be substantial. The variation of the original s.106 also presents an opportunity to ensure that a final viability review can be undertaken to ensure the redesigned scheme was delivered in line with the low level of profit expected to be returned. Should a higher level of profit be generated the LPA would have the option to 'clawback' some of the planning contributions. Subject to the variation of the s.106 agreement I consider the current proposal does not conflict with the aims of JCS policies SD12 or INF7.

6.23 **Conclusion on the principle of the development**

Taking into account the above, I am satisfied the broad principle of the development is supported by the aims of the NPPF and relevant policies of the JCS and GCP. More detailed assessments of matters relating to the individual impacts/benefits and viability of the scheme follows below.

7.0 **Listed buildings**

7.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBC Act) states that:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

As such, there is a statutory requirement for an LPA to consider both the preservation of a listed building and its setting. This consideration is undertaken alongside additional considerations required by national and local planning policy, as well as any relevant guidance.

7.2 At a national policy level, para. 199 of the NPPF 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paras. 200-202 go on to state that 'substantial' harm to a grade II listed building should only be permitted where 'exceptional' circumstances are justified, with substantial harm only permitted if it is demonstrated that the loss of significance is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

'Less than substantial' harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

7.3 JCS policy SD8 and GCP policies D1-D5 set out the local policy considerations for development affecting a range of heritage assets with policy B4 also seeking to ensure that development within the Docks and/or adjacent to the canal responds to the significance of the historic docks conservation area and other individual heritage assets. Both JCS SD8 and GCP D1 require development proposals to conserve the character, appearance and significance of designated heritage assets and their settings. GCP D1 goes on to state that proposals should demonstrate:

- 1. The protection and enhancement of existing heritage assets and their settings in proportion with the significance of the asset; and*
- 2. The conservation of features that contribute to the significance of a heritage asset, including structures forming part of the curtilage; and*
- 3. The proposed use of the heritage asset is compatible with the preservation or enhancement of its significance; and*
- 4. The proposal conserves and enhances the character, appearance and*

architectural quality of the area and wider setting in terms of siting, scale, form, proportion, design and materials; and

5. The use of high quality and locally distinctive materials following traditional building methods and detailing, where appropriate; and

6. Retains important views into or out of the Conservation Area.

Development involving substantial harm to, or the loss of designated heritage assets will only be granted in very exceptional circumstances. The condition of an historic building resulting from deliberate damage and neglect will not be considered in any decision.

7.4 As detailed above, the site is located within a sensitive location in terms of potential impact upon the significance of various heritage assets. The application site includes a grade II listed building (Downings Warehouse.) that will experience direct impacts from the proposal and has already experienced significant demolition agreed as part of the extant 2016 permission. Part of the proposal (the link bridge) will connect into the grade II listed Malthouse Ext. so there will be some physical impact on that building as well as impacts to its immediate setting. The grade I listed Llanthony Priory is located approximately 220 metres to the west (approx. 120 metres to the boundary of its grounds). Part of the site is located within a conservation area (the Docks CA) with other conservation areas within and surrounding the city centre also with some potential to be affected (notably Southgate and Spa CAs).

7.5 With the potential for a number of heritage assets to be affected it is first pertinent to understand what the 'significance' of the various heritage assets may be, and how this could be impacted upon by the proposal. If harm is recognised it must be defined as either 'less than substantial' or 'substantial'. The NPPG advises that within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.

The NPPF Glossary describes 'significance' as the value of a heritage asset to this and future generations because of its heritage interest, derived not only from a heritage asset's physical presence, but also from its setting.

Historic England's GPA2 guidance generally advises the following with regards to the assessment of significance within planning assessments:

Development proposals that affect the historic environment are much more likely to gain the necessary permissions and create successful places if they are designed with the knowledge and understanding of the significance of the heritage assets they may affect...The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest...

Considering the above, the greatest level of impact from the development would be to the significance of Downings Warehouse that would be directly impacted upon by the physical works. Secondly, the Malthouse Ext. would experience some physical impacts (the construction of the bridge link) as well as impact upon its immediate setting. Further to the west, the grade I listed Priory would not be physically impacted upon by the development but, its setting would be affected (predominantly by the new build element of the development that would project above the Malthouse Ext. (and be a visible addition to wider views from within and around the Priory site). The setting of the Docks CA would also be affected (the CA boundary runs along the western edge of the Downings Warehouse site).

7.6 **Impact on Llanthony Priory and its Setting**

The Llanthony Secunda Priory site includes a scheduled monument and range of grade I and grade II listed buildings. The dominant building within the site is the grade I listed Priory (and farmhouse). The impact of the proposal on the setting of the grade I listed Priory has

been considered by Historic England. Initially there was some concern that the new build element would be harmful to the setting. As such, the applicant was asked to provide further evidence to demonstrate the extent of the expected impacts. Subsequently, the applicant has submitted additional landscape visualisations (showing how the new build element may affect views of the Priory from various areas within and surrounding its site). Historic England have reviewed the additional visualisations and have offered no formal objection. However, they have noted that:

We conclude that there would be some harm to the significance of the Scheduled Priory, by virtue of another dominating structure adding to the already crowded open skies around the site. The open semi-rural nature of the site as a monastic complex on the edge of the city and then a farm contributes to its significance and any loss of the open nature of the surroundings will impact on its significance. The Canal, docks and recent developments have greatly compromised this setting, so any remaining openness is important and should be retained.

HE's comments have not been framed within the context of the NPPF (i.e. substantial or less than substantial) and no formal objection to the proposal has been set out. The LPA is therefore left (as the decision maker) to consider HE's comments before the level of harm can be reasonably be concluded.

- 7.7 Historically, the Priory would have been the dominant building within the rural landscape and would have been set within a much wider open setting with little competition from existing buildings. However, modern development has clearly eroded to the rural character and openness of the setting and as such has drastically diminished the contribution of the wider setting to the significance of the grade I listed building. Whilst smaller in scale than the proposed New Build at Downings Malthouse, the modern developments that sit on the northern and southern boundaries of the Priory site (retirement apartments, Gloucester College and a pub) are experienced as prominent features that have eroded the wider open setting that the Priory would at one time have sat within.
- 7.8 However, within east facing views (from Llanthony Rd. and the Listed Gatehouse), the area of sky above the Priory is currently free of visible development (the Priory building mostly screens the C19th and C20th development directly behind it). Along with the retention of open grounds surrounding the building, this helps to maintain some of the former prominence of the building that I consider is important to maintaining its significance. Introducing significantly taller development to the rear of the Priory has potential to erode the openness above the building that would be harmful to its prominence of the building and would detract from the experience of the building within east facing views.
- 7.9 The applicant has submitted a wireframe visualisation using an image taken from the listed Gatehouse. The visualisation illustrates that the ridge height of the new build would be seen as approximately level with that of the Priory. I am conscious that due to the foreshortening visual affect, the New Build would be more visible within the backdrop as the viewpoint moves further to the west. However, due to substantial modern development to the west of the Priory site there are very few public (or private) views that would frame the Priory within a line of sight of the New Build to the east. Also as the viewpoint moves (from the Gatehouse) towards the Priory the New Build would be screened out by the historic building.
- 7.10 It would appear that a section of the New Build would be visible above the Malthouse Ext. within the backdrop of the Priory. However, I find little argument that the openness of the Priory's setting would be substantially harmed as a result (over and above the existing situation). The open land between the Malthouse Ext, Transit Shed and rebuilt Provender Mill would be retained. The New Build element of the scheme would be a new addition to the

built form that comprises backdrop of the Priory (within east facing views), but within the most important east facing views (from the listed Gatehouse). The New Build would be screened by the existing historic building and in conclusion the level of harm would be to the lower end of 'less than substantial' with regards to paras. 199 and 202.

7.11 Impact on Downings Warehouse (High Orchard Street Warehouse and Kiln No.2)

Downings Malthouse is a grade II listed late C19th building constructed in the 1890s by Walter B Wood of Gloucester, for G and WE Downing (maltsters). It comprises part of a cluster of listed buildings in this area which also include the Malthouse Ext, Transit Shed and the Provender Mill (all listed in the 1970s). Downings Malthouse is in a poor condition and has been on the Gloucester Heritage at Risk Register for over 20 years. Works of demolition were agreed in principle under the 2016 planning permission. In 2020 demolition works were formally agreed as a discharge of condition, mainly in the interests of public safety. The extent of the demolition works included:

- The removal of the 1950s concrete silo to the south of the Orchard St. warehouse;
- Removal of a section of the warehouses southern wall to enable access into the historic building;
- Removal of roof including internal support;
- Erection of scaffolding to stabilise the remaining walls (some of which are now freestanding).

The demolition works (approved by the LPA) resulted in the loss of a significant amount of historic fabric from the grade II listed building and, it was agreed under the discharge of condition that as much of the historic fabric of the building should be retained (for reuse within the subsequent redevelopment). At the time of the works it proved difficult/unsafe for the applicant to be able to access the building to assess the extent of material that could be retained. However, it has since been confirmed that a number of iron pillars, timbers and bricks from the building have been able to be retained for reuse within any subsequent scheme.

Despite this, Downings Malthouse retains significance as an historic structure not just in its own right, but also for its role in the evolution and development of industrial Gloucester. Historic England's GPA2 guidance advises that:

...where the significance of a heritage asset has been compromised in the past by unsympathetic development to the asset itself or its setting, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset in order to accord with NPPF policies...

- 7.12** The current proposal seeks to retain the majority of the walls that have been left in-situ following the demolition but, due to the need for the new development to be served by natural light some loss of historic fabric is proposed predominantly to create new door and window openings. Initially, the alterations proposed to the north-west elevation of the Orchard St. building were unsympathetic to the existing architectural features of the building (failing to take advantage of the existing brick recesses to frame new openings). The original scheme also sought to remove original warehouse window openings (that face into High Orchard Street), inserting larger openings with recessed balcony areas. A revised scheme was submitted including improved design of the new window openings (north-west facing) as well as the retention of the High Orchard Street warehouse windows. In terms of the conversion of the High Orchard St. Warehouse and Kiln, the amended design is considered to offer improvement, but there remains an element of harm due to the additional loss of historic fabric required for new window openings.

- 7.13 The council's Conservation Officer (GCC-CO) has raised an objection to the development, considering that the New Build element (in combination with the loss of additional historic fabric) would result in substantial harm to the significance of the grade II listed building. The GCC-CO disagrees with the applicant's approach to the assessment of the significance of the listed building disputing the approach that, because Downings Malthouse has lost extensive fabric there is justification for further changes or loss with only minimal or no harm being caused. The GCC-CO notes Historic England's guidance² stating that:

Where the significance of a heritage asset has been compromised in the past... consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset in order to accord with NPPF policies.

I agree with the GCC-CO's view that the applicant is incorrect to present the assumption that further interventions arising from additional loss of historic fabric are diminished due to previous works. However, I do not entirely agree with the extent of additional harm that has been identified by the GCC-CO. The lawful fall-back permission is a material planning consideration that balances against the level of additional harm expected to be caused to the remains of the Downings Malthouse listed building. Should the applicant continue to implement the previously approved development, further loss of historic fabric would occur. I am satisfied that losses would be comparable to that currently proposed.

- 7.14 The loss of historic fabric is not the only issue and the overall design of the scheme and impact of it on the significance of the listed building (as a whole) must be considered. The GCC-CO does not dispute that the reinstatement of the northern range of Downings Warehouse (the warehouse and former no.2 Kiln) would be achieved. A level of harm would arise from new fenestration openings and creation of areas of modern public realm and parking/servicing areas (within the setting – potentially mitigated by use of appropriate materials see Conservation Area section below). However, the historic form and some of the architectural detailing that identifies the building's former uses (such as the reinstatement of the kiln roof detailing and restored signage on the NW elevation) will begin to restore some of the significance of the northern range and ensure that it can be appreciated as a historic building with links to Gloucester's industrial past. HE's GPA2 guidance recognises that the significance of a previously compromised heritage asset can be enhanced. Taking into account the condition of the northern range and that the scheme proposed to reinstate much of its original scale, form and some of its detailing I consider it reasonable to conclude that the restoration of the northern range of the building is a broad heritage benefit of the scheme that would restore some of the lost significance of the building, that must be balanced against overall harm.
- 7.15 The GCC-CO considers the manner in which the applicant is seeking to achieve the redevelopment of the southern range/former silo site, by separating the site from the northern range (High Orchard St. Kiln) from the southern section of the site and constructing what is effectively a new, taller structure will give rise to substantial harm to Downings Malthouse and its setting. It is stated that the change to the context of the historic building and how it is experienced, would change the character from that of a predominantly linear built form, to a site which will be dominated by an alien and incongruous tower, whose verticality, height and domestic character are some of its most obvious features. There is some agreement that the historic listed elements, when rebuilt or restored, will retain a linear industrial form. However, the GCC-CO concludes that because of the size of the proposed tower, the listed building will be experienced as a subsidiary feature on the site, losing its stature, status and prominence to the detriment of its significance.

- 7.16 I accept that the elements of the listed building that would remain (including the restored

² Historic England – GPA2: Managing Significance in Decision-Taking in the Historic Environment

northern range) would be subsidiary features to the larger-scale New Build element and some of the linear form of the original building would not be reinstated. Along the north-western elevation, the New Build would be experienced as a clearly modern addition, separate to the historic building but, along the south-eastern elevation the linear footprint of the listed building would remain legible to some degree. This would particularly be the case within public views at ground level surrounding the site (as the majority of people would experience the building from the new public realm areas). Within longer range views, the historic elements of the building would be mostly screened from view. The buildings seen within the context of the site (particularly those modern buildings to the north and east) are taller than Downings Malthouse, not to the extent of the proposed New Build, but they are taller.

- 7.17 The concrete silo that was in place until 2020 was also a taller feature with a much larger massing than the northern section of the listed building. It essentially blocked any views of the historic Downings Malthouse from the south. The extant scheme, by restoring a smaller-scale modern southern range would have opened up views of the historic northern range improving its appreciation. This would have been an element of the scheme accepted as an enhancement. Clearly, the New Build now proposed would not achieve this and, by being taller than the former silo (albeit on a smaller footprint) and of a modern design and form, I must accept there would be some harm to the significance of the listed building and how it is appreciated. However, I consider this limited to a local level and would not affect how the building has been appreciated within the wider townscape (over and above the existing situation).
- 7.18 I accept that severing the physical links between the High Orchard Street Kiln wall and the other historic structures would be harmful to the significance of the remaining listed building. This is an undesirable aspect of the design and the retention of the historic walls as unbroken features would be preferred. However, the removal of this section of the wall serves other competing elements of the overall design (the need to ensure natural light can be accessed). It also opens up a better appreciation of the southern elevation of the former kiln, by separating the restored section of the historic building from the obviously modern addition of the New Build element.
- 7.19 There is also some historic justification to the proposal to sever part of the listed building as proposed. The Downings Malthouse was originally developed in two phases with the Malthouse and kiln No.1 built in the early 1890s and the addition of the northern range (malthouse and kiln no.2 – the more substantial section of the remaining listed building) constructed a few years later. The original southern range was mostly demolished in the 1950s and replaced by the concrete silo. Whilst the building had remained physically connected through the 1950s redevelopment, almost all of the historic architecture of the original range was lost, with only the High Orchard Street kiln wall remaining. That wall is to be retained but, with a different form of development replacing the concrete silo. The applicant has attempted to secure alternative designs reinstating the massing and form of the silo in a modern reinterpretation. Objections were made at pre-application stage (by both Historic England and the GCC-CO at the time) with general advice given that a separation of modern architecture from the historic architecture (rather than some form of pastiche incorporating both elements) was preferred. In my view, it is also reasonable to balance this harm against the enhancement that would arise from the reinstatement of the bridge link between the northern range and Malthouse Ext. Whilst the replacement bridge would be a modern design it would ensure the physical connection between these two buildings (and in terms of their future appreciation the historic, functional link) in reinstated.
- 7.20 Previous pre-application schemes that sought to remove the majority of the remaining southern elements of the historic building received objections and the applicant has reached the design in an attempt to balance the competing need to secure a viable development

against the need to retain as much of the remaining listed building as possible.

7.21 I disagree with the GCC-CO's opinion that the retained section of wall (from the original C19th southern range) would be read as an add-on, rather my view is that the clearly modern New Build will be seen as an obviously later addition to the site. Retaining the wall allows some appreciation of the building that formerly occupied the site (the original C19th building not the 1950s silo), including its detailing and linear form. The context of this wall may appear somewhat confusing following its separation from the northern range but, the applicant has agreed to commission a number of information boards to be placed within the new public realm. Whilst not a formal record of the previous building the information boards can be placed at points that will help to explain what has been lost and what has been retained (to members of the public). Whilst not justifying the loss to the significance of the building the information can draw public attention to the lost significance of the building can go some way towards providing some understanding of the significance of the heritage asset in line with NPPF para. 205.

7.22 **'Less than substantial' or 'substantial' harm to the listed building?**

The matter of 'substantial' harm versus 'less than substantial' harm is not clearly defined by planning policies or guidance, other than being a high-bar test. HE's GPA2 guidance states that substantial harm is a high test which may not arise in many cases. The NPPG goes on to provide more detail:

Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

7.23 As above I have recognised that the restoration of the northern range of the listed building is a broad heritage benefit of the scheme. The loss of additional historic fabric to permit the creation of additional window and door openings along with other modern alterations are, in my view, harmful but essential to ensure the optimum viable use of the northern range can be secured. Conditions can be used to ensure that all works of repair/replacement including materials and building methods are secured and agreed prior to commencement. I also note third-party concerns relating to the structure of the existing building and how this would be supported during the construction phase. My assumption is that the current scheme of scaffolding and support would remain in place until works had been completed to create the basement areas and provide support for the remaining structure. However, to ensure a precautionary approach to the protection of the remains of the building is taken I consider a suitably worded condition can secure full details of building protection measures to be adopted (to be agreed prior to commencement).

7.24 I accept that the height and form of the New Build contrast with the remains of the listed building and will result in some harm to the significance of the listed building. However, the design of the New Build element, set predominantly within the area of the site formerly occupied by the 1950s silo, would allow the retention of some of the remaining walls of the original southern range of the listed building, whilst enabling the more sympathetic restoration of the northern range. The relatively small, triangular footprint of the New Build has been designed to ensure the existing original walls can be retained and stabilised. As

such, the historic linear form of the listed building would remain partly legible and able to be appreciated and understood by the public into the future. I consider the appreciation of the remaining elements of the original building would not substantially change over and above that possible when the concrete silo was in place. I consider the public information boards proposed by the applicant would provide some better appreciation of the history of the southern range and why part of it has been retained.

- 7.25 The GCC-CO has stated that the New Build would change how the building was experienced, particularly within short-range views as it would be notably taller than the remains of the adjacent listed building noting that the distinctly modern architecture set against the historic architecture would be jarring. However, I do not consider the modern architecture would be jarring to the point that it would result in 'substantial' harm to the significance of the building. As noted above for a number of decades, the southern section of Downings Malthouse was dominated by a concrete silo, a very stark piece of utilitarian architecture, that was taller than the northern section of the building. The presence of the silo does not negate the harm from the taller development (the New Build is proposed to be taller than the silo, but smaller in footprint), however it demonstrates that the southern section of the building had lost significance, prior to its listing, due to the removal of the original kiln and replacement with an unsympathetic modern addition.
- 7.26 The extant planning permission recognised that the removal of the silo was a heritage benefit of the scheme and the design of the 2016 permission, a reinstatement of a smaller-scale southern range would have been a broad enhancement to the appreciation of the overall listed building. The taller New Build will result in some harm (over and above that of the extant consent) but, would not go as far as reinstating the larger footprint, mass, bulk and poor architecture of the 1950s silo (that was in place at the time of listing). The design of the New Build, utilising larger areas of glazing within a modern reinterpretation of the adjacent historic warehouses, would create a more open, lighter-weight built form than those of the surrounding historic warehouses. I do not consider this would be as harmful as reinstating the former concrete silo, but accept that it would result in some harm over and above the extant planning permission.
- 7.27 I must also consider that the listed building is now experienced within an area that has undergone substantial modernisation and includes very modern development within its immediate setting. As such, the experience of the listed building has changed and I consider the impact of the introduction of the clearly modern New Build element (on the site of the former silo) within the context of the listed building is lessened by the wider character of the area (a juxtaposition of historic and modern architecture). The major contrast between the proposed New Build and the surrounding built form is the height (and to some extent the departure from the more linear footprints of the traditional buildings) and I consider the height is the major design element of the scheme that is harmful to the listed building.
- 7.28 Taking into account the above considerations I am of the view that the overall impact of the proposal on the significance of the listed building is 'less than substantial' harm at the higher end of the spectrum. In line with NPPF para. 202 the harm must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I will weigh the heritage benefits and harms together below, following further assessment the impacts of the proposal on heritage assets.
- 7.29 **Malthouse Extension and its Setting**
As stated above, I consider the reinstatement of the bridge link between the Malthouse Ext. and restored northern range of Downings Malthouse would be a positive aspect of the development that would restore the physical link between the two buildings ensuring that the historic link between the buildings can be appreciated into the future. A condition to secure full details of how the bridge link will connect into the Malthouse Ext. is reasonable and necessary to ensure the works are acceptable.

7.30 Within mostly short-range views, the New Build would visually compete with the Malthouse Ext. within its immediate setting. This is predominantly due to its height. As with the setting of the Downing Malthouse, I do not consider the presence of modern architecture, introduced into the setting of the Malthouse Ext. to be harmful in principle. The context of the surrounding area has changed with the introduction of a number of modern buildings. However, the New Build would project above the height of the Malthouse Ext. in close proximity, reducing its stature as one of the most prominent buildings within Bakers Quay. The New Build would possess a smaller footprint than the substantial Malthouse Ext. with an overall lighter-weight design. The triangular footprint would help to preserve some of the openness of views (of the Malthouse Ext.) from St. Ann Way the south-east (currently predominantly open land). Although it would be approximately three-and-a-half storeys taller, it would not dominate the adjacent listed building. As such, the contribution of the setting to the significance of the building at Malthouse Ext. would be partly diminished. The proposal would result in a 'less than substantial' harm to the setting of the Malthouse Ext.

7.31 **Docks Conservation Area**

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states the following:

...with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The NPPF goes on to state that:

Not all elements of a Conservation Area...will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

7.32 The Downings Malthouse site is not within the Docks CA, but sits within its immediate setting. From much of the CA, the New Build would be mostly screened by existing buildings the majority of which possess a larger massing than the New Build. However, a distinctive characteristic of the wider Docks CA is the broadly vertical character of the built form (particularly the Victorian warehouses), that would be maintained by the New Build development. The main departure being the height and a non-linear footprint (approx. 10-15 metres taller than existing warehouses) and the form resulting in it being experienced as an obviously modern addition to the townscape.

7.33 In a similar assessment to the setting of the Malthouse Ext. listed building undertaken above, I must conclude that the New Build element of the proposal will be a prominent addition to the setting of the CA, mainly within short-range views from St. Ann Way and from the grounds (and canal towpath) to the east of Llanthony Priory. There would also be some mid-range views from the north (i.e. North Warehouse and the dry dock) and the south from the canal towpath but, due to the heights and generally dense layout of the Docks and Quays areas to the north views of the New Build from within much of the CA would be limited (and in most cases glimpsed/transitional views). The New Build would compete with the prominence of the Malthouse Ext. and some of the other canal-side buildings mainly due to its height but, it would be set away from the canal in the context of a substantially modernised mixed-use environment. It would also possess less overall massing than the majority of both the modern and historic buildings (within the immediate surroundings) and the use of glazing and balcony

areas set within a traditional brick frame would result in the New Build being seen as a lighter-weight structure than the surrounding buildings with the use of traditional materials (in a modern frame) helping to tie the design into the established materials palette within the surroundings. So, impact within short-to-middle range views would be somewhat tempered and not substantial.

- 7.34 The area of the site that is located within the CA was identified within the 2006 CA Appraisal as being an area in need of enhancement. This has followed through to the *Public Realm Strategy* (PRS) that identifies Bakers Quay as a significant gateway into the Quays and wider historic city centre areas. Full details of the materials to be used and landscaping have not been submitted but, I consider there is some potential for a scheme to be agreed that result in overall enhancements to the public realm and as such the appreciation of a number of buildings within and surrounding the Bakers Quay area of the Docks CA. A suitable worded planning condition can ensure that a scheme of materials and landscaping (planting) is agreed and that the developer has regard to the council's PRS guidance to ensure the works are compatible with the character of the CA and wider improvements to the public realm sought across the city. Taking into account the above, the harm that would arise is considered to be at the lower end of 'less than substantial' harm, as this area of the Docks CA is now experienced within the context of a significant amount of modern development and the development would deliver enhancements to the public realm.
- 7.35 Overall, whilst there is some potential for the public realm within the CA to be enhanced I do not consider this would outweigh the harm to its setting arising from the proposed New Build. Therefore, I conclude that a 'less than substantial' harm, at the lower end would be caused to the character of the CA.

7.36 **City Centre Conservation Areas**

The GCC-CO has stated that a range of heritage assets would be harmed by the proposal with concerns raised over the impact of the New Build element for the scheme on city centre CAs (Southgate CA and Spa CA being mentioned). The applicant provided additional visualisations (as part of the LVIA submission) to first assess whether the New Build would be visible from certain areas within the wider city centre. The additional LVIA work confirmed the New Build would be partly visible within wider views of the townscape but, confirmed my assessment that the building would not present a dominant addition to the townscape. In most cases, the New Build would be set a significant distance away from the city centre conservation areas and would be screened by vegetation and existing buildings. Views of the New Build from the public realm within these CAs would also be transitional and glimpsed (as the majority of people would experience it) and overall it is considered that the character and appearance of these CAs or their settings would not be harmed.

7.37 **Archaeology**

The current application has been submitted with an initial archaeological Desk Based Assessment (DBA). The council's Archaeologist has reviewed the details and has concerns that the extensive groundworks proposed would cause harm to remains within the site. The potential remains have been set out as follows:

Roman – the site is situated about 110 metres west of the Roman road heading south from Gloucester. There is a generally high occurrence of Roman artefacts from the surrounding area – so Roman archaeological remains are a possibility.

Medieval – the site is located within the grounds of Llanthony Secunda Priory. We have very little information of the layout of this part of the Priory but medieval archaeological remains are a possibility.

Post-medieval – foundations of the malthouse and other below ground remains

from this period may survive.

It was initially advised that the applicant be requested to provide the results of an archaeological evaluation prior to the determination of this application. After some informal discussion it was agreed that the scope of the evaluation could be reduced due to the previous excavations that would have occurred when the original building and later concrete silo were constructed. However, the request for the evaluation to be undertaken prior to the determination of the application remained. The works would allow the LPA chance to review and to understand the significance of any archaeological remains that may be affected. This would reduce risk to the developer if no remains of interest were uncovered.

- 7.38 The applicant has not agreed to undertake the works prior to the determination of the development asking for a pre-commencement condition. The council's Archaeologist has since advised that the application should be refused due to lack of information. Given the high sensitivity of the site I would ordinarily seek to secure the results of the evaluation prior to determination. The NPPF advises that:

Where an initial assessment indicates that the site on which development is proposed includes or has potential to include heritage assets with archaeological interest, applicants should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

I consider the application is a situation where a field evaluation should be undertaken. However, the proposed development is likely to include subphases (i.e. works to commence the New Build could start at a different time to the conversion/restoration works or vice-versa) and the council's Archaeologist has accepted that certain areas within the site are unlikely to be archaeologically sensitive (based on the information submitted within the DBA). As such, I consider there is some justification for a specifically worded planning condition ensuring that works do not commence across sensitive areas of the site, whilst ensuring that a field evaluation is completed with results reported to the LPA prior to the commencement of works within any sensitive areas.

- 7.39 The 2016 planning permission (that remains extant) also provides a fall-back position. The 2016 permission was granted subject to archaeological conditions that only related to the hotel site area (of Bakers Quay). Significant demolition works and works to the basement areas of both Downings Malthouse and the Malthouse Ext. were proposed and it is unclear why a precautionary approach was not taken. Given that ground disturbing works are likely to be more significant in relation to the fall-back position I consider that a pre-commencement condition is acceptable. The applicant has agreed to this approach, accepting there is a degree of increased risk should remains of interest be discovered. Taking into account the individual circumstances I am satisfied that suitably worded planning conditions can provide sufficient ability for any archaeology to be identified and any required mitigation secured.

7.40 **Heritage and Public Benefits**

Taking into account the views of Historic England, the GCC-CO, national amenity societies, the lawful fall-back position and the significance of the site (and how this would be changed) I conclude that a 'less than substantial' harm would be caused to a range of designated heritage assets. With regards to the harm to the listed building within the site I weigh this at the higher end of the scale but, for the reasons set out above, do not consider the proposal would cause substantial harm. With regards to other heritage assets (depending on their status) I weight this harm broadly at the moderate-to-lower level.

- 7.41 In line with the NPPF I have given great weight to the harm that would be caused to the various heritage assets, particularly to the harm to the setting of the grade I listed Llanthony Priory.

I have also considered the range of public benefits that would arise from the scheme. The NPPF recognises that examples of heritage benefits may include:

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting;*
- *reducing or removing risks to a heritage asset;*
- *securing the optimum viable use of a heritage asset in support of its long term conservation.*

I am satisfied the proposal would secure the optimum viable use of the northern range of Downings Malthouse and the proposal would certainly result in the building being removed from the at risk register. Several heritage consultees including the GCC-CO,) do not dispute that some of the significance lost to the northern range would be restored (despite some design criticisms) and this element of the scheme is broadly noted as being much less controversial than the New Build. I consider that, when viewed in isolation from the wider Bakers Quay site, the proposed New Build development goes beyond what could be considered to be the 'optimum viable use' of the Downings listed building. However, the site is part of the wider Bakers Quay regeneration and I must place a high level of public benefit on the need for this development to support the completion of the wider regeneration scheme.

7.42 I consider the weight given to the need to ensure that the wider Bakers Quay regen can be delivered is significant. This is particularly important when considering that the scheme would secure the optimum viable use of the grade II listed Malthouse Ext. which is a substantial listed building occupying an prominent canal-side location. The applicant confirms is still within a condition capable of being converted without significant rebuilding (unlike the Downings Malthouse). The Transit shed conversion/rebuild would also be supported by the current scheme ensuring the optimum viable use of that listed building was also secured. Some harm to the settings of the Transit Shed and Malthouse Ext. would occur from the New Build, but this is tempered by the heritage benefits that would be delivered through the restoration of these buildings (supported by the current scheme).

7.43 The Malthouse Ext. could (in theory) be converted without the current development taking place. The planning permission is extant. However, the applicant has been able to demonstrate that the Malthouse Ext. conversion is not viable without the current redesign of the Bakers Quay regen scheme. Phase 1 has been built-out with minimal profit being returned to feed into Phase 2. Of the Phase 2 developments permitted, the options to redesign the scheme are somewhat limited to the former silo site within the Downings Malthouse site area. Other options have been explored through various designs and pre-application discussions with the council and have been discounted with the current scheme presented as a balance between the heritage constraints of the site and the need to ensure the wider regen scheme can still be delivered.

7.44 In broad terms, the principle of the Bakers Quay regen scheme, as established in 2016, was a mixed-use scheme of heritage conversion/restoration works supported by profits to be secured by modern development. I am satisfied the applicant's viability assessment (and council's third-party review) has demonstrated that still remains the case and the quantum of development now proposed will enable the delivery of the site within the next few years . In the context of para. 204 of the NPPF that...

...local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred...

I consider the weight given to the support this development would provide to the completion of the Bakers Quay regeneration scheme is significant. A sub-phasing condition can ensure

that the works to restore the northern range are delivered and, a deed of variation to the Bakers Quay Section 106 legal agreement will also be required to ensure the new permission is referenced within the terms of the wider regen scheme agreement.

- 7.45 A major public benefit that would arise from the development is the provision of a significant number of new homes within a highly sustainable location. I give this benefit significant weight. Alongside the new homes (delivered by the development under consideration) the completion of the wider Bakers Quay regen scheme will ensure the homes and some of the additional commercial floorspace approved as part of Phase 2 of the 2016 planning permission will also be delivered (further contributing towards the city's housing supply). The scheme will also help to complete the regeneration of the southern edge of the Docks regeneration area (itself a long-term aim to improve the sustainability of the city economy and housing delivery).
- 7.46 Some limited positive weight can also be given to both the short-term and longer-term economic and employment benefits and support to the viability of the nearby commercial areas and the city centre associated with the construction and subsequent occupation of the new housing. As well as some limited positive weight to the improvements to the public realm and movement within and around the site.
- 7.47 Taking all of the considerations into account, I am of the opinion that the level of public benefits reasonably expected to arise from the development would outweigh the recognised harm to the heritage assets. As such, the development is considered to comply with the aims of Chapter 16 of the NPPF and the aims of policies A1, B4 and D1 of the GCP and SD8 of the JCS.

8.0 **Urban Design and Townscape**

The NPPF states that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...

The JCS and GCP jointly seek to ensure that new development comprises high-quality design that results in overall improvements to the built and natural environments, whilst ensuring that the city's heritage is respected. GCP policy A1 recognises that the *Gloucester Townscape Character Assessment* (2019) will be a particularly important consideration in determining appropriate densities and forms of development. GCP policy D4 seeks to protect key views of the Cathedral (and other historic places of worship).

- 8.1 The city council also has published supplementary design guidance (SPG) relating to Heights of Buildings. The SPG provides guidance on issues relating to the heights of buildings within Gloucester. Criteria are set out which developers are required to work through, leading to a justification for the need for a tall building. The SPG states that:

Although no official definition of a 'tall building' exists for the purposes of this Supplementary Planning Document, a 'tall building' will be defined as any structure that breaks the skyline and/or which is significantly or noticeably taller than its surrounding built fabric...

The SPG goes on to identify the various tall buildings (existing at the time of drafting) with a significant emphasis placed on protecting views of Gloucester Cathedral and St. Michael's Tower that form the major landscape buildings within important views of the cityscape. The SPG adopts a combined approach to assessing tall buildings, considering impacts through

both an area-based and 'view corridor' approach in order to ensure both the protection of the unique character of the city and the need to consider taller buildings, and their potential associated benefits of higher density development and greater land use efficiency.

- 8.2 The proposed new build that would replace the concrete silo, would be noticeably taller than the adjacent buildings (at approx. 15m taller than the Outlet Centre and grade II listed Malthouse Extension and approx. 12m taller than Britannia Warehouse - a typical 6 storey historic warehouse). As such, I consider it should be assessed against the SPG design advice and considered within the defined Docks Area and defined View Corridors along the canal. However, as the SPG pre-dates much of the modern development within the site surroundings, it is first pertinent to assess the existing character of the site and wider street scene.

8.3 **Existing site and street scene character and appearance**

The site is predominantly historic in character (when viewed in isolation), but is framed by a mixture of modern and historic buildings. Little remains of the original southern range of Downings Malthouse with the more substantially complete northern range being approx 4 storeys (approx 17.2m maximum height). A section of the former warehouse that fronts the public highway has already been redeveloped into residential use (known as the Maltsters Cottages).

- 8.4 The Gloucester Quays Outlet Centre is located directly to the east with its curved car park access presenting an explicitly modern feature in juxtaposition to the historic architecture of the Victorian warehouses that occupy the site and wider Docks CA to the north-west. The addition of overly modern architecture into the setting of the Docks CA and the listed buildings at Bakers Quay is not harmful in this context (this was a principle design approach that was supported by the 2016 Bakers Quay planning permission) and has been informed by an approach to preserve the scale and forms of the traditional buildings whilst permitting the use of modern architectural detailing and materials.

- 8.5 In terms of building layouts, the southern edge of the Downings Malthouse site (the boundary between Bakers Quay Phases 1 and 2) presents a noticeable edge to the more densely populated Docks Regeneration area. To the north of the Downings site, both modern and historic buildings occupy a denser built form surrounding the historic quays with the majority of buildings ranging between 5 and 7 storeys (6 full storeys with accommodation within roof spaces). The denser layouts reflect the historic origins of the buildings that were laid out to allow a team of horses or railway track to pick up and deliver goods and so are narrower than a normal street. The *Heights of Buildings* SPG goes on to state:

A characteristic of the Docks is the large scale and massing of the warehouse buildings, formed into defined clusters, with distinct gaps or spaces between. This pattern of development forms a rhythm along the canal frontage, which extends from the first Warehouses within bakers Quay to the very terminus of the canal, adjacent to North Warehouse.

As such, it is accepted that buildings within the wider Docks area are generally large in scale occupying a dense layout.

- 8.6 To the south of the Downings site (including Phase 1 of Bakers Quay), the built form is more open, with modern retail and industrial buildings surrounded by level, open parking and servicing areas within the wider plots. The quality of the built form (in terms of landscaping and architecture) is also notably lower to the south.
- 8.7 Prior to 2020, the Downings site featured a concrete silo. The silo was approximately 20m tall (taller than the High Orchard St. listed building but, marginally lower than the ridge height

of the Malthouse Extension). It was of a utilitarian design and considered to be of a poor architectural quality. The silo was in place from the 1950s to 2020, when it was removed to allow access into Downings Malthouse to enable public safety works.

- 8.8 In terms of use, the wider Docks area, land uses are predominantly now within residential, leisure and retail uses. The site immediately to the north remains in an industrial use (Numold UK - manufacturing moulds for concrete) but, buildings to the south, south-west and various historic warehouses to the north are a mixture of residential and leisure with leisure and retail forming the predominant land-uses to the north-east and east. In a similar consideration to the character of the site and surroundings the use of the site is considered to be within a transitional area so can support a mixture of uses.
- 8.9 Given the location, transitional nature of the uses, character and quality of buildings within and surrounding the site, it is reasonable to consider the site as the southern entrance into the wider Docks Regeneration area (particularly the Outlet Village and Restaurant Quarter). This is reflected within the city council's *Public Realm Strategy* (2017) (PRS) that includes Bakers Quay as a primary space acting as a key gateway into the wider Docks and city centre areas. In terms of the area regeneration and place-making, the site is considered to be uniquely capable of supporting a landmark development to define the southern entrance to the wider Docks Regeneration area.
- 8.10 **Landmark building and the city skyline**
A dictionary definition of a landmark is *"an object or feature of a landscape or town/city that is easily seen and recognized from a distance, especially one that enables someone to establish their location"*. Gloucester has several defining landmarks with the Cathedral Tower representing a significant landmark that identifies the city centre. The Hospital Tower is also a notable landmark when approaching the city centre from the east (visible from Metz Way and A38 and set approx. 1km to the east of the Cathedral). Robinswood Hill is the predominant landscape feature, defining the south-eastern edge of the city and being visible from the majority of the city neighbourhoods, including the city centre.
- 8.11 The Bakers Quay site is located approximately 1km to south of the Cathedral and lies at a ground level of approximately 10-15m lower than the Cathedral. Due to the height of the new build and lower ground level I am satisfied that it would not substantially conflict with wider views of the Cathedral (particularly those centring around the canal, defined within the *Heights of Buildings SPD*). The New Build would not be clearly visible within any of the 'Local View Corridors' that were identified as being key to preserving existing cityscape views of the Cathedral. The New Build would be partly visible within 'Strategic View Corridors' 6 (from Hempstead Village), 7 (Netheridge), and 10 (Robinswood Hill) but, I am satisfied that the lower ground level and design of the building would result in it not being seen as a dominant addition to the cityscape and would not compete with the dominance of the Cathedral Tower within these important long-distance views of the city.
- 8.12 Strategic View Corridor no.8 (canalside) may experience some affects as there are likely to be some mid-range views of the New Build that would be possible at various points to the south of the site. However, I am satisfied the New Build element would not directly block views of the Cathedral tower with a direct line-of-sight between the Cathedral Tower, the application site and the canal towpath converge at a point along the towpath where dense vegetation (Monks Meadow) blocks any views north towards the site and city centre. Further to the north and south of Monks Meadow views of the Cathedral would not be hindered. The Cathedral is also sat at a higher ground level to the application site so in all probabilities would sit above the New Build of the proposal within most views of the city skyline.
- 8.13 The applicant has submitted a Landscape and Visual Impact Assessment (LVIA). It confirms that the New Build would be most impactful within short-to-mid range views, mainly from the

more open land to the south of the site. Overall, the LVIA has concluded that the proposed development would have minor adverse and minor beneficial effects on the townscape. The effects would be adverse, because the New Build would be noticeably taller in comparison to the surrounding building heights, but maintains the generally vertical character of buildings within the wider Docks area. Due to the lightweight design (small footprint in comparison to the historic buildings and use of large glazed areas within elevations) and use of traditional materials it is considered that it presents a balance between the traditional and the modern, sympathetic to the varied surroundings and overall adverse visual impacts are therefore minor. Additionally, the proposed development will change the use of the site to align with the adjacent residential properties to the south and south-west, thus reinforcing this aspect of the townscape.

- 8.14 The SPG also provides general advice on the recommended approaches to the design of a tall building:

...One would be to incorporate locally distinctive design features and materials sympathetic to the existing character, while another would be to design a scheme, which stood out or contrasted with the surrounding built form.

In this case, the modern design incorporating traditional materials reasonably achieves a balance of the design approaches suggested by the SPG and I consider the site is uniquely placed to support the height and design of the New Build. No substantial conflict with the aims of the SPG or policy D4 is identified.

8.15 **Public realm and placemaking**

The site is currently experienced as both a visual detractor and barrier to movement at a significant arrival point into the major land-use area of the Quays, Docks and wider city centre to the north. The council's *Public Realm Strategy* (2017) (PRS) sets out that Bakers Quay (along with the wider Gloucester Quays Outlet Village and northern area of the Docks) are primary spaces with the Quays (including Bakers Quay) highlighted as a key arrival point and land-use activity hotspot. A major aim of the PRS is to enhance the connections between major land uses and areas of activity through the development of a coherent and high quality approach to the public realm, based on reducing clutter and providing high quality materials to create spaces where people want to live and work.

- 8.16 The development would deliver new public realm both through and around the buildings, including the reinstatement of the canal towpath that is a key aim of GCP policy B4. Phase 1 of Bakers Quay has already delivered a partly reinstated canal towpath, with elements of uncovered railway/tram tracks incorporated into the surface design. The current proposal would provide further reinstatement of the towpath (with the scheme also sought to support the completion of the Malthouse Ext. conversion that would deliver the final towpath links to the north of the site). There has been some concern from consultees with regards to the prevalence of surface car parking but, subject to agreeing appropriate materials and a scheme of site planting I do not consider these semi-private areas of the site would detract from the publicly accessible areas.
- 8.17 As stated above (within the heritage section of the report), full details of hard-surfacing materials, site planting and final layouts have not yet been agreed, but I am satisfied that suitably worded conditions can ensure that full details are submitted and agreed in line with the aims of the PRS design guidance to ensure a balance between public realm enhancements and the heritage value of the site is reached. In terms of public realm, I consider the site would positively contribute towards the delivery of the PRS and result in a much needed uplift of this significant gateway into Gloucester's primary land-use areas.

8.18 **Conclusions on Urban Design, Townscape and Public Realm**

Overall, I am satisfied the site is uniquely placed to support the proposed development of a taller building without causing harm to the established skyline. It would provide Gloucester with a high-quality and unique, landmark building that would identify the gateway into the Quays and Docks regeneration area, without being of such a large-scale that important features of the wider city skyline are interfered with. The design approach would also respond to the mixture traditional and modern architecture that now comprises the wider Docks area and the scheme will delivery much needed enhancements to the public realm and permeability of the site. I find no substantial conflict with the aims of the NPPF, policies A1, B4 and D4 of the GCP or SD4, SD5 and INF1 of the JCS.

9.0 **Economic Development**

Para. 81 of the NPPF advises that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Para. 86(f) goes on to advise that LPAs should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites. GCP Policies B1 and B4 set out the aims for new development to identify opportunities for the employment and skills development of local people as well as ensuring that no adverse impacts on access to or the use(s) of the water-space and canals occurs.

- 9.1 The Bakers Quay site not within the defined city centre boundary but, is considered to be a key gateway site into the wider Gloucester Quays and Docks regeneration area. The Docks area is a major cultural and historic asset for the city, and already represents a major tourist attraction with the National Waterways Museum, Soldiers of Gloucestershire Museum and various festivals and events. The docks also remain the home of various water-focussed activities and businesses, including both commercial and leisure moorings as well as a successful working boatyard.
- 9.2 Gloucester Docks were historically a centre of economic activity within the city for a substantial period of time. However, the relocation of much of the historic industry and maritime businesses away from the area (during the mid-to-late C20th) had drastically reduced the economic benefits that the area afforded to the city. Subsequently, the Docks area was identified as major investment area in the early 2000s with a great potential to deliver various developments to meet the city's changing housing and economic needs. Various schemes (notably the creation of the Gloucester Quays Outlet village, Restaurant Quarter, Museums & Gloucester College developments) have completed, alongside the conversion of several historic warehouses into residential use. A new road bridge was also constructed at St. Ann Way (completed in Nov 2008) running to the south of Bakers Quay and providing direct access to the A430 to the west.
- 9.3 Bakers Quay remains one of few sites within the wider Docks area that has not fully undergone redevelopment to establish a viable use. The 2016 planning permission established the principle of a predominantly commercial redevelopment of the Downing's site, within a wider mixed-use redevelopment of Bakers Quay as a whole. However, as has been demonstrated by the applicant (and assessed in greater detail within the viability section of this report), the scheme no longer remains financially viable due to the collapse of restaurant market values. The loss of the ability to implement the extant planning permission has also placed the completion of the Bakers Quay regeneration (as a while) at risk. The residential redevelopment now under consideration is considered to be a viable solution to the redevelopment of both the Downing's site and to enable the conversion of Malthouse Ext. to be able to be commenced.
- 9.4 Completion of the Bakers Quay regeneration would result in significant benefits to the city economy. The construction phase would directly generate employment opportunities, (albeit

for a limited period during construction). The applicant has submitted a draft 'Employment and Skills Plan' (ESP) in line with the aims of GCP policy B1. The plan identifies opportunities for the employment and skills development of local people through the implementation of the proposal. Whilst full details cannot be confirmed until planning permission is granted (and formal contracts agreed) I am satisfied the draft ESP highlights that a number of opportunities will be created and can be delivered by the development. Full details of the ESP, along with details of its implementation and monitoring can be secured by a suitably worded condition.

- 9.5 The creation of a significant number of new dwellings in this highly sustainable location would ensure that the viability of businesses and tourist attractions located within Gloucester Quays and the nearby city centre were better supported (over and above the existing situation). It would be reasonably expected that future occupiers of the development would use the nearby shops, restaurants, leisure premises and tourist attractions (the Priory and Museums) lending support to their ongoing viability. An increased local population also has the potential to act as an employment 'reservoir' allowing businesses to benefit from increased spending as well as potentially being able to ensure any employment vacancies would be more likely to be filled.
- 9.6 The NPPF encourages LPAs to recognise that residential development plays an important role in ensuring the vitality of commercial centres and it encourages residential development on appropriate sites. I consider this to be an appropriate site in terms of location and the scale of residential redevelopment proposed and I am satisfied that the long-term economic benefits that would arise due to the occupation of the site would be significant ensuring the viability of the adjacent commercial centres is supported.
- 9.7 It is also reasonable to expect that long-term positive benefits to local businesses would arise from the physical regeneration of the derelict buildings currently occupying the site including the opening up of the spaces between the buildings. Downing's Malthouse and the Downing's Tower site are all currently unsightly features within the locality. Bringing the derelict site back into a viable use and delivering new public realm around the buildings would offer a substantial improvement to the local environment as well as providing better access to the waterside of Bakers Quay and increased permeability into the wider Quays and Docks area. This has been reflected in public comments that have identified the site as a major eyesore that blocks access to the businesses that span Merchants Road and is potentially a public safety hazard due to the poor condition of the site.

The city council's Head of Economic Development has offered broad support for the scheme as completing the regeneration of Baker's Quay would offer a significant improvement to the local environment and economic uplifting of the Docks area, as well as contributing to the economic wellbeing of the wider city.

- 9.8 Overall, I consider that subject to the use of a condition to secure full details (and implementation of) an Employment and Skills Plan, the proposal would deliver both short and long-term economic benefits in a suitable location. Considerations relating to design and heritage impacts aside, the development would provide significant support to the viability of the businesses within the Docks and City Centre areas leading to a long-term contribution to the economic well-being of the city. As such, the development is supported under the aims of the NPPF and GCP policies B1 and B4.

10.0 **Flood Risk and Drainage**

The current application site covers an area encompassing Flood Zones 1, 2 and 3. However, the areas within FZ2 and FZ3 would be used for public realm/car parking and have already been granted for use as such under the 2016 permission. The High Orchard St. redevelopment, that forms the main area of the proposed development, is located within FZ1, the area at lowest risk of river flooding. Vehicular access from the High Orchard St.

Warehouse crosses an area of FZ2 and FZ3 to the south, where it meets the public highway at St. Ann Way. To the north, the land is predominantly within FZ1.

10.1 Summary of 2015 Flood Risk Assessment

Due to the site location and nature of the proposed development, the wider Baker's Quay site was subject to both Sequential and Exception Tests during the 2015 application assessment. In terms of the Sequential Test it was accepted the development could only take place in the proposed location, since it involved the conversion/redevelopment of a number of listed buildings in a wider area specifically identified for a mixed-use regeneration. As such, the development was only considered to be acceptable subject to passing an Exception Test. Para. 164 of the NPPF states that, to pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

10.2 It was considered the wider sustainability benefits that would be delivered through the Baker's Quay Regeneration were substantial, so part a) was passed. It was also accepted the scheme would be safe for its lifetime, by locating the more vulnerable use (being the hotel) within FZ2 with the residential and leisure uses accepted as either being within FZ1 (the Downings Warehouse) or of a design that would be safe for its lifetime.

10.3 Basement levels of both Downings Warehouse and Malthouse Ext. would be below expected flood levels so a condition was imposed to ensure these areas were not used for accommodation (only for storage/parking etc.). A separate condition sought to ensure that ground floor levels were constructed above 11.8 metres AOD, to ensure they would be flood free for the lifetime of the development. Subject to the specific design of the development and the conditions it was the LPA's view that the Exception Test was passed.

10.4 Current proposal

The current proposal essentially seeks a redesign of the Downings Warehouse redevelopment, the area of the site that remains within FZ1. It is confirmed that ground floor levels would be at approximately 13.9 metres AOD or above so would be flood free. Whilst part of the application site area is within FZ2 and FZ3, I do not consider the development proposed within this area would give rise to increased risk of flooding on or off site (likely resulting in overall improvements due to the implementation of an improved scheme of surface water management and creation of basement areas that would increase the floodwater storage capacity of the site, should a river flooding event occur).

10.5 I consider it is not appropriate for the LPA to reapply the Exception Test to the current development proposal. Nonetheless, should an Exception Test be required I see little evidence to suggest that it would be failed as significant public benefits remain and the design of the development would ensure it would be flood free (for the site areas that would support vulnerable development).

10.6 The NPPF advises that in areas at higher risk of flooding, new development should have safe access and escape routes. The High Orchard St. Warehouse currently only has vehicular access from St. Ann Way, through an area of FZ2 and FZ3. However, the development would open a vehicular route through to Merchants Road that could provide access to emergency services (from the north) should a major flood event occur. Future occupiers would also have safe escape away from the site to the north, through land within FZ1.

- 10.7 Whilst I accept the development would have safe access and escape routes, given the number of residential units now proposed (over and above that of the extant permission) I consider that a condition requiring submission of a flood warning and evaluation plan should be submitted. This would ensure a precautionary approach was taken and future residents have advance warning(s) and understand where safe escape routes are. Due to the location of the site and low risk flood across the site and land to the north, I see no compelling reason why a scheme could not be agreed.
- 10.8 *Drainage Strategy*
The NPPF recognises that how water is managed by new development can contribute to reduced flood risk (either within an application site or elsewhere), as well as improved water quality, biodiversity net gains and meeting the challenges of climate change.
- 10.9 Para. 169 advises that major development should incorporate sustainable drainage systems (SuDS) unless there is clear evidence that this would be inappropriate. GCP policy E4 is consistent with the NPPF stating that all development should incorporate SuDS to reduce surface water discharge rates and address water quality, unless it can be shown, to the satisfaction of the City Council, that this is not feasible. The policy goes on to state:
- Applicants shall demonstrate that all surface water discharge points have been selected in accordance with the principles laid out in within the SuDS/drainage hierarchy. That is, where possible, connections to the public sewerage systems, and in particular the combined sewer network, are to be avoided. Wherever possible, foul drainage from development shall connect to the mains public sewer.*
- 10.10 In this case, larger Baker's Quay regeneration scheme was granted planning permission subject to a condition requiring agreement of proposals for the disposal of surface water in accordance with the principles of SuDS. Given the previously developed nature of the site, the use of a number of natural SuDS features (such as above ground natural infiltration and certain storage/filtration features) were discounted as an unviable drainage strategy. As such, a scheme discharging into the adjacent canal was designed and details relating to Phase 1 were subsequently agreed.
- 10.11 The application includes details of the Phase 2 strategy that adopts a similar approach to Phase 1, directing surface water into the canal through a series of new filtration drains, permeable paving, below ground attenuation storage units with restricted outflow into the canal. The system has been designed to retrofit modern water filtration and storage systems into the existing site in order to provide management of a 1 in 100 year flood event whilst also providing for water quality improvements. It is accepted the system design would be a significant betterment over and above the existing situation in terms of reducing flood risk and water quality. However, the system would require agreement with the Canal and Rivers Trust, who are the responsible authority in relation to water levels and quality of the canal.
- 10.12 The Canal and Rivers Trust (CRT) have reviewed the current proposal and asked for a similar condition (to the 2016 permission) to be included. In this case, I consider it is reasonable to expect that a scheme utilising above ground natural SuDS features is unlikely to be able to be agreed and accept that discharge into the canal is the likely most-viable strategy. The drainage strategy details an overview of the approach, but full details of the system design have not yet been submitted. CRT confirm they have not yet entered into any discharge agreements with the applicant so ask for the submission of full technical details to ensure they are able to fully assess the potential impacts on the water levels and quality of the canal.
- 10.13 It is of note that surface water drainage details agreed and implemented for Phase 1 included a higher rate of discharge into the canal (at the request of CRT) than was first designed into the scheme. This was to ensure that water levels within the canal and associated docks

basins are able to be maintained at appropriate levels. A design criteria of GCP policy B4 seeks to ensure that:

The development will not infill or reduce the depth of water of docks/canal waterspaces to the extent where it would limit the range of boats and other craft that could safely navigate and/or operate within the waterspaces...

Whilst full details of the system management and final discharge rates have not yet been agreed, the developer has been able to design a scheme for PH1 that satisfied CRT's requirements and their ability to control the water levels of the canal to ensure the depth remains navigable to a range of marine vessels. I see no compelling reason why technical details could not be agreed and accept that a suitably worded condition is appropriate.

10.14 The applicant confirms that foul drainage would connect into the existing public sewer (as was the proposal for the extant planning permission for the Downings site rebuild). Severn Trent Water have been consulted on the current application and offered no objection (in principle). However, the developer would be required to agree a scheme of design and adoption of the connection with STW in any case (this would be agreed outside of planning controls). Given that no objections or concerns were previously raised to the original planning permission in terms of foul sewer capacity, I consider there is very little evidence to conclude that a foul sewerage connection into the public sewer would be unacceptable in this location. A suitably worded condition can ensure that details of the foul drainage connection are agreed but, in my view, there would be a technical solution that would be agreed outside of planning controls.

10.15 Overall, I consider the development would not place future occupiers of the scheme at risk of flooding nor would flood risk be increased elsewhere. Subject to the use of conditions to secure agreement of full technical details of the scheme of surface water drainage and details of a flood warning and evacuation strategy I consider the development complies with the aims of the NPPF and relevant development plan policies.

11.0 **Ecology**

The site is located in an urban area but, due to the poor structural condition of the existing buildings and proximity to a significant waterbody (the canal and docks basins) there is some potential for the site to support biodiversity. The applicant has submitted an ecological survey that has highlighted that the High Orchard St. building has moderate potential to support bats. The new build section of the site (formerly occupied by the concrete silo) is identified as having a low potential to provide habitat for protected species.

11.1 Para. 180 of the NPPF states that, when determining planning applications, LPAs should refuse planning permission if significant harm to biodiversity would arise from a development that cannot be adequately mitigated or (as a last resort) compensated for or if it would result in the loss of irreplaceable habitats (ancient woodland, ancient or veteran trees). All development should seek to secure measurable net gains for biodiversity or enhance public access to nature (where this is appropriate). GCP policy E2 states that:

Development proposals must demonstrate the conservation of biodiversity, in addition to providing net gains appropriate to the ecological network. Potential adverse impacts on natural environment assets...must be avoided or satisfactorily mitigated in line with the objectives of the Gloucestershire Local Nature Partnership or a future equivalent body.

In terms of Biodiversity Net Gains (BNGs), I am satisfied that a suitably worded condition can be applied to the planning permission to ensure that a scheme of BNGs is agreed and implemented prior to the first occupation of the development.

11.2 Further to the above there is a statutory requirement under the provisions of the Conservation of Habitats and Species Regulations 2017 (Hab Regs)³ for LPAs to consider whether a European Protected Species (EPS) License would be likely to be granted in the event a development could impact upon EPS or its habitat. Natural England are the 'relevant licensing body' (for the purposes of the Hab Regs) so determine the final decision on the issue of an EPS license. However, Natural England's guidance advises that LPAs can determine planning applications providing they are satisfied that any required EPS license would be likely to be granted. With specific reference to bats, Natural England advise that before LPAs grant a planning permission they:

- *make sure any mitigation or compensation conditions imposed do not conflict with the requirements of a bat mitigation licence;*
- *be confident that Natural England will issue a licence.*

11.3 In this case, there is an identified potential for part of the site to support bat habitat. The city council's Ecological Consultant has reviewed the applicant's submitted survey and agrees with the broad approach to mitigation that has been put forward (subject to ensuring the mitigation measures are secured by condition). However, the Ecologist has advised that the further survey work recommended within the survey should be undertaken prior to the LPAs determination of the application (bat emergence surveys are recommended to confirm whether bats may be roosting within the building or not).

11.4 Whilst this work must be undertaken prior to the commencement of the conversion works of the High Orchard St. building, the new build element could proceed without harm to any bats potentially using the more substantial northern half of the site (the Kiln and part of the former warehouse). If evidence of roosting bats is identified there is a high likelihood that an EPS license would be required. When considering whether to issue a license Natural England must consider whether the following three legal tests are passed:

- the activity must be for a certain purpose - for example, for scientific research or in the public interest;
- there must be no satisfactory alternative that will cause less harm to the species;
- the activity must not harm the long-term conservation status of the species - you may need to create new habitats to offset any damage.

As the LPA must be confident that an EPS license would be granted it is pertinent to consider these tests within this report.

11.5 The LPA considers the development is in the public interest. The site is located in a very sensitive location as a gateway into the wider Gloucester Quays and Docks regeneration area. ay, as well as providing a significant number of new homes in a highly sustainable location. The Downing's redevelopment would also support the conversion of the Malthouse Extension that would result in a significant improvement to the public realm in and around Bakers Quay as well as improving connectivity between Phase 1 of the Bakers Quay redevelopment and the wider Quays and Docks regeneration area. The LPA is satisfied that test no.1 is passed.

11.6 The works with potential to impact upon bats are works of conversion relating to a grade II listed building. A benefit of the works would be that an historic building is converted into a viable use ensuring it is conserved for future generations to appreciate. Whilst the housing to be provided could be secured at an alternative site, the benefits of conserving the listed building would only be able to be delivered by the proposed development (see viability section of the report for consideration of alternative schemes for the building). As such, it is

³ Article 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) states that the LPA (the competent authority in relation to this planning application assessment) must exercise their functions which are relevant to nature conservation, including marine conservation, so as to secure compliance with the requirements of the Directives.

accepted that no viable alternative for the redevelopment of the site exists. Test no.2 is passed.

- 11.7 If evidence of roosting bats is discovered the LPA is satisfied that sufficient time and technical solutions would exist to secure a scheme of mitigation and/or compensation (along with the overall BNGs that would be secured by condition). The LPA is confident that sufficient technical solutions exist to provide mitigation against any harm to or loss of identified habitat within this type of building. A number of development sites within the city (and surrounding area) have been able to be undertaken alongside schemes of mitigation to ensure that no adverse impact to the long-term conservation status of the EPS occurs. There are a number of design solutions available to be employed by the applicant to ensure the converted building remains friendly to foraging and roosting bats.
- 11.8 When applying for an EPS license a developer must submit a method statement and works schedule to Natural England. A pre-commencement condition can require that the additional surveys are undertaken and (if evidence of bats is identified) that a method statement and works schedule for the implementation of a scheme of mitigation and/or compensation can be agreed. A condition is considered to be necessary to ensure the further survey work and mitigation details are agreed prior to the commencement of the High Orchard St. conversion works. This is reasonable in this specific case. This would ensure that further surveys are undertaken and mitigation details (if needed) are agreed and secured prior to the commencement High Orchard St. conversion works⁴. Subject to the pre-commencement condition the LPA is satisfied that test no.3 would be passed.
- 11.9 The Ecology advisor also asks for the submission of details of external lighting, bat and bird boxes to be secured by suitably worded planning conditions. In line with the aims of GCP policy E1 (consistent with NPPF para. 174) I consider that a scheme of biodiversity net gains should be secured. This could incorporate bat and bird boxes along with any other enhancement measures relevant to the ecological network surrounding the site. I consider these conditions to be reasonable and necessary.
- 11.10 In terms of wider ecological impacts, it is unlikely that significant effects upon the nearby Alney Island Nature Reserve or canal (and its open space areas) would occur. Further afield, the Cotswolds Beechwoods Special Area of Conservation (SAC), Cotswolds Commons and Beechwoods Site of Special Scientific Interest (SSSI) and Nature Reserve, and Severn Estuary Special Protection Area (SPA) would occur as a result of the proposed development or in combination with other developments. However, to adopt a precautionary approach, a Home Owners Pack identifying alternative public open spaces, to take pressure off the SAC and SPA, can be secured by condition.
- 11.11 Taking into account the above, I am satisfied that subject to the recommended conditions, the development would be able to comply with the aims of GCP policy E2, the policy advice of the NPPF (and relevant Natural England guidance) and should it be identified that an EPS license is required the LPA is confident there is a reasonably high likelihood that it would be able to be granted.

12.0 **Residential Amenity – Neighbouring Occupiers**

The majority of neighbouring premises are commercial with the exception of the 'Maltster's Cottages' that were converted as part of Phase 1 of the scheme. They project directly from the northern elevation of the form kiln section of Downings Malthouse and are, for the most part, in shadow of the existing building for the majority of the day (as the sun tracks broadly south-east to north-west). The New Build would clearly increase the height of built form in proximity to the cottages (by approx.. 15 metres) but any increase to overshadowing would

⁴ Natural England advise that LPAs do not need to consult Natural England on the wording or discharge of any conditions imposed on a planning proposal. Natural England is unable to provide advice on this.

be marginal and predominantly affect the roof of the adjacent Outlet Village.

- 12.1 The land to the rear of the cottages (to the north of the kiln wall) would be kept open and used for parking to ensure that day light (later in the day) was kept available to the rear facing windows of the cottages. Overall, I am satisfied that no unacceptable harm to neighbouring residential amenities would occur.
- 12.2 **Residential Amenity – Future Occupiers**
The scheme has been designed to ensure that all units have access to natural light. The plans appear to demonstrate this would be the case, but the quality and availability of natural light/heat and outlook would range quite considerably. For the most part, occupiers of the new build and upper levels of the restored Downings Malthouse have good access to daylight and unrestricted outlook. North-facing windows within upper floors would receive less daylight but, not to an unacceptably harmful degree.
- 12.3 However, several of the units occupying the lower levels of the scheme would face towards existing buildings and/or parking areas so, would not benefit from entirely unrestricted natural outlooks. The units within the restored Downings Malthouse would also have restricted window sizes, with several of those facing to the north-west and south-east retained as the historic warehouse window openings. However, separation distances between the proposed units and neighbouring buildings would generally allow an acceptable level of daylight to be afforded to the units with some level of outlook from internal livings areas.
- 12.4 There could also be some mutual overlooking created between units facing north (within the new build) and those facing south (within the restored listed building). However, am satisfied this would not be direct and in the majority of cases would not be between private habitable rooms. At ground floor level there may also be some mutual overlooking from the public realm but, most units would have some form of outdoor amenity space where screening could be secured if desired.
- 12.5 The council's Noise Consultant has reviewed the proposal and is satisfied the design of the scheme would not give rise to any harm to neighbouring occupiers or future occupiers of the scheme due to noise providing details of the submission Noise Survey and Construction Management Plan are secured by condition. Particular attention was paid to lower floor units adjacent to the parking areas and commercial units and it was confirmed that the design specification for these units was acceptable providing that final details of the commercial end user and all external plant are submitted in line with the Noise Survey recommendations. It was also identified that noise to outside balcony areas could exceed the recommended levels, but a scheme of extra noise mitigation could be secured by condition to ensure that levels are reduced and internal areas are better protected. I consider the requested conditions are reasonable and necessary.
- 12.6 Overall, in terms of access to daylight, outlook, privacy and noise I do not consider the level of residential amenity expected to be experienced by the lower level units (mainly those facing north-west and south-east) would be out-of-character with a range of new residential units within the wider modernised Docks area. Subject to the recommended noise conditions I consider residential amenities would be acceptable.
- 12.7 **Nationally Described Space Standards**
The NPPF states that new residential development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Further advising that policies may also make use of the nationally described space standard (NDSS), where the need for an internal space standard can be justified. Policy F6 of the GCP has adopted the NDSS stating:

Development proposals for new residential development (including change of use or conversions) must meet Nationally Described Space Standards (or any future successor).

The supporting text of F6 sets out that a transition period of 3 months will apply from the adoption date of the Gloucester City Plan.

- 12.8 Whilst the policy wording is relatively strict, it is reasonable to expect there may be scenarios where NDSS cannot be met and other material planning considerations⁵ may justify lesser provision. An example could be where a conversion of a listed building is proposed and existing room sizes/layouts may dictate whether a scheme of conversion could comply with the NDSS (or not without causing significant harm to a heritage asset). However, developers would be expected to provide reasonable justification if any under provision would be considered acceptable.
- 12.9 The residential development proposed in this case is a mixture of new build and conversion/rebuilding of a historic building. Some concerns have been put forwards by the city council's Planning Policy and Housing Strategy Teams that a number of the units (predominantly within the restored northern section of the listed building) would be sub-standard. The applicant has revised floor space figures proposed for the new build and confirmed they would be broadly compliant (if not exceeding the NDSS). Where units would underperform they have been revised in terms of expected resident numbers to more closely comply with the NDSS.
- 12.10 Of the 49 units proposed within the restored section of the listed building, six would exceed the NDSS with the remainder not able to comply. Shortfalls against the NDSS floor space would range between 7 and 25% deficit. The two worst performing one bedroom units would be approximately 35% below the NDSS. I accept there are some heritage-based constraints to the restoration of the northern section of Downings Malthouse but, cannot entirely rely on these for the sole justification for the lack of compliance with the GCP policy (as much of the building has been removed and is to be restored only the locations of external walls, existing and proposed window openings can be considered to be reasonable justification). However, the applicant has demonstrated that they have attempted to provide some mitigation by including shared community space within the development. This space would be for the private use of the residents and would be equipped with free Wi-Fi to enable working from home or use as additional breakout areas.
- 12.11 **Access to outdoor amenity space**
A number of units would have access to areas of private outdoor amenity space. However, due to the constrained footprint of the building, these areas range in size and quality. GCP policy A1(5) states that:

Provide outdoor amenity space and garden space at a level that reflects the character of the area and the scale of the development...

The development involves the part restoration of a listed building within a mixed-use urban environment. The wider docks area has areas of open space within the public realm between buildings, but few residential developments (modern or historic conversions) provide high levels of outdoor amenity space to residents. The majority of residential uses within the wider area have access to small balcony areas, with many units having no dedicated access to any outdoor amenity space. Very few units have private garden access. As such, although a large-scale development, I cannot accept that provision of large areas of private outdoor space would be in keeping with the modernised character of the wider Docks area. I therefore accept the provision designed into the current scheme is sufficient in this case.

⁵ Quoted in the context of s.70(2)(c) of the Town and Country Planning Act. 1990 and s.38(6) of the Planning and Compulsory Purchase Act. 2004.

12.12 **Conclusion on residential amenities**

The assessment above has identified that there are areas where the level of residential amenities expected to be enjoyed by future occupiers of the scheme could fall below those sought by the development plan. This is mostly a concern in relation to internal living spaces and failure of a number of units to comply with the NDSS and failure of some units to have access to an entirely open outlook. The former is mitigated somewhat by the provision of communal areas within the development and, whilst outlook from a handful of ground floor units would be undesirable, all units would benefit from natural light. In terms of the NPPF, the specific design requirements are less strict and given the council is within a tilted balance situation⁶ the policy aims of the GCP with regards to specific design requirements are somewhat tempered (in favour of overall compliance with the NPPF).

- 12.13 In this case, I also consider the location of the site is a material planning consideration. The highly sustainable location with good access to a range of leisure uses, tourism sites and areas of public open space, within a short distance, is considered to be a positive contributor to the quality-of-life expected to be enjoyed by future residents of the scheme. I must also recognise that the NDSS policy is within a transitional phase and there are other material planning considerations that temper the overall harm that could arise from the lack of policy compliance of certain areas of the development. As such, I cannot find a compelling reason to refuse the planning application on grounds that the scheme does not entirely comply with the aims of GCP policies A1 and F6 or JCS policies SD4, SD11 and SD14.

13.0 **Transport and Highways**

Chapter 9 of the NPPF sets out the broad aim that all new development promotes sustainable transport without causing . This should be achieved by ensuring that significant development is focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Para. 111 advises that development should only be prevented or refused (on highways grounds) if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 13.1 The JCS and GCP set out the local aims that support the need for significant development to be located within sustainable locations, whilst also strengthening links to and promoting the use of sustainable modes of transport.
- 13.2 The application site location, very close to the city centre and within the Docks Regeneration Area, is highly sustainable and future occupiers of the development would have good access to nearby services, employment and public transport hubs through various modes of transport. Private car parking for the development would be provided within both surface and basement level parking areas with access from St. Ann Way via a reopened Merchant Road. Parking spaces would not be provided to every unit but, in this location I consider under-provision is necessary (to ensure that other opportunities for low-carbon modes of transport are promoted to future occupiers of the scheme).
- 13.3 Secure cycle parking is proposed to be provided within the basement. I consider the amount of dedicated secure cycle parking currently proposed is too low. Guidance seeks provision of one cycle parking space per bedroom. However, there is a reasonable expectation that residents would store cycles within the units, where space permits it. I also consider the site is capable of accommodating additional areas of both public and private cycle parking/storage. As such, a suitably worded condition can ensure that a scheme of additional cycle parking is agreed and implemented prior to the occupation of the development (this could involve provision of cycle 'hangers' within larger units as well as shared cycle storage/parking areas).

⁶ NPPF paragraph 11(d) is engaged due to the local planning authority being unable to demonstrate a 5 year housing land supply.

- 13.4 Some internal consultees have raised concerns over the amount of private car parking that has been designed into the scheme. It has been considered to be too high a number, given the very sustainable location. I accept there is potentially a sustainability argument for less car parking provision in this location. However, public concerns over the lack of proposed car parking have also been received (concerns over the potential conflicts that could arise with existing nearby businesses and residential properties). On street parking in the locality is strictly limited and indiscriminate parking along the roadside would cause obstructions to nearby residential and business premises. As such, I consider the scheme must provide a level of private car parking that is balanced against the opportunities provided by the sustainability of the location. The applicant also has concerns over the viability of the scheme if a number of car parking spaces were removed (value of units would decrease which could be significant over a number of units). As stated above, I consider that additional cycle parking can be secured (along with a scheme of site planting detailed within the urban design section of the report).
- 13.5 Taking into account the location, scale, design and potential needs of the development I consider the scheme proposes a number of private car parking spaces that provides a good balance between the need for certain units to have access to private car parking alongside the ability of the development to be able to promote use of public transport, walking and cycling to provide access local services. I also consider the number of car parking spaces proposed would reduce potential for conflict to arise from indiscriminate parking in the locality (should insufficient private parking be accessible to future occupiers of the scheme).
- 13.6 Overall, the development is not considered to have the potential to give rise to significant impacts on the safety or operation of the public highway in the vicinity of the site. Future occupiers would be encouraged to use modes of transport other than private motor vehicles and movement and access through the site (into and out of the Docks Regeneration Area) would be vastly improved through the delivery of new public realm. Subject to the recommended conditions I am satisfied the development would comply with the relevant policies of the development plan and broad aims of the NPPF.
- 14.0 **Planning contributions and viability**
As explained throughout the report, the original 2016 planning permission was granted as a mixed-use regeneration scheme that required elements of modern development to deliver financial surplus to support the higher costs of the heritage restoration and conversion works. Ultimately, the scheme was led by the heritage restoration works, that generated a significant budget deficit due to the more complex nature of the conversion and restoration works. The original scheme predominantly relied on the delivery of commercial floor-space (mainly restaurant, but with some leisure provision within Phase 1. The approach was reviewed independently in 2015-2016 and it was considered to be financially viable (at that time) with a significant amount of budget surplus considered to be delivered through the Phase 2 Downings Malthouse redevelopment. The independent viability review also accepted that the original scheme would not generate sufficient overall profit to enable payments of developer contributions, with around £65,000 available to be secured towards off-site affordable housing provision. As such, planning and listed building consents were approved and works to deliver Phase 1 were commenced.
- 14.1 A clause of the original s.106 agreement sought to ensure that a review of the viability of the scheme would take place after Phase 1 had completed. A recent independent review of the Phase 1 costs and profit returns has confirmed that Phase 1 underperformed (benchmarked against the 2016 viability assessment) failing to deliver the budget surplus required to enable commencement of Phase 2. This was compounded by the need for the applicant to undertake public safety works to the Downings Malthouse in 2019-2020. The result being that, the heritage budget deficit has increased with no ability for the surplus delivered by the modern development to plug the gap.

- 14.2 The applicant independently worked through a number of redesign options (with their advisors) that were discounted for heritage or viability reasons. Once a design approach had been agreed, the applicant entered into pre-application discussions with the LPA in 2019 (around the time that Phase 1 was completed) presenting a redesigned scheme that sought to provide approximately 2,300 sq.m of residential floor space to maintain the financial viability of the regeneration scheme. Initial designs incurred heritage objections (due to proposals to demolish a significant amount of the Downings Malthouse - over and above that previously agreed - and due to proposals adopting a pastiche design approach). However, whilst some concerns over the alternative designs were raised, the principle of a predominantly residential led-scheme, contained within the area of the site now under consideration, was not disputed.
- 14.3 The current application presents the detailed redesign of the Downings Malthouse site that was first presented to the LPA in 2021 for pre-application discussion. Through pre-app discussion, the area of the Downings Malthouse site formerly occupied by a 1950s concrete silo was chosen as the only practical option for a redesigned scheme capable of delivering the additional floor space required (the Malthouse Ext. and Transit shed works are essentially conversions with very little option to provide any additional floor space). The application was submitted with a financial viability assessment that has enabled the LPA to seek independent review of both the Phase 1 delivery (it underperformed - see above) and the expected returns of the redesigned Phase 2. Firstly, the independent review has confirmed that the extant scheme (reliant on restaurant floor space) is no longer considered to be a financially viable option.
- 14.4 COMPLETE ONCE RCA RESPONSE IS AVAILABLE.
- 15.0 **Other matters**
- 15.1 Contaminated Land
In terms of potential land contamination, the applicant has resubmitted ground investigations that date back to the original planning consent. The current proposal has been reviewed against the submitted risk assessments and, whilst there is no objection to the principle of a residential led redevelopment, the council's Contaminated Land consultant has advised that an up-to-date risk assessment must be completed (prior to commencement) to ensure that any identified contaminants can be remediated in a manner that renders the site safe for its intended use (now with a greater level of residential accommodation). Such a condition is considered to be reasonable and necessary and is an approach that has been agreed by the applicant.
- 15.2 Climate change and sustainable construction
The applicant has submitted an Energy Strategy confirmed that the heritage conversion units can be assessed as new dwellings (under Building Control requirements) with a material change of use under Approved Document Part L1B. It is recommended that the existing retained thermal elements should be thermally upgraded as part of the restoration work to the northern range of the building. The new build presents a greater opportunity to incorporate Low and Zero Carbon (LZC) technology to provide a methodology for achieving a sustainable low energy use development. For example, the building would incorporate EV charging points for every car parking space and would use air source heat pumps (installed at roof level) to deliver heated water to the new residential units (as well as other measures).
- 15.3 The Energy Strategy confirms the design of the New Build has been assessed against the Greater London Authority's *London Plan* method, *Be Lean, Be Clean, Be Green* energy hierarchy to qualify the carbon emissions reduction targets have been met. Following this method, the applicant confirms that the overall development's carbon emissions will be

reduced 21% below the Part L 2021 Building Regulations baseline. The design proposes an all-electric building services strategy, supported by LVC technology to protect local air quality and to ensure lower carbon emissions at present and in addition, increasingly reduced carbon emissions as the electricity grid decarbonises into the future. I consider the design of the thermal elements of the building, combined with the use of LVC technology will deliver a significant number of new homes that contribute to the city's ability to combat climate change into the future. I consider the design of the New Build complies with the aims of JCS policy SD3.

15.4 Fall prevention

GCP policy C7 states the following:

On buildings or structures above 12 metres in height, planning permission will be granted where mitigation measures have been taken to help prevent suicide and accidental falls.

Where mitigation measures are used, such as anti-climb methods, fences, barriers and rails, these will be well designed and integrated into the overall design of the building.

The supporting text states that retrofitting schemes can be expensive, cumbersome and poorly designed, as such it is considered appropriate to deal with this issue from the outset to ensure safe and well-designed buildings. The supporting text advises that where buildings or structures are proposed above 12 metres developers will be required to provide a statement within the Design and Access Statement outlining how they have considered this policy.

15.5 As the application was submitted prior to the adoption of the GCP it did not include specific assessment regarding fall prevention for the New Build. The applicant has subsequently confirmed that the roof of the building would not be publicly accessible and the balcony spaces would be private spaces. Balcony areas would be a mixture of areas recessed into the brick frame of the building and cantilevered platforms. The balcony areas would be enclosed by 1.1 metres high balustrades (glazed panels within a metal frame). I have some concerns that the balustrade heights may be too low and slightly raising the height would provide better protection against possible accidents or misadventure. A height of approximately 1.6 metres would provide better fall prevention and, if using clear glazing above the obscure glazed lower section I see no reason why residential amenities would be compromised.

15.6 I consider that details of the balcony design can be secured by an appropriately worded condition to ensure a balance between safety, residential amenities and visual impact can be achieved and the development would comply with the aims of policy C7 of the GCP.

15.7 Gulls

Policy F4 of the GCP states that:

Development proposals are expected to implement all viable non-lethal humane steps to prevent gull roosting, nesting and damage should be taken. Gull mitigations measures shall be well designed and sympathetic to the building and its setting.

The New Build would feature external areas up to the ninth floor (excluding the roof space which is considered below). These would be private areas that would be managed by future occupiers of the development. As such, I do not consider that specific gull prevention measure for these areas would be appropriate. The roof space

would be set above the height of neighbouring buildings and would not be a publicly accessible area.

- 15.8 No specific gull prevention measures have been set out for the roof space of the New Build, but I do not necessarily consider this would result in any nuisance to residents or visitors. Maintenance crews may need to access the roof space but, this would be infrequent and unlikely to be hindered by any nesting gulls (subject to any specific training requirements that I do not consider can be influenced by planning controls).
- 15.9 The lower height of the restored northern range of Downings Malthouse poses a slightly different consideration. The roof of the restored northern range will have flat roof elements set within the valleys of the pitched roofs and the reinstated dormers. These areas provide potential for gull nesting. Gulls using the roof of this building have a greater potential to cause nuisance to the users of the commercial unit (most likely to be occupied by some form of café/restaurant use). I also have concerns that nesting birds would deposit a significant amount of droppings that would appear unsightly (and possibly damaging to the building fabric) over time.
- 15.10 The guidance within the council's *Gulls - How to stop them nesting on your roof* (2016) document sets out a number of measures that can help to prevent gulls from nesting and roosting on a range of building types. There is some concern that certain measures (i.e. poorly placed spikes) can be visually harmful, particularly within the context of conservation areas and use on listed buildings. However, given the height of the restored listed building I consider that options are available to the applicant to implement a scheme of gull prevention measures without detracting from the significance of the building. A suitably worded condition can ensure that a scheme of gull prevention measures is implemented prior to the first use of the building.

16.0 **Overall conclusions and the planning balance**

The proposal has been considered against the policies of the NPPF and relevant policies of the development plan. As the city council cannot currently demonstrate a 5yrHLS consideration must be given to the application of the 'tilted balance', applied under NPPF para. 11(d) as follows:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

11(d)i is applied subject to the following footnote:

7. The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 180) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest); and areas at risk of flooding or coastal

change.

What this means in practice is, that for the 'tilted balance' to be applied, any impacts of a development relating to the policies listed within footnote 7 must be considered to be acceptable (under the provisions of those policies of the NPPF) or para. 11(d) is not engaged and the application should be refused. In this case, the impact of the development upon designated heritage assets is the key consideration.

- 16.1 The heritage assessment above identified that elements of the proposal (mainly centred on the New Build) would cause some harm to the significance of a range of heritage assets. However, taking into account the elements of the scheme that would deliver heritage benefits and other public benefits expected to arise from the development (due to the design, scale and nature of proposed uses and use of reasonable and necessary planning conditions) it has been concluded that the harm to heritage assets is outweighed in line with the provisions of NPPF paras. 199 and 202. The development is therefore considered to comply with the aims of Chapter 16 of the NPPF. No other conflicts with the policies listed within footnote 7 have been identified. The 'tilted balance' is therefore applied to the proposal.
- 16.2 The above report has identified that, along with the provision of a number of new homes (contributing towards the 5yeHLS) there would also be linked economic benefits due to the increase to the city population in a highly sustainable, intensive land-use area. As the viability review has confirmed, the restaurant market has suffered a significant downturn in recent years (compounded by wider commercial market impacts arising from the global pandemic). Given that the site is located in very close proximity to the Docks Restaurant Quarter I consider the population increase (and reasonable level of linked local spending that would arise) lends a greater weight to this benefit, that may not be justified in a more suburban location.
- 16.3 The construction phase also presents some opportunities for economic and employment benefits that would be strengthened through the implementation of an employment and skills plan. I consider the economic support that would be given to the viability of the commercial land-uses within the Docks and city centre is an overall benefit that can be given significant weight (in line with the advice of NPPF para. 81) contributing to the economic objectives of the NPPF.
- 16.4 I consider the scheme would have a broadly neutral social impact. The scheme would only deliver open-market housing with the scheme unable to deliver any affordable housing on viability grounds. However, this would be within a location with very good accessibility to services and would enable the completion of the regeneration of a problematic site, so the impact is balanced and is neutral.
- 16.5 The New Build will deliver a number of new homes within a sustainably design building that will help to reduce the city's overall carbon footprint (increasingly so into the future as the electricity grid is decarbonised). There would also be significant improvements to the public realm within and surrounding the site that would result in a significant uplift to the area. This is a benefit that is given moderate positive weight in line with the environmental objectives of the NPPF.
- 16.6 Overall, the planning balance is considered to weigh in favour of the development as it would positively contribute towards the economic and environmental aims of the NPPF without giving rise to any adverse impacts that would significantly and demonstrably outweigh the benefits.

17.0 RECOMMENDATION

- 17.1 That planning permission is resolved to be **GRANTED** (subject to the following conditions), pending completion of the required Section 106 deed of variation agreement.

17.2 Conditions Schedule

- 1 The development hereby permitted shall be begun before the expiration of one year from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to reflect the viability assessment being undertaken at a point in time.

2. Except where these may be modified by any other conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the following approved drawing numbers/documents:

- 9959-PL01 – Site Location Plan;
- 9959-PL02 – Proposed Site Layout;
- 9959-PL03 – Existing Site Plan;
- 9959-PL04 – Existing Block Plan;
- 9959-PL05 – Proposed Block Plan;
- 9959-PL10 – Proposed Lower Ground Floor Plan;
- 9959-PL11 – Proposed Ground Floor Plan;
- 9959-PL12 – Proposed First Floor Plan;
- 9959-PL13 – Proposed Second Floor Plan;
- 9959-PL14 – Proposed Third Floor Plan;
- 9959-PL15 – Proposed Fourth Floor Plan;
- 9959-PL16 – Proposed Fifth Floor Plan;
- 9959-PL17 – Proposed Sixth Floor Plan;
- 9959-PL18-Rev.F – Proposed Seventh Floor Plan;
- 9959-PL19 – Proposed Eighth Floor Plan;
- 9959-PL20 – Proposed Ninth Floor Plan;
- 9959-PL21 – Proposed Roof Plan;
- 9959-PL22-Rev.A – Proposed Elevations Downings Malthouse;
- 9959-PL23 – Downings Tower Elevations D & B;
- 9959-PL24 – Proposed Street Sections Sheet 01;
- 9959-PL25 – Proposed Street Sections Sheet 02;
- 9959-PL26 – Proposed Substation Plans and Elevations;
- 9959-PL27 – Downings Tower Proposed Elevations C & A;
- 9959-PL28 – Feature Bridge, Plans, Elevations and Section;
- 9959-PL30 – Proposed Longitudinal Section Plan;
- 9959-PL36 – Hard and Soft Landscape Plan;
- 4301-Rev.C02 – The Downings Private Drainage Details;
- 4106-Rev.C01 – The Downings Existing & Proposed Catchment Plans;
- 4100-Rev.C02 – The Downings Levels & Drainage Layout;
- 4106-Rev.C02 – Proposed Levels & Drainage Layout to Car Park;
- 4731-Rev.C02 – Car Parking Strategy.

Reason: For the avoidance of doubt and in the interests of proper planning.

Pre-commencement

3. **Archaeology**

No development other than demolition down to ground floor slab level shall take place within

the application site until a report outlining the results of a programme of archaeological evaluation has been submitted to and approved in writing by the Local Planning Authority.

Reason: To make provision for a programme of archaeological evaluation, so as to describe the significance of heritage assets of archaeological interest within the site. This is to allow the scheme to be designed in a manner that minimises the impact on archaeological remains in accordance with the aims of policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, policies A1 and D1 of the Gloucester City Plan and the planning policy advice within Chapter 16 of the NPPF.

4. No development other than demolition down to ground floor slab level 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 in accordance with the aims of policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, policies A1 and D1 of the Gloucester City Plan and the planning policy advice within Chapter 16 of the NPPF.

5. No demolition or development shall start 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 in accordance with the aims of policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, policies A1 and D1 of the Gloucester City Plan and the planning policy advice within Chapter 16 of the NPPF.

6. All demolition and development shall take place in accordance with the 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 number 5 of this permission), 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 in accordance with the aims of policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy,

policies A1 and D1 of the Gloucester City Plan and the planning policy advice within Chapter 16 of the NPPF.

7. Unless otherwise agreed by the Local Planning Authority no ground disturbing works shall commence, other than works of archaeological investigation to be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition number 5 of this permission, until requirements 1 to 6 (below) have been complied with:

1. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.

2. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.

3. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.

4. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

6. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

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 and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any

buildings.

Reason: To ensure that possible contamination can be identified and remediated to ensure the site is made safe for its intended end use in accordance with the aims of policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, policy A1 of the Gloucester City Plan and the planning policy advice of the NPPF.

8. Prior to the commencement of any development within the car parking and canal-side public realm area, details of the proposed protective fencing to be erected to safeguard the waterway during construction of the development shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details.

Reason: To comply with paragraph 174 of the National Planning Policy Framework, policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and policy E1 of the Gloucester City Plan as the ecological environment in this location is sensitive and should be protected from disturbance and pollution.

9. Notwithstanding the submitted details, the development hereby permitted shall not commence until details for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. As a minimum, the details submitted shall include:

- proposals for the disposal of surface water in accordance with the principles of Sustainable Urban Drainage Systems (SuDS);
- modelling/simulation of the scheme to demonstrate it is technically feasible and can withstand a 1 in 100 year flooding event (plus climate change);
- methods to control pollution and improve water quality;
- a SuDS maintenance plan for all SuDS/attenuation/filtration features and associated pipework;
- where surface water requires disposal off site (i.e. not infiltrated) evidence of consent to discharge/connect through 3rd party land or to their network/system/watercourse.

Thereafter, the surface water drainage system shall be implemented prior to the first occupation of buildings within that phase for the uses hereby permitted and maintained thereafter for the life of the development.

Reason: To comply with paragraph 174 of the National Planning Policy Framework, to determine the potential for pollution of the waterway and likely volume of water and to ensure that flood risk is not increased on or off-site in accordance with the aims of policies SD9 and INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and policies E1 and E4 of the Gloucester City Plan.

10. Notwithstanding that indicated on the submitted plans, no development shall take place other than site investigation/remediation or archaeological investigation work until details/design specifications of street and open space furniture, external lighting, screen walls, fences/railings and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority.

As a minimum, the details shall include:

- scaled elevation drawings,
- site plans identifying the location(s);
- details of the materials/finishes;

- details to support the external lighting choices (to be informed by the project Ecologist); and
- how/why the materials and design specifications have been selected with regards to the guidance within the city council's *Public Realm Strategy* (2017).

Thereafter, the development shall be carried out only in accordance with the approved details.

Reason: In the interests of privacy and security, protecting the structure, appearance and use and biodiversity of the canal, and protecting the character and appearance of the Conservation Areas and the setting of listed buildings, in accordance with policies SD5, SD8 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, policies A1, B4, C1 and D1 of the Gloucester City Plan and the planning policy advice of the NPPF.

11. Notwithstanding that indicated on the submitted plans, no development shall take place other than site investigation/remediation or archaeological investigation work, until details/design specifications of the hard-surfaced areas (the roads, footpaths, cycle ways, parking areas, public realm and all other hard-surfaces) have been submitted to and approved in writing by the Local Planning Authority.

As a minimum, the details shall include:

- a scaled layout plan denoting the finishes and features;
- photographic samples of new materials (with physical samples to be provided at the local planning authority's request) and
- details setting out investigations into the presence and incorporation into the design of buried rail tracks within the site
- explanation of how the materials and design specifications have been selected with regards to the guidance within the city council's *Public Realm Strategy* (2017).

Thereafter, the development shall be completed and maintained in accordance with the approved details.

Reason: To ensure that the design and materials are appropriate to their context, to investigate the presence and potential to retain historic railway tracks within the design, and in the interests of protecting the character and appearance of the Conservation Areas and the setting of listed buildings, in accordance with the aims of SD5, SD8 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, policies A1, B4, C1 and D1 of the Gloucester City Plan and the planning policy advice of the NPPF.

12. Notwithstanding that indicated on the submitted plans, no development shall take place other than site investigation/remediation or archaeological investigation work until full details of a scheme of site planting have been submitted to and approved in writing by the local planning authority. As a minimum the details shall include:

- Plans/details illustrating the species, locations and numbers of all trees, shrubs and hedges to be planted;
- written planting and maintenance specifications;
- Plan showing all trees/hedges to be retained;
- Plan showing all trees/hedges to be removed;
- explanation of how the planting scheme design specifications have been selected with regards to the guidance within the city council's *Public Realm Strategy* (2017).

Thereafter, the agreed planting scheme for each area of the site shall be carried out concurrently with the construction of the development and shall be completed no later than

the first planting season following the completion of the development.

The planting shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously damaged shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives prior 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, public realm and green infrastructure in accordance with the aims of policies SD5, SD8 and SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, policies A1, B4 and D1 of the Gloucester City Plan and the planning policy advice of the NPPF.

13. The conversion/restoration works to the northern range of Downings Malthouse (the warehouse and kiln no.2) shall not commence until the requirements below have been met to the satisfaction of the local planning authority:

1. the Bat Emergence Surveys (nocturnal surveys) have been undertaken and the results have been submitted to and approved in writing by the local planning authority. The surveys shall be undertaken in accordance with the recommendations of the submitted Bat Roost Assessment (Tetra Tech – dated 12th April 2022);
2. Where evidence of bats roosting within the building is identified, details of further investigations/surveys to establish the character of the roosts and to inform a scheme of mitigation/compensation measures shall be agreed and implemented and no further works shall take place until the results have been submitted to and approved in writing by the local planning authority;
3. Where identified as necessary, a scheme of mitigation/compensation shall be submitted along with evidence to demonstrate that any relevant European Protected Species (EPS) license has been applied for and will be (or has been) issued by the competent authority (Natural England).

Thereafter, the development shall be completed in accordance with the approved details with any mitigation/compensation works completed prior to the first occupation/use of the building.

Reason: To ensure that any protected species using the building are unharmed and compensation measures are delivered, in a timely manner, to offset any adverse impacts on the habitat value of the building in accordance with the aims of policy SD , policy E1 of the Gloucester City Plan, the planning policy advice of the NPPF and to ensure the local planning authority meets the duties of the Conservation of Habitats and Species Regulations 2017 (as amended).

14. The development hereby approved shall not commence until full details of an Employment and Skills Plan (ESP) have been submitted to and approved in writing by the local planning authority.

As a minimum, the ESP shall set out how the opportunities for the employment and skills development of local people have been identified, will be delivered and monitored during the construction and operational stages of the proposal. As well as setting out the ESP would support the priorities identified by relevant local industry groups, such as the Construction Industry Training Board (CITB).

Thereafter, the development shall be completed in accordance with the approved details.

Reason: To ensure the development contributes positively to the economic growth of the city and development of a skilled local workforce in accordance with the aims of policy B1 of the Gloucester City Plan and the planning policy advice of the NPPF.

Pre-occupation conditions

15. Notwithstanding the submitted details, the new dwellings hereby approved shall not be occupied or brought into use until a revised car parking strategy has been implemented in accordance with written details that shall first be submitted to and approved in writing by the local planning authority. As a minimum, the revised scheme shall address the following:

- Details of the disabled/accessible car parking spaces, positioned in proximity to the residential building entrances to enable level access;
- Locations and specifications of electric vehicle charging points (EVCPs);
- Details of the management of the private parking areas (i.e. spaces to be allocated to individual units or shared, entrance to be barrier controlled, use of number plate recognition etc.).

Reason: To ensure the development is served by a well-planned and managed car parking area, providing safe and secure access for all users of the development and to ensure that any adverse impacts on the safety and/or operation of the public highway are minimised in accordance with the aims of policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, policy G1 of the Gloucester City Plan and the relevant policy advice of the NPPF.

16. Notwithstanding the submitted details, the new dwellings hereby approved shall not be occupied or brought into use until a scheme of secure cycle storage/parking measures (to a minimum of one cycle parking/storage space per dwelling) has been implemented in accordance with written details/design specifications that shall first be submitted to and approved in writing by the local planning authority.

The details may include measures to store cycles within residential units, designated areas within the buildings or areas within the wider plot.

Thereafter, the cycle parking shall be maintained in accordance with the approved details and kept available for use in association with the development.

Reason: To ensure the development benefits from a sufficient number of accessible and secure cycle parking areas in the interests of promoting sustainable modes of transport in accordance with the sustainable transport aims of the NPPF, policy SD4 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and policy G1 of the Gloucester City Plan.

17. The new dwellings hereby approved shall not be occupied or brought into use until details of the location, appearance and timetable for implementation of facilities for the public display of interpretation material regarding the historic interest of the site, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented in accordance with the submitted timetable. Once provided the public display material shall be retained thereafter.

Reason: The site includes significant heritage assets and further assets of archaeological interest that will/may experience harm from the development. Provision of material to convey information on these assets historic development and use to the public relates to the preservation and recording aspirations of policy D3 of the Gloucester City Plan and the aims of Chapter 16 of the NPPF.

18. The new dwellings hereby approved shall not be occupied or brought into use until a scheme

of acoustic treatments for all balcony/external terrace areas has been implemented in accordance with written details that shall first be submitted to and approved in writing by the local planning authority. Thereafter, the acoustic treatments shall be maintained in accordance with the approved details.

Reason: To ensure that appropriate mitigation is secured against noise levels expected to be experienced within the external amenity areas of the development in the interests of securing a good quality of residential amenity for future occupiers of the scheme in accordance with the aims of policy A1 of the Gloucester City Plan, policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and the planning policy advice of the NPPF.

19. The commercial unit hereby approved shall not be occupied or brought into use until an assessment of noise break-out and transfer to the first floor of the building (relevant to the agreed end-user of the unit) has been undertaken in line with Section 12.2 of the submitted Noise Assessment (Han Tucker Associates – April 2022) and any identified mitigation measures have been implemented. Thereafter, the development shall be maintained in accordance with the approved details.

Reason: To ensure that appropriate mitigation is secured against noise that could be generated by the use of the commercial unit in the interests of securing a good quality of residential amenity for future occupiers of the development in accordance with the aims of policy A1 of the Gloucester City Plan, policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and the planning policy advice of the NPPF.

20. The preparation/sale of hot food shall not take place within the commercial unit hereby approved until a kitchen fume extraction and filtration system has been implemented in accordance with written details that shall first be submitted to and approved in writing by the local planning authority. Thereafter, the kitchen fume extraction system shall be maintained in accordance with the approved details until such a time that hot food is no longer prepared within the unit.

Reason: To ensure that appropriate mitigation is secured against noise and odours that could be generated by the use of the commercial unit in the interests of securing a good quality of residential amenity for future occupiers of the development in accordance with the aims of policy A1 of the Gloucester City Plan, policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and the planning policy advice of the NPPF.

21. Notwithstanding the submitted details, unless otherwise required by other conditions of this permission, details of the locations, design and expected noise levels of all external plant or machinery shall be submitted to and approved by the local planning authority prior to the first occupation or beneficial use of the dwellings hereby approved. Thereafter, the development shall be maintained in accordance with the approved details.

Reason: To ensure that appropriate mitigation is secured against noise and odours that could be generated by the use of the commercial unit in the interests of securing a good quality of residential amenity for future occupiers of the development in accordance with the aims of policy A1 of the Gloucester City Plan, policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and the planning policy advice of the NPPF.

22. The new dwellings hereby approved shall not be occupied or brought into use until a scheme of biodiversity net gains has been implemented in accordance with written details that shall first be submitted to and approved in writing by the local planning authority. As a minimum, the details shall;

- Set out the measures to ensure a biodiversity net gain of at least 10% can be delivered (over and above any compensation measures also required);
- how the scheme would contribute to the ecological networks within and surrounding the site (to be informed by the project Ecologist); and
- maintenance details to ensure the biodiversity net gains are retained for the lifetime of the development.

Thereafter, the development shall be maintained in accordance with the approved details.

Reason: To ensure the development delivers net gains to biodiversity suitable to the ecological network within the site and surrounding area in accordance with the aims of paragraph 174 of the NPPF, policy E1 of the Gloucester City Plan and policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy.

Compliance conditions

23. Unless varied under the requirements of other conditions of this planning permission, the development hereby approved shall be constructed strictly in accordance with the details of the submitted Construction Method Statement (CMS) dated 18th March 2022.

Reason: To ensure that suitable controls over pollution and impact upon the public highway network are minimised during the construction phase of the development in accordance with the aims of policies INF1 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and the planning policy advice of the NPPF.

24. Unless varied under the requirements of other conditions of this planning permission, the development hereby approved shall be constructed and maintained strictly in accordance with the details of the submitted Energy Strategy (Prepared by Thornley & Lumb Partnership Ltd - Issue 01 – 26.04.2022).

Reason: To ensure the sustainable design benefits of the development are delivered and the development contributes to a lowering of the city's carbon footprint in accordance with the aims of policy SD3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and the relevant policy advice of the NPPF.

Person to Contact: David Millinship



Planning Application:	22/00563/FUL
Address:	Downings Malthouse Merchants Road Bakers Quay Gloucester
Committee Date:	