

	Planning Committee Late Material for 4 <sup>th</sup> April 2023
Application ref:	22/00563/FUL & 22/00521/LBC
Address:	Downings Malthouse, Merchants Road, Bakers Quay, Gloucester

#### Correction to the listed building consent reference number

The number quoted within the officer report was 22/00628LBC, this was a duplicate application reference number (the application has closed down on our IT system). The correct application reference is 22/00521/LBC.

#### Section 106 agreement

The application itself is not considered to require an individual Section 106 legal agreement. However, as reported a variation to the original Bakers Quay regeneration s.106 agreement is required. Further discussion with the applicant has resulted in the agreement that the s.106 variation would require that the new permission (if it is granted) is tied into the Bakers Quay agreement with the requirement to pay approx. £65,000 towards affordable housing once the 70<sup>th</sup> unit is occupied kept in as a clause.

Although the updated viability review has confirmed that profit expected to be available would not be sufficient to pay towards any s.106 contributions the applicant remains committed to the affordable housing payment at the original trigger point. This would likely result in the affordable housing payment being made as a result of the occupation of one of the units within the current scheme (rather than the converted Malthouse Ext. as originally envisaged).

#### Amended condition schedule for application 22/00563/FUL

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

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

*Officer's note: After some discussion with the applicant it has been agreed to revise the time limit for the commencement of this development to the standard three years. The reasons being that, whilst there is a significant need to commence the works to stabilise the Downings Malthouse, agreement of details relating to certain conditions (including those of the associated listed building consent) may take longer than one year to agree. The scheme is also part of the wider Bakers Quay regen scheme so may run concurrently with the works to convert the Malthouse Ext. and Transit Shed. In all probabilities, the applicant intends to commence works within one year of the issue of the permission (and signed s.106 agreement).*

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.

*Officer's Note: Corrections to the floor plans to reflect the changes to window openings (within the revised elevations) have been requested so revision numbers of the ground to third-floor plans are likely to change.*

*The need to include the bridge link within the application red line site area has also been queried so a revision to the application red line may also be required prior to the issue of the formal decision. However, it is not considered that such a change to the red line area would prejudice any consultees or neighbours of the site as it would be located entirely within the applicant's blue line area (their wider ownership of Bakers Quay).*

### **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 12<sup>th</sup> 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.~~

The new dwellings occupying the south western façade of the development hereby approved shall not be occupied or brought into use until a scheme of acoustic treatments/dampening 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.

Wording revised to reflect that only the south-western façade requires mitigation.

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.

23. The dwellings hereby permitted shall not be occupied or brought into use until two copies of an information pack setting out the locations and sensitivities of the Cotswold Beechwoods Special Area of Conservation, Severn Estuary Special Protection Area, Special Area of Conservation and Ramsar Site (and Alney Island Nature Reserve as a functionally linked area of the Severn Estuary) and Walmore Common Special Protection Area has been issued to the new residential occupier in accordance with details that shall first be submitted to and approved in writing by the local planning authority.

As a minimum, the details within the information pack shall set out the locations, sensitivities, how to avoid negatively affecting them, alternative locations for recreational activities (including off-road cycling) and recommendations to dog owners for the times of year that dogs should be kept on a lead when using sensitive sites (i.e. to avoid disturbance to nesting birds).

Reason: To mitigate adverse effects on the integrity of the Cotswold Beechwoods, Severn Estuary and Walmore Common sites as a result of the development in accordance with the aims of policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy, policy E6 of the Gloucester City Plan and the planning policy advice of the NPPF.

**Compliance conditions**

24. 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 18<sup>th</sup> 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.

25. 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.

Amended conditions schedule for application 22/00521/LBC

*General note re LBC conditions: Wording revised to reflect that public safety works and temporary stabilising works have already been agreed by the LPA and have been implemented. It is not expected that further public safety or stabilisation works are required. Also, wording changed to better reflect which sub-phase of the development the details must relate to (this is to avoid confusion as future discharge of conditions are likely to view the wording of conditions individually not within the context of the decision as a whole).*

- 1 The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2
- Except where these may be modified by any other conditions attached to this permission, 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;
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- 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;
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- 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.

*Officer Note: See above for condition 02 of 22/00563/FUL regarding possible plan corrections.*

- 3 ~~Prior to the commencement of any works to any building/structure details of structural stabilisation work to the building or works in the interests of public safety shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed only in accordance with the approved details.~~

~~Reason: To preserve the special interest of the listed building in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).~~

*Officer's note: Condition is removed as unnecessary, since the building has already undergone structural stabilisation works (in the interests of public safety) and has stabilising scaffolding in place. These works were agreed under discharge of condition 19/01309/CONDIT (related to original conditions of the 2016 planning and listed building consents).*

- 4 The conversion/restoration works to the northern range of Downings Malthouse (the High Orchard St. Warehouse and Kiln no.2) shall not commence until a structural and condition survey for the building has been submitted to and approved in writing by the Local Planning Authority. This shall include information on structural alterations proposed and alternative

options.

Reason: To preserve the special interest of the listed building in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).

- 5 Notwithstanding the submitted information, no works shall commence on any existing building/structure until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic environment work for that building in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

As a minimum, the programme will provide for archaeological recording of significant elements of the historic built environment that are likely to face an impact from the proposed development and any proposed demolition, with the provision for appropriate archiving and public dissemination of the findings.

A full recording schedule will be required itemising these features together with a photographic record and location reference by plan.

Reason: The proposed development site includes significant elements of the historic built environment. The Council requires that these elements will be recorded in advance of any redevelopment or demolition and their record be made publicly available. This accords with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policies D1 and D3 of the Gloucester City Plan (adopted January 2023).

- 6 Notwithstanding the submitted information, no works shall commence on any existing building/structure until plans and a schedule identifying architectural and or/historical features within that building and assessment of the significance of retained machinery or other operational equipment, has been submitted to and approved in writing by the Local Planning Authority.

As a minimum, the schedule shall include identification and assessment of existing features (to include, but not be limited to: windows, doors, door shutters, hatches, storage bins, water storage tanks and chutes), as well details of previously removed features/materials that have been retained to be reused.

Thereafter, the works shall proceed only in accordance with the approved details.

Reason: The proposed development site includes significant elements of the historic built environment. The Council requires that these elements will be recorded in advance of any redevelopment or demolition and their record be

made publicly available. This accords with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policies D1 and D3 of the Gloucester City Plan (adopted January 2023).

*Officer note: Revised wording to reflect that previous works have removed features of significance with some materials/features retained for future use in the redevelopment scheme and to remove duplication from the requirements of condition 8.*

- 7 The conversion/restoration works to Downings Malthouse (the High Orchard St. Warehouse and Kiln no.2) shall not commence until a contract for the carrying out of the works of redevelopment of this building has been let and proof of such has been provided to, and written confirmation of its acceptability has been given by, the Local Planning Authority.

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 8 No works shall commence to any building until a Demolition/Dismantling and Excavation Statement for that building has been submitted to and approved in writing by the Local Planning Authority. The Demolition/Dismantling and Excavation Statement shall:

- identify the method of demolition or dismantling or excavation together with the necessary protection for the upstanding structures;
- include detailed drawings identifying the specific areas to be demolished/dismantled/excavated, both internally and externally; and
- clarification of any building materials to be reused and storage details for them.

Works shall proceed for each building only in accordance with the approved statement.

Reason: To preserve the special interest of the listed building in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).

- 9 The conversion/restoration works to Downings Malthouse (the High Orchard St. Warehouse and Kiln no.2) shall not commence until a mechanical and electrical survey report has been submitted to and approved in writing by the Local Planning Authority. This report shall determine the most appropriate method for the introduction of modern services into the listed building.

Works to that building shall proceed only in accordance with the approved details.

Reason: To preserve the special interest of the listed building in accordance



with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).

- 10 The conversion/restoration works to Downings Malthouse (the High Orchard St. Warehouse and Kiln no.2) shall not commence until the following have been submitted to and approved in writing by the Local Planning Authority:

- details and samples of all new external materials;
- details and samples of any new roofing materials;
- method statement for the refurbishment of any external historic signage to the building;
- method statement for works to the High Orchard Street Kiln Wall;
- method statement for repair of retained timber hoist structure;
- scaled drawings and method statements for all new interventions within the building including structural works, floors, partitions, ceilings, flooring, staircases and vehicular access openings;
- details of internal finishes and fire/acoustic insulation measures;
- scaled drawings and sections of new or altered rooflights, windows and doors;
- scaled drawings and details of materials for any balconies;
- scaled drawings of routes for all new mechanical and electrical services including media provision, and scaled elevation drawings and product details identifying external flues, vents, extracts, meter boxes, media receiving equipment or other external plant or equipment;
- scaled drawings of any bat boxes;
- specification of guttering and downpipes;
- scaled drawings and sections of new/reconstructed eaves detail;
- details of materials, scaled drawings and sections for new dormers;
- details of materials, scaled drawings and sections for new hoist structure;
- details including materials, scaled drawings and sections of louvred vent;
- details of materials, scaled drawings and sections for bridge, including feature details.

Thereafter, the works to that building shall be completed and maintained in accordance with the approved details.

Reason: To preserve the special interest of the listed building in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).

- 11 Any new or (reconstructed) walling forming part of the conversion/restoration works to Downings Malthouse (the High Orchard St. Warehouse and Kiln no.2) shall be constructed in strict accordance with details of bonding, pointing and materials which have first been submitted to and approved in writing by the Local Planning Authority and such details shall be demonstrated by the prior construction of a sample panel. The panel shall be retained on site until

the completion of the walling.

Reason: To preserve the special interest of the listed building in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).

- 12 The conversion/restoration works to Downings Malthouse (the High Orchard St. Warehouse and Kiln no.2) shall not commence until a Repair and Restoration Method Statement for the refurbishment works for that building has been submitted to and approved in writing by the Local Planning Authority. This shall include a schedule and the identification of areas for repair and restoration and address rainwater goods, brick cleaning, stone and brick repair methodologies and materials.

Works to that building shall proceed only in accordance with the approved Method Statement.

Reason: To preserve the special interest of the listed building in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).

- 13 Prior to the commencement of any works to the kiln arches at basement/ground floor within Downings Malthouse, details of their retention, exposing of the lower remains and interpretation in the finish of the building shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed only in accordance with the approved details.

Reason: To preserve the special interest of the listed building in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).

- 14 The conversion/restoration works to Downings Malthouse (the High Orchard St. Warehouse and Kiln no.2) shall not commence until an assessment of options for the structural proposals for the retained building elements along with scaled plans and sections of the proposed structural solution, has been submitted to and approved in writing by the Local Planning Authority.

The works shall proceed only in accordance with the approved details.

Reason: To preserve the special interest of the listed building in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).

15 **Downings Tower**

Any new walling forming part of the New Build (Downings Tower) shall be constructed in strict accordance with details of bonding, pointing and materials which have first been submitted to and approved in writing by the Local Planning Authority and such details shall be demonstrated by the prior construction of a sample panel. The panel shall be retained on site until the completion of the walling.

Reason: To preserve the special interest of the listed building and setting of a number of designated heritage assets (listed buildings and conservation area) in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).

16 Notwithstanding the submitted information the following elements of the New Build (Downings Tower) scheme shall not be installed unless in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

- Rooflights;
- Windows;
- Balconies;
- External doors;
- Signage;
- Steps;
- Rainwater goods;
- Clock.

The details of the above shall include the following:

- Materials, finishes and colour;
- Elevations and section drawings to include moulding cross sections, where mouldings are used.

Reason: To preserve the special interest of the listed building and setting of a number of designated heritage assets (listed buildings and conservation area) in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).

17 No work to the New Build (Downings Tower) shall commence until samples of the external bricks, metal cladding and standing seam metal roof, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To preserve the special interest of the listed building and setting of a number of designated heritage assets (listed buildings and conservation

area) in accordance with Policy SD8 of the Gloucester, Tewkesbury and Cheltenham Joint Core Strategy (adopted December 2017), Section 16 of the National Planning Policy Framework and Policy D1 of the Gloucester City Plan (adopted January 2023).

*Officer's note: Removed reference to surface paving as covered by planning conditions and is linked into GCC's Public Realm Strategy.*