



## PLANNING COMMITTEE

**MEETING** : Tuesday, 4th April 2023

**PRESENT** : Cllrs. Taylor (Chair), Morgan (Vice-Chair), Bhaimia, D. Brown, J. Brown, Conder, Dee, Finnegan, Sawyer, Toleman and Tracey

### **Officers in Attendance**

Planning Development Manager  
Senior Planning Officer  
Principal Planning Officer  
Locum Planning Lawyer, One Legal  
Democratic and Electoral Services Officer

### **Others in Attendance**

Director, Rokeby Merchant Developments Ltd  
Representative, BTS Trading Ltd

**APOLOGIES** : None.

### **52. DECLARATIONS OF INTEREST**

Councillors D. Brown, Dee and Toleman declared a non-prejudicial interest in agenda items 5 (Downings Malthouse, Merchants Road, Gloucester – 22/00628/FUL) and 6 (Downings Malthouse, Merchants Road, Gloucester – 22/00563/LBC) owing to their appointments as Councillor representatives on Gloucester Historic Buildings Limited.

### **53. MINUTES**

**RESOLVED** – That the minutes of the meeting held on Tuesday 7<sup>th</sup> March 2023 were approved and signed by the Chair as a correct record.

### **54. LATE MATERIAL**

Late material had been circulated in relation to agenda item 5 – Downings Malthouse, Merchants Road, Gloucester (22/00628/FUL) agenda item 6 – Downings Malthouse, Merchants Road, Gloucester (22/00563/LBC) and agenda item 7 - 63-65 Denmark Road (22/00807/FUL).

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**55. DOWNINGS MALTHOUSE, MERCHANTS ROAD, GLOUCESTER - 22/00628/FUL**

The Senior Planning Officer presented the report detailing an application for 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 square metres of commercial floorspace for use for Class E purposes of the ground floor.

He further outlined the proposal to develop 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.

**The Director of Rokeby Merchant Developments Ltd addressed the Committee in favour of the application.**

He stated that the application should be granted on the following grounds:

- The application would be the last opportunity to restore Downings Malthouse.
- The developer had taken into account pre-application advice and conditions set by Gloucester City Council.
- A landscape impact assessment had taken place which had confirmed that there would be limited views of the tower block building throughout Gloucester City.
- There had been five attempts to find a viable scheme to develop the Downings Malthouse and the developer believed that they had now done so through this proposal.
- The proposal was for a landmark building which would be the first low energy and carbon neutral building in the city, with provision for 100% electric vehicle charging.
- All other options had been exhausted.

**Members' Questions**

The Senior Planning Officer responded to Members' questions concerning the café location, the purpose of the proposed bridge link, S106 contributions other than affordable housing, whether the proposal for a tower block was included in the original 2016 application, compliance with the Gloucester City Plan's B4 policy and net biodiversity gain, the proposed building materials for the tower block, whether Officers were confident that the listed building conversion would take place, the possibility of further s106 contribution, the height of the tower block and whether it

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would restrict views of Gloucester Cathedral, trees and landscaping, whether there were proposals to include solar panels or a roof garden, bin location, access arrangements, the impact on local businesses and whether engagement had taken place with local businesses and residents as follows:

- The proposal was for the café to be situated on the ground floor of the development.
- The bridge would be a feature bridge and a modern reinterpretation of a previous feature.
- The original independent review of the scheme recommended that affordable housing contributions of £65,000 should be made, and although there was a viability argument to change the s106 contributions, the applicant had agreed that the £65,000 affordable housing contribution would remain and would be delivered in accordance with the s106 agreement.
- The tower block was not included in the original application, however the original scheme had proposed a similar restoration. It was noted that due to the cyber incident which had impacted the City Council in December 2021, Officers were unable to access the original conservation report. It was agreed that the proposed tower had the potential to cause harm to the listed building, but this was tempered by the design and the need for additional floor space. An independent review had confirmed that the scheme was viable to deliver low-level profit to support the wider heritage conversion and restoration works to deliver the Bakers Quay regeneration scheme.
- This was an urban site which provided little habitat, however net biodiversity gains had been conditioned in the application and additional bat habitat surveys had been recommended and would be addressed by condition if bats were present. It was noted that the developer had tried to secure additional planting and that there was some work to be done to discharge some of these conditions.
- Tower block materials would be considered during the discharge of conditions, however it was open to the applicant to propose materials and it was the view of Officers that the materials would need to match the surrounding buildings as closely as possible. It was noted that the applicant might need to consider what materials they were able to source, and that Officers could refuse at discharge of conditions stage, if those materials were unacceptable.
- That listed building restoration had been discussed with the applicant, and it was agreed that their end goal was conversion of the Malthouse Extension and restoration of Downings Malthouse this had driven the re-design extant planning permission would no longer financially support these works. It was noted that the applicant had indicated that their immediate priority was to undertake work to stabilise the Downings Malthouse building. It was possible that there would be three sub phases of development which would likely involve crane equipment, however this was not directly a material planning consideration. It was important to deliver heritage benefits to the City and this was an enabling development.
- Both the independent review and informal advice had confirmed that the scheme was not viable to deliver additional s106 contributions aside from affordable housing.
- The tower block views were considered proportionate as part of the landscaping assessment, however the advice from the Heritage Officer and

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Historic England confirmed that the development would give rise to heritage harm. On balance, the Officer's assessment was that it was in the public interest to support the development rather than refuse on the basis of heritage.

- Officers had raised the possibility of reducing the size of the tower block with the applicant, however this was not viable due to the need for extra residential floor space. Negotiations with the applicant had taken place during the pre-application process and although there was some concern around setting a precedent around tall buildings, it was the Officer's view that it was a unique site with a unique set of circumstances/considerations and development was in the public interest.
- Details around landscaping had been requested and discussions had taken place with the applicant to secure more trees on the site. It was noted that the site was limited, however the applicant had committed to plant additional trees where they could with a clause to replace any trees which died within 5 years of planting.
- It was understood that there would be a mixture of solar panels and heat pumps but there were no plans for a roof garden.
- The site plan illustrated that there would be large bin storage areas in the basement.
- A mixture of responses had been received from the public but engagement from the community had been limited. Public access to the site could not be permitted during the construction phase as this would be dangerous, however the developer had guaranteed new pedestrian routes if the development went ahead and the Senior Planning Officer explained that protected pedestrian routes through the site could be provided (during the construction phase) if it was possible to do so depending on the phasing.

The Chair responded to a question from a Member concerning a site visit as follows:

- Several Committee Members had already undertaken a site visit back in December 2022.

**Members' Debate**

Councillor Finnegan expressed her view that the proposal was a good one and progressive for the site, and that she would support the application.

Councillor Sawyer stated that she would like to see the site developed but remained concerned about the advice from the City Council's Heritage Officer, Historic England and the City Archaeologist around heritage harm. She felt that the proposal went against several City Plan policies and did not offer sufficient s106 contributions in relation to schools and libraries. Councillor Sawyer commented that she did not believe that this was the last chance to develop the site and expressed concern that residents would question what the Planning Committee were thinking if the application were to be approved. She was concerned that approving the application would set a precedent for tall buildings in the city.

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Councillor Conder noted her agreement with Councillor Sawyer and referred to cities which had lost World Heritage Status. She also questioned whether people would be inclined to live in the development, due to the view of the car park and limited views of the quayside and waterways. Councillor Conder noted that the apartments might be purchased by landlords, and this would result in a transient community. She further expressed concern about setting a precedent around tall buildings should planning permission be granted.

Councillor Morgan reminded Members that the Committee needed to determine the application based on the information before them. He commented that he did not fear landmark buildings, noting that no changes in the city would also be detrimental. It was his view that on balance, the proposal was likely to give the benefit of regeneration in an important area of Gloucester Docks and that Members should make a judgement on the advantages of the project weighed against the risks.

Councillor Tracey thanked the Senior Planning Officer for his comprehensive report and noted that she would like to see further conditions relating to the surrounding areas. She raised concerns about the disruption to local residents and businesses during the construction phase, however she confirmed that she was broadly happy with the proposals if disturbance could be minimised and that she was pleased to see suggested improvements to an important area of the Docks.

The Chair stated that he was broadly in favour of the proposals and noted that there had been lots of ongoing dialogue between the applicant and Officers to try and find the best way forward. He stated that the site visit had been helpful in understanding what the finished development would look like.

Councillor Dee noted that she also had reservations around the scale of the proposed tower block and how it would fit in with the local area. She confirmed that she was broadly in favour of the design but was concerned about the possibility of regretting the size of the building.

Councillor Sawyer commented that those Members with reservations should be raising them during consideration of the application. She disputed that this was the last opportunity to develop the site, noting that in her view there was nothing architecturally special about the design. Councillor Sawyer expressed the view that there would be further opportunities and interest in developing the site.

Councillor Finnegan noted that she agreed with Councillor Morgan's comments around considering the application on the basis of the information in front of the Committee. She reiterated her view that the application was progressive and positive.

The Chair moved and the Vice-Chair seconded the Officer's recommendation as amended in the late material.

**RESOLVED that:** - Planning Permission is granted subject to the conditions outlined in the report as amended in the late material.

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**56. DOWNINGS MALTHOUSE, MERCHANTS ROAD, BAKERS QUAY, GLOUCESTER - 22/00563/LBC**

The Chair moved and the Vice-Chair seconded the Officer's recommendation as amended in the late material.

**RESOLVED that:** - Planning Permission is granted subject to the conditions outlined in the report as amended in the late material.

**57. 63-65 DENMARK ROAD - 22/00807/FUL**

The Principal Planning Officer presented the report detailing an application for a change of use from a 28 bed HMO (sui generis) to 10 x self-contained one bedroom flats, a two storey rear extension and associated landscaping.

**A representative from BTS Trading Ltd addressed the Committee in favour of the application.**

He stated that the application should be granted on the following grounds:

- The proposals had been subject to detailed discussions with Officers and the principle of the development had their support.
- The design had taken into account space and accessibility considerations.
- The site was most recently used as a large 28 bedroom HMO which had been closed due the management struggling to deal with issues which were occurring at the building. The proposals would bring a vacant building back into use and provide housing for the City which was much needed.
- The area had a high concentration of HMOs and the change of use would benefit the housing mix in the area and improve the quality of the accommodation.
- The proposals improved and enhanced a conservation area and the developer had looked at all options to make the proposal policy compliant.
- The County Council's Highways service had no objections to the proposals.
- In respect of the on-street parking, there was recognition that the site was in a very sustainable location with city centre walking opportunities and public transport provision.

**Members' Questions.**

The Principal Planning Officer responded to Members' questions concerning highways and parking considerations, the existing use of the building, the location of the bin area, the number of people likely to be resident at the property, and whether any of the flats were reserved for social housing as follows:

- The County Council Highways Service had been consulted and were satisfied that car parking to the rear of the site for 5 cars was sufficient. There would also be cycle storage.
- The most recent use of the building was a 28 bedroom HMO and the proposed change of use would be for 10 self-contained flats.

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- The bin storage space would be to the rear of the property towards the left-hand side.
- The flats were one bedroom flats but the report outlined that they could accommodate a mix of one and two persons.
- The proposal was for market housing rather than social housing.

**Members' Debate**

Councillor Finnegan noted that she had previously lived in the area, which was well known for heavy traffic during school term-time. However, she observed that the proximity to the rugby ground and to the Royal Gloucester Hospital could make it an attractive residence for local doctors and nurses.

The Chair commented that the proposal would bring extra homes for residents and would bring a vacant building back into use.

Councillor Conder stated that she understood concerns around parking provision, but acknowledged that no scheme was perfect and that the proposal would benefit the community. It was her view that the proposal was preferable to the building remaining empty and that an imminent parking scheme could persuade some residents to opt for sustainable travel options.

Councillor D. Brown confirmed that he supported the application, particularly as this was an area with a very high saturation of HMOs.

The Chair moved and the Vice-Chair seconded the Officer's recommendation as amended in the late material.

**RESOLVED that:** - Planning Permission is granted subject to the conditions outlined in the report as amended in the late material.

**58. DELEGATED DECISIONS**

The schedule of applications determined under delegated powers during the month of February 2023 was noted.

**RESOLVED that:** - the schedule be noted.

**59. DATE OF NEXT MEETING**

Tuesday 2<sup>nd</sup> May 2023.

**Time of commencement: 6.00 pm hours**  
**Time of conclusion: 7.52 pm hours**

**Chair**