

# GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

Committee:	Planning
Date:	6 <sup>th</sup> April 2021
Address/Location:	Kings Quarter Gloucester
Application No:	20/01286/FUL
Ward:	Westgate
Expiry Date:	07.04.2021
Applicant:	Esther Croft
Proposal:	Full planning permission for the demolition of existing buildings and structures (Grosvenor House) and the creation of mixed use development comprising two blocks; one with commercial, business and service floorspace (E Class), hotel (C1 Class) and multi-storey car park (sui generis), and the other comprising commercial, business and service floorspace (E Class); both with associated access, parking, cycle and bin storage, utilities infrastructure, highways works, public realm and landscaping works on land fronting Market Parade, Station Road and Bruton Way (forming plot 2, plot 4 and associated public realm and highways works of previous consent 18/01454/FUL for the redevelopment of Kings Quarter).
Report by:	Adam Smith
Appendices:	Site location plan   Ground floor masterplan

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises the former bus station, the site of the now-demolished former multi storey car park and Bentinck House, Grosvenor House, and adjacent areas of highway. This comprises what was Plots 2 and 4 and part of the public realm in the previously approved Kings Quarter scheme (ref. 18/01454/FUL). That planning permission granted outline permission for plot 4, with detailed (full permission) approval for plot 2 and the public realm.
- 1.2 The application site abuts Bruton Way to the north/north east side, with office uses and the Station hotel on the opposite side. On the north west side the site is adjacent to (from the north working southwards) Spredaeagle Court (which has a permission for residential use and with current commercial uses at ground floor), a surface car park, no. 8 Market Parade (which includes a restaurant use at ground floor), another surface car park, and Kings House (office, commercial and public house use). To the south west the site is adjacent to properties on Market Parade/Clarence Street which include a variety of commercial and residential uses). To the south east the site abuts the rear of the new bus station building, with the Twyver House office building beyond. The railway station is nearby to the east.
- 1.3 The application seeks full planning permission for redevelopment of the site. The remaining existing building on site (Grosvenor House) would be demolished. The proposal is for a mixed use development comprised of two main buildings plus public realm. The siting of the buildings and streets broadly follows the layout of plots 2 and 4 in the approved scheme.

Approximately on the site of Grosvenor House and the former bus station (Plot 2), one new

building would comprise;

Multi storey car park (sui generis) across 7 floors (404 spaces including 16 accessible spaces);

Hotel (Class C1) across 5 floors with a recessed 6<sup>th</sup> floor providing conference rooms and a lounge (131 rooms, gross internal area of 6,274sqm);

Restaurant (associated with hotel) (349sqm);

Commercial/business/service units at ground floor (Class E) (320sqm);

Commercial/business/service floorspace (Class E) in upper floors (gross internal area of 2,429sqm).

The car park element is shown with a green wall to the outer façade, the commercial/office parts with a metal and glass curtain wall as the main external materials, and the hotel block brick-faced with a metal and glazed set-back top floor. The building would attach to the back of the existing bus station building.

Approximately on the site of the former multi storey car park (Plot 4), the second new building would comprise;

Commercial/business/service use (Class E) in a staggered height building of 5, 6 and 7 floors (gross internal area of 9,948sq m, plus 746sq m gym).

The building is shown with a metal and glass curtain wall as the main external materials, including a perforated metal panel detail, with concrete base at ground floor. An LED screen is proposed on the south-eastern curved wall.

A bridge link is proposed between the two buildings at 4<sup>th</sup> floor, over the new street that would be created.

1.4 Updated public realm proposals are also now proposed, in a broadly similar arrangement to the approved scheme but with a few key differences. New paving is now shown as a concrete paving mainly, with detailing and some street furniture in Forest of Dean pennant stone. Some tree felling is proposed (set out in detail below), with new tree planting and low-level planting proposed through the new and existing streets. Some modest raising of ground levels is proposed, to secure the necessary levels for flood risk/drainage purposes (set out later in the report), which are no more than a 330mm increase at maximum, and mostly less than that.

1.5 There is a culverted watercourse beneath the site (Plot 4) running broadly south east to north west across the site. It is proposed to divert this to a position further to the north east (towards Bruton Way) as part of the proposals. This would situate the culvert largely within the public realm, with a 24m long section remaining beneath the proposed footprint of Plot 4.

## 2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
18/01433/DEM	Demolition of 12-16 Grosvenor House and the former bus station canopy, barriers and street furniture.	Prior approval granted	31.01.2019
19/01119/DEM	Demolition of a ten-level multi-storey car park with night club located under and 7-storey office block	Prior approval granted	31.01.2020
18/01454/FUL	Hybrid Planning Application for the redevelopment of Kings Square and land known as Kings Quarter, Gloucester seeking:	Granted outline permission with detailed phases	04.03.2020

	<p>(i) Full planning permission for:</p> <p>public realm works, access and parking alterations, landscaping and associated infrastructure improvements and demolition of structures at Kings Square, The Oxebode and St Aldate Street; and the demolition of existing buildings and structures and the creation of a mixed use development comprising development blocks 1, 2, 3a and 3b to provide; a new multi-storey car park (sui generis); residential dwellings (C3) (101 units); commercial retail (A1,A2) / food and drink (A3,A4) / office space (B1); refurbishment of Kings House to provide a new creative hub (B1) with ancillary exhibition space (D1) and food-hall (A3); and associated access, utilities infrastructure, substation relocation, highway works, wider public realm and landscaping works on land at Northgate Street, Spread Eagle Road, Market Parade, Station Road and Bruton Way.</p> <p>(ii) Outline planning permission for</p> <p>the demolition of existing buildings, structures and multi storey car park and the development of proposed blocks 3c, 3d and 4 comprising residential development (C3) (up to 55 units), commercial/retail space (A1,A2,A3,A4, B1), hotel (C1) and office space (B1) with all matters reserved except for access on the land at Spread Eagle Road, Market Parade and Bruton Way.</p>		
<p>Site opposite fronting Market Parade (Plots 3b and 3c) 20/00645/FUL</p>	<p>Full planning permission for the demolition of existing buildings and development of 43 no. residential dwellings (C3), ground floor Commercial, Business and Service space (use class E) and associated access, parking, cycle and bin storage, highways works, public realm and landscaping works on land fronting Market Parade and Spread Eagle Road (forming plots 3B and 3C of previous consent 18/01454/FUL)</p>	<p>Pending (Committee resolution to grant)</p>	

### 3.0 RELEVANT PLANNING HISTORY

3.1 The following planning guidance and policies are relevant to the consideration of this application:

#### 3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance.

### 3.3 **Development Plan** **Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (Adopted 11 December 2017)**

Relevant policies from the JCS include:

SP1 - The need for new development  
SP2 – Distribution of new development  
SD1 – Employment except retail development  
SD2 – Retail and City/Town centres  
SD3 – Sustainable design and construction  
SD4 – Design requirements  
SD8 – Historic Environment  
SD9 – Biodiversity and geodiversity  
SD14 – Health and environmental quality  
INF1 –Transport network  
INF2 – Flood risk management  
INF3 – Green Infrastructure  
INF4 – Social and community Infrastructure  
INF6 – Infrastructure delivery  
INF7 – Developer contributions

### 3.4 **City of Gloucester Local Plan (Adopted 14 September 1983)**

The statutory Development Plan for Gloucester includes the partially saved 1983 City of Gloucester Local Plan. Paragraph 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 relevant to the consideration of this application.

### 3.5 **Emerging Development Plan**

#### **Gloucester City Plan**

The Pre-Submission version of the Gloucester City Plan (City Plan) was approved for publication and submission at the Council meeting held on 26 September 2019. On the basis of the stage of preparation that the plan has reached, and the consistency of its policies with the NPPF, the emerging policies of the plan can be afforded limited to moderate weight in accordance with paragraph 48 of the NPPF, subject to the extent to which there are unresolved objections to each individual policy (the less significant the unresolved objections, the greater the weight that may be given).

Relevant policies include:

A1 – Effective and efficient use of land and buildings  
B1 – Employment and skills plan  
B2 – Safeguarding employment sites and buildings  
B3 – New employment development and intensification and improvements to existing employment land  
C1 – Active design and accessibility  
C3 – Public open space, playing fields and sports facilities  
C5 – Air quality  
C7 – Fall prevention from taller buildings  
D1 – Historic environment  
D2 – Non designated heritage assets

- D3 – Recording and advancing understanding of heritage assets
- D4 – Shopfronts, shutters and signs
- D5 – Views of the Cathedral and historic places of worship
- E2 – Biodiversity and geodiversity
- E4 – Trees, woodlands and hedgerows
- E5 – Green infrastructure: Building with Nature
- E6 – Flooding, sustainable drainage, and wastewater
- E8 – Development affecting Cotswold Beechwoods Special Area of Conservation
- F1 – Materials and finishes
- F2 – Landscape and planting
- F3 – Community safety
- F4 – Gulls
- G1 – Sustainable transport
- G2 – Charging infrastructure for electric vehicles
- G3 - Cycling
- G4 – Walking

Site allocation SA08 – Kings Quarter. Subject to a limited number of objections, which are not considered to be fundamental to the planning application considerations.

### 3.6 **Other Planning Policy Documents**

#### **Gloucester Local Plan, Second Stage Deposit 2002**

Regard is also had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. The following “day-to-day” development management policies, which are not of a strategic nature and broadly accord with the policies contained in the NPPF, should be given some weight:

- BE.2 – Views and skyline
- BE11 – Shopfronts, shutters and signs
- BE.16 – Provision of public art
- BE.30a – Control of redevelopment in Conservation Areas
- E.4 – Protecting Employment Land

### 3.7 **Supplementary Planning Guidance/Documents**

Kings Quarter Planning Concept Statement Interim adoption 2013

2013 SuDS Design Guide

Interim Adoption Public Realm Strategy SPD 2017

Heights of Buildings SPD 2008

Shopfronts Design Guide 2017

Waste Minimisation in Development Projects SPD 2006

Townscape Character Assessment: Gloucester June 2019

#### **Conservation Area Appraisals:**

City Centre

London Road

Eastgate and St Michael's

### **City Centre Parking Strategy**

This is not a planning document and has not been subject to consultation. It does consider the parking demand for the next decade and is a useful background reference.

All policies can be viewed at the relevant website address:- national policies:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Gloucester City policies:

<http://www.gloucester.gov.uk/resident/planning-and-building-control/planning-policy/Pages/current-planning-policy.aspx>

## **4.0 CONSULTATIONS**

4.1 **The Highway Authority** raises no objection subject to conditions and financial contributions to Travel Plan monitoring and amending a Traffic Regulation Order.

It is noted that this position is in the context of the Highway Authority querying some of the parameters and assumptions used by the applicants, although they do not expect any significant difference in the results from re-running the model. Any change in position will be reported at the Committee Meeting. Further comments are set out later in the report.

4.2 **Highways England** raises no objection.

4.3 **The City Archaeologist** raises no objection subject to conditions to secure archaeological mitigation.

- 4.4 **Historic England** raises concerns that they consider need addressing in order for the application to meet the requirements of the NPPF. However they have confirmed that they are not raising a formal objection.

They consider the revised proposals will help deliver positive place-making in an area of Gloucester where urban identity and a principal route into the city centre has been eroded through previous 20th century development.

They note the vital importance of celebrating the primacy of the Cathedral as a principal point of reference when approaching the city centre. Creating a focal point for Cathedral View is a significant heritage benefit of the scheme. The strength of celebrating the visual primacy of the Cathedral tower within key views through the development is diminished slightly by the revised approach – noting the pedestrian bridge and digital screen as potentially distracting from the prime focus of the view.

Any remains of the Friary that remain will be of equivalent significant to a scheduled monument and should be treated as such. They commend the work done to minimise harm through the works, but there would be harm caused. They ask the LPA to be clear about the level of harm being caused by the additional piling for Plot 4 and the justification for not reusing the existing piles to further minimise that harm. The LPA needs to be comfortable that the harm caused by the piling has clear and convincing justification. They support the recommended conditions of the City Archaeologist. Measures will need to be put in place to ensure the as built details of the proposed foundations and piles are deposited with the archaeological archive.

They are concerned about the name 'The Forum'. A Forum was an important public building within the centre of a Roman Town used, as an administrative centre and market. Gloucester's Forum lies within the city centre, and the use of this name for the development places a status on the area that it did not have in the Roman period. They ask that an alternative name with a clearer relationship to the area is used instead.

- 4.5 **The Conservation Officer** considers the application to be acceptable subject to conditions but raises the following observations:

The scheme is much improved from the original scheme which is welcomed.

The scale of the scheme is at odds with the prevalent character of 2, 3 and 4 storeys. Although the high quality of the scheme balances the concern raised.

There are still concerns about the prominent use of light coloured brick and the officer is unconvinced by the justification of responding to the stone and render tones in the area. The immediate and local context and character is traditional red brick. Further review of materials is required by condition.

There are further opportunities for engaging the scheme with Gloucester's heritage in terms of media.

Signage needs to be addressed.

The Public realm strategy should be adhered to. Concrete paving is shown; this should be appropriate conservation paving.

Historic interpretation is needed.

Conditions are proposed for materials, signage, street furniture, heritage interpretation and details of digital signage.

- 4.6 **The Civic Trust** opposes the naming of the development as The Forum as there is already one in the city at the Eastgate Shopping Centre.

- 4.7 **The Urban Design Adviser** supports the proposal.
- 4.8 **The Landscape Adviser** objects to the loss of the London Plane tree at Market Parade (at the end of the new street), recommends additional planting at the Bruton Way end of the new street, and would prefer to see a street furniture, art work and interpretation strategy at the application stage. If permission were granted, conditions are recommended to secure detailed planting plans and planting maintenance, tree pit details, and street furniture, art work and interpretation details.
- 4.9 **The Tree Officer** objects, noting the following:  
Object strongly to the removal of tree T031 (an early mature London Plane). It is one of a limited number of large trees in the city centre, and the submitted report assesses it as an A grade tree and it would be subject to a TPO if not on Local Authority land. It was retained in the previous scheme and could be an integral feature in the new scheme.  
No objection to the removal of other trees subject to suitable replacement tree planting.  
There is a need to agree the replacement tree planting and specifications at an early stage, and concerns are raised about impact of below ground conditions/services leading to omission of some replacements.  
The number of new trees is reasonable on face value however the omission of trees in Cathedral Walk (from previous scheme) is a negative step, there are no longer any at the Bruton Way end of the street, and those proposed in the hotel courtyard and adjacent to Bruton Way where there are already mature trees will have minimal impact.  
Tree T039 (mature London Plane on the island by the taxi rank) is probably the largest tree left in the City Centre, and needs to be adequately protected during demolition and construction and a method statement would be required to address this.  
Specific comments made suggesting changes to the species of trees proposed and the tree pit specification.  
Overall the proposed loss of trees has not been sufficiently mitigated.
- 4.10 **The Ecology Adviser** makes the following comments:  
A Construction Ecological Management Plan should be required – to set out mitigation for impact on species.  
A Landscape and Ecological Management Plan should be required – to set out positive net gains from the development.
- 4.11 **Natural England** raises no objection.
- 4.12 **The Environmental Health adviser** raises no objection subject to conditions to secure specifications to achieve internal noise levels, control plant noise levels, hours of construction working, a Construction Environmental Management Plan, and extraction details for uses involving cooking processes.
- 4.13 **The Contaminated Land Adviser** raises no objection subject to the standard tiered contaminated land condition.
- 4.14 **The Drainage Adviser** raises no in principle objection subject to conditions to secure detailed design of the surface water drainage strategy, maintenance of the SuDS and proving water quality measures for the multi storey car park.
- 4.15 **The Lead Local Flood Authority** raises no objection subject to a condition to secure detailed proposals for surface water drainage.
- 4.16 **Severn Trent Water** raises no objection subject to conditions to secure detailed proposals for surface and foul water drainage.

4.17 **The Environment Agency** raises no objection.

4.18 **The Waste Team** has not commented.

4.19 **The Economic Development Team** strongly supports the proposal.

## 5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 Neighbouring properties were notified and press and site notices were published. The press notice is the latest of the publicity periods and expires 8<sup>th</sup> April 2021.

5.2 One representation has been received raising the following issues:

Support the need to redevelop site but request to be mindful of need for green space. There are a number of well developed trees in the area. Concerns about these being destroyed 'in the name of progress'.  
The pandemic has shown that green spaces are essential for well being.

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
- Economic and regeneration considerations
- Benefits of the scheme
- Design and built heritage
- Archaeology
- Traffic and transport
- Residential amenity and environmental health
- Drainage and flood risk
- Land contamination
- Ecology
- Energy and sustainability, and waste reduction
- Planning obligations
- Environmental Statement conclusions

6.5 ***Environmental Statement***

The previous application for the wider Kings Quarter scheme was considered to be Environmental Impact Assessment (EIA) development and required an Environmental Statement to consider likely significant impacts on the environment. This new application amends the overall project and as such potential amended environmental effects need to be assessed in the context of the overall project.

6.6 The EIA process ensures that planning decisions are made with full knowledge of the likely significant environmental effects of a proposal. The assessment process considers the effects against the existing situation ('the baseline'), in terms of their magnitude or severity of an effect. It categorises effects in terms of; no effect, adverse, negligible or beneficial. Where adverse or beneficial effects are identified a scale is generally used, of; minor, moderate or major. Any effects that remain once mitigation measures are considered, are reported as 'residual effects'.

6.7 The previous application for the wider Kings Quarter scheme was accompanied by an Environmental Statement (ES) and an addendum to it when amendments were made to the application. The subsequent application for a new building on plots 3b and 3c, was accompanied by an ES Statement of Conformity. The current new application includes a further ES Addendum, considering the changes to the scheme since the previous assessment, impacts and proposed mitigation. As such, the ES for the current proposed scheme, as updated, comprises the January 2019 ES, the November 2019 ES Addendum, the July 2020 ES Statement of Conformity, and the new ES Addendum. It is considered that the submitted ES covers the likely significant environmental effects in an acceptable manner, and the ES analysis and conclusions on the various matters are commented on at the end of the report.

## 6.8 **Principle**

The Kings Quarter site has been allocated for redevelopment since 2006. Draft site allocation SA08 in the Pre-Submission City Plan is the latest iteration of this and allocates the site for mixed use development comprising residential, retail, employment, hotel, leisure, and city centre parking, identifying the site as the Council's top regeneration priority. The 2013 Kings Quarter Concept Statement also placed Kings Quarter as the priority regeneration site, envisaging an opportunity for retail-led mixed use development, a step change in the City's commercial performance, significant enhancements to the public realm, a clear sense of place and focal point in the City, and improved pedestrian linkages and interconnectivity between public transport hubs and the City Centre. The Pre-Submission City Plan allocation does not include an amount of retail floorspace, but supports the delivery of a range of main town centre uses. Given that the City Plan is a development plan document, and has reached Regulation 19 stage, this now supersedes the indicative floorspace figures referenced in the earlier Kings Quarter Concept Statement.

6.9 There is an existing planning permission for development of this site, with a different arrangement of uses, although the majority of uses now proposed are already approved in some form within that existing permission. Key differences between that permission and the new application are a significant increase in commercial floorspace of c. 8000sq m (largely intended to be offices), an increase of hotel floorspace of c. 850sqm, and omission of all the residential units. These changes have implications for issues such as highways impact which will be considered later in the report. In terms of the principle of the proposed uses being sited within this part of the City and the loss of the existing floorspace, the following analysis is relevant.

6.10 The Use Classes Order has changed since the original application was submitted, and the current application includes a proposal for 13,792sqm of Class E floorspace. Given the scope of Class E, granting permission would allow any of the following uses to take place; retail, food and drink for consumption on the premises, financial and professional services, indoor sport, medical/health facilities, nursery, office/research and development/light industry (that which could be carried out in a residential area without detriment to amenity). If the principle of these uses in the quantum proposed is considered acceptable, Class E allows flexibility going forward with wider opportunities for occupation of the development without recourse to a further planning application, and lends itself to a wide mix of uses as sought in the Concept Statement.

6.11 In practice, the application sets out that the intention for the Class E floorspace is to have office accommodation across the whole of Plot 4 (along with its gym at ground floor) and the majority of the north eastern part of Plot 2 other than two ground floor units, which are more likely to lend themselves to the retail or food and drink provisions of Class E. In addition the proposal includes the hotel use and its associated restaurant. The applicant has confirmed this is the intention for specific parts of the scheme, but Members should be aware that any Class E use could be implemented if an unrestricted permission were granted, and the below assessment considers the application in that light.

## 6.12 **Principle – main town centre uses**

The proposed Class E usage therefore includes 'main town centre uses' as defined in the NPPF terminology which need to be considered against the NPPF and JCS policy for such uses. The application site is within the City Centre boundary and within the Primary Shopping Area as set out in the JCS.

6.13 Policies SP1 and SP2 of the JCS set out a requirement for a minimum of 192ha of B class employment land to support new jobs, with only part of it on strategic allocations.

- 6.14 Policy SD1 of the JCS deals with employment and notes that such development will be supported for a range of circumstances including the redevelopment of land already in employment use and for the development of new employment land within Gloucester City. Policy B2 of the City Plan seeks to safeguard employment sites and buildings as does Policy E.4 of the 2002 Second Deposit Local Plan. Policy B3 supports proposals for new B class employment development where criteria are met relating to traffic generation, access, parking and manoeuvring, impacts on amenity, scale and design, and environmental impacts.
- 6.15 The JCS and NPPF apply the same 'sequential' and 'impact' tests for main town centre uses. In terms of the sequential approach main town centre uses should be located in town centres. Given the location of the site these proposed uses are acceptable as a matter of principle. Under the proposals the ground floor 'commercial' units could be used for retail use (indeed the whole Class E floorspace could be although this is very unlikely). In this regard the site is also within the more constrained Primary Shopping Area and similarly policy-compliant in terms of the sequential test. As the uses are within the centre boundary, the 'impact' test is not applicable.
- 6.16 Policy SD2 of the JCS notes that proposals including leisure, entertainment and recreation, office, tourism and residential development will be supported provided they would not have significant impacts on the amenity of adjacent residents or businesses. These amenity impacts are assessed later in the report but the principle of the location is acceptable. The potential retail use of the Class E floorspace within the Primary Shopping Area is explicitly supported by Policy SD2, as are developments that contribute to the vitality and viability of designated centres and those that help to deliver the regeneration strategies for the City Centre.
- 6.17 As the proposal would take place within the City Centre which is at the top of the hierarchy of centres it is considered to be of a scale appropriate to its role and function and would not compromise sustainable development principles. In terms of the health of other centres the main consideration would be impact on Cheltenham town centre, which is performing well and given the nature and scale of the application, there are no concerns in this respect.
- 6.18 The application also notes that the car park has been designed so as to enable a future conversion to a different use, however no assessment is made in the application of the impacts of such an alternative use, and this would be a significant change in the scheme (likely also requiring permission for alterations to the physical appearance of the building), so that is considered to be an option that would require further consideration under a separate planning application were it sought (car parks are sui generis and do not have rights to change to another use without permission).
- 6.19 The proposal would support the delivery of the employment floorspace set out in JCS policies SP1 and SP2. The employment uses would take place within the City, and also involve the redevelopment of land in part already in employment use. Furthermore it is likely to allow the growth or expansion of existing businesses in key growth sectors of cyber technology and IT (and potentially others), and encourage and support the development of small and medium enterprises, and as such complies with Policy SD1.

- 6.20 In terms of safeguarding employment floorspace in relation to City Plan Policy B2 and 2002 Policy E.4 , the proposal would result in the loss of some office accommodation within the upper floors of Grosvenor House, of approximately 2000sqm at maximum, while the Bentinck House offices have already been demolished. However the proposal includes a far greater amount of Class E floorspace, the majority of which would likely be office space and the remainder would anyway generate some employment opportunities. Furthermore the hotel use would also generate employment opportunities. As such, it is considered that the employment provision associated with the proposed uses would more than mitigate the employment floorspace loss associated with the demolition of the existing accommodation and no objection is raised in this regard.
- 6.21 In conclusion, the retail, employment, hotel, leisure and car park uses proposed all accord with the draft SA08 allocation policy and the Concept Statement (in the context of the referenced retail proposal being outdated), and the principle in the Concept Statement of retaining parking provision if the multi storey car parking is demolished, is met. The detailed planning considerations of the Concept Statement are addressed by topic in the remainder of the report. The employment and retail uses proposed comply with Policies SP1, SP2, SD1 and SD2 of the JCS. The main town centre uses proposed comply with the NPPF. The proposal complies with Policy B2 of the City Plan, and Policy B3 sets out specific planning considerations which are considered in the remainder of the report.
- 6.22 ***Principle – medical/health, indoor sport, nursery***  
These uses appear less likely to be implemented but would still be allowed by the proposed Class E use, and a gym is proposed in association with the office use. Policy INF4 of the JCS sets out that health care infrastructure, community and cultural facilities, sporting attractions and leisure centres should be centrally located to the population it serves and easily accessible on foot and bicycle, and by public transport. In the proposed location, this proposed use would comply with the policy. City plan policy C3 sets out that proposals providing new sports facilities will be supported where they deliver the aims and recommendations of the Council’s Open Space Strategy, Playing Pitch Strategy and Built Sports Facilities Strategy. The Indoor and Built Facilities Strategy vision is to create accessible, high quality and sustainable sport and leisure facilities, which offer inclusive services for all; enabling active lifestyles, increasing participation in target groups in particular, and helping improve the health and well-being of all of residents. The principal opportunity/challenge for Gloucester City is to ensure that its stock of facilities is fit for the future. While the audit identified a sufficient supply of health and fitness facilities both at present and in the future, the aspiration to increase participation and ensure that health and fitness facilities are accessible and available to the wider community would be supported by provision of indoor sports facilities on this sustainable, central site.
- 6.23 ***Economic and regeneration considerations***  
The site comprises largely of dated, poor quality buildings and vacant land. The proposals would deliver a significant regeneration of this land that would be likely to have positive economic as well as visual benefits beyond the extent of the site itself. Policy SD2 of the JCS notes that support will be given to proposals that help to deliver the regeneration strategies for the City Centre and to new retail, leisure, culture, tourism and office development that contribute to the vitality and viability of designated centres. This is relevant to the scheme and therefore the proposals are supported by Policy SD2.
- 6.24 The construction phase would support employment opportunities (the applicant estimates 300 FTE construction jobs) and therefore this element of the proposal would have some economic benefit.

- 6.25 While the nature of the proposed space and of the employment sector envisaged to occupy it prevents traditional use of employment density calculations, the applicant estimates the provision of employment from the scheme, at the higher end of estimates, would be over 1000 new jobs, in addition to the construction jobs. The application sets out the intention for focus on high-tech innovation space acting as an incubator hub for start-up and emerging businesses in the technology industry.
- 6.26 The Economic Development team is strongly supportive the proposed development, highlighting the significant opportunity to continue the shift of the City centre away from traditional business sectors and types, notably retail, and towards a diverse range of uses that span leisure, digital and knowledge industries, and residential. They also note the creation of economic opportunities for local residents and small businesses, and enormous reputational advantages for the City by encouraging people to live and work withing Kings Quarter, to visit the City, and strengthening Gloucester's reputation as a unique investment location. The scheme is seen as likely to act as a catalyst for positive change and raise the bar for other schemes across the City to follow.
- 6.27 In the context of the NPPF advice that 'significant weight should be placed on the need to support economic growth through the planning system', this adds weight to the case for granting permission. The positive regeneration impacts of the scheme also weigh in its favour.
- 6.28 Policy B1 of the emerging City Plan requires an employment and skills plan for commercial developments of 1000sqm or more, which should identify opportunities for the employment and skills development of local people through the implementation of the proposal. The applicants have agreed to produce this and it should be secured by condition.

6.29 ***Benefits of the proposal***

The proposal would lead to a number of benefits:

It would deliver long awaited regeneration in the City centre and public realm improvements, on a prominent and largely redundant site that is the Council's priority regeneration site, and would provide a mix of uses that would encourage footfall and associated economic benefits within the City.

It would have significant economic benefits beyond the extent of the site.

It would improve the appearance of the townscape.

It would increase activity and natural surveillance in the area.

It would improve the pedestrian connectivity of the site, including wider connections between the City centre and public transport hubs.

It would improve the ability to maintain the River Twyver culvert compared to the existing situation.

6.30 ***Design and built heritage***

*Design policy*

The NPPF states that good design is a key aspect of sustainable development, and sets out criteria for decision making including ensuring that developments are visually attractive, sympathetic to local character and history while not preventing or discouraging appropriate innovation or change, establish/maintain a strong sense of place, optimise the potential of the site to accommodate an appropriate amount and mix of development, and create safe, inclusive accessible places.

- 6.31 Policy SD4 sets out requirements for high quality design, including responding positively to and respecting the character of the site and surroundings, and being of a scale and materials appropriate to the site and setting. Design should establish a strong sense of place and have appropriate regard to the historic environment. Policy INF3 requires development to positively contribute to green infrastructure, also setting out that proposals that would impact on trees will need to include a justification for why this cannot be avoided and should incorporate mitigation for the loss.
- 6.32 Policy A1 of the pre-submission City Plan requires overall improvements to the built and natural environment, preserving the character of the area and appearance of the streetscene, and appropriate bin storage. Policy C1 requires development to meet the highest possible standards of accessible and inclusive design. Policy C7 seeks mitigation measures for suicides and accidental falls on buildings over 12m in height. Policy E4 requires biodiversity net gain on site (or a suitable alternative) if there is unavoidable significant adverse impact on trees, woodland or hedgerows, and tree protection measures during development. Policy F1 requires high quality architectural detailing, external materials and finishes that are locally distinctive, and developments to make a positive contribution to the character and appearance of the locality. Innovative modern materials will be encouraged where they strongly compliment local distinctiveness. Policy F2 requires hard surfacing, boundary treatments and planting to be appropriate to the location, and incorporate existing natural features where possible, and ensure adequate space for trees to mature. Policy F3 requires development to be designed to ensure that community safety is a fundamental principle.
- 6.33 The City Plan site allocation SA08 refers to site specific requirements and opportunities in respect of design and layout being;
- Enhance and maintain views to the Cathedral;
  - Maintain direct connectivity between the bus and rail station to Kings Walk, The Oxbode and St Aldates;
  - Increase density particularly around the edges of open spaces;
- 6.34 Policy BE.2 of the 2002 Plan requires development to respect and protect the City skyline and important views and vistas within the City. Policy BE.11 sets out that new or refurbished shopfronts should be designed to take account of the design, style and proportions of the building and character of the street, and be accessible to wheelchair users where practical. Policy BE.16 seeks provision of public art in major development.
- 6.35 In the 2019 Townscape Character Assessment Plots 2 and 4 are described as within an area of modern development with little to distinguish it, having a variety of building forms and scales, although the common use of concrete and brick is noted. The report notes that matching architectural styles with local historic buildings could benefit the appearance of the area where vacant sites are to be redeveloped.

- 6.36 The Concept Statement sets out design objectives of a high quality and contemporary designed scheme that is sympathetic and harmonises with the historic context, with high quality architecture and active frontages, creates a development unique to Gloucester, and enhances positive aspects of its character including historic fabric and views of the Cathedral. Also redefining the public realm to create new high-quality urban spaces that are vibrant, attractive to use and defined by appropriately scaled views. Also ensuring permeability, enhancing connections and creating new links where appropriate, and creating a new approach and gateway from the railway station to the City Centre, also the bus station, and reconnecting them visually.
- 6.37 Given the historic context of the surrounding areas of the City and the potential impacts, the scale and facade design of the proposals are considered subsequently alongside built heritage considerations. Layout, landscaping and public realm are considered as follows.
- 6.38 Layout, community safety  
The site has an important function in this part of the City, being on the route between the middle of the City Centre and two key transport hubs of the bus and railway stations. The layout is effectively the same as the approved scheme with a new street providing a direct pedestrian route between the east and west sides of the site and a logical route through towards the railway station. The layout also provides for a direct view beyond to the Cathedral to the west, which is a positive design feature. The street and building arrangement provides for building frontage onto the street which would aid in providing an attractive environment and natural surveillance, and partially wrapping the multi storey car park to give active elevations. The Concept Statement envisages offices on the upper floors with continuous active retail and food and drink frontages. However market conditions have changed since the Statement was produced and in the context of this, the proposals' inclusion of ground floor hotel restaurant space, gym, and two ground floor units which would lend themselves to the retail and food and drink uses of Class E, is considered to make a reasonable contribution to ground floor activity. It would provide a more attractive pedestrian environment on the Bruton Way side of the plot compared to the historic arrangement and would enhance natural surveillance and the attractiveness of this route. It would increase the density of development. The proposals would meet the requirements of City Plan allocation SA08 and the design aspirations of the Concept Statement, and the more general design requirements of the above cited policies.
- 6.39 The car park façade incorporates fall protection through a car barrier and planting system steel sub-frame, with an additional metal suicide prevention screen at the top floor perimeter. Bin storage is provided for Plot 4 on the north side close to the proposed servicing lay by. For the hotel in Plot 2, bin storage is provided on the south side close to the loading bay. In terms of accessibility and inclusive design the application confirms level access compliant with Part of the Building Regulations is proposed for the office and gym at Plot 4. For Plot 2 level thresholds to the external doors of the hotel are proposed, with Part M compliant ramps as required. The office element would have level access and the car park element would have Part M compliant ramps and level access to the public realm.
- 6.40 A lighting strategy has been submitted indicating, in draft, a high-quality lighting scheme, combining column, bollard, building-mounted and in-ground lighting to illuminate buildings, the public realm for pedestrian safety, and trees and soft landscaping. The lighting consultant is developing bespoke foundation details for the low level lights, based on a project they have already completed elsewhere where they have proven to be very resilient. This involves an anchoring system and an indicative detail has been supplied with the application. As submitted, the scheme appears likely to both provide the community safety need for illumination, and enhance the visual amenity of the development. Approval of the final detailed scheme is required by condition.

- 6.41 The public realm proposals include street furniture such as benches integrated into planting bed edges, but no details are yet provided. It is suggested that details of these be secured under condition.
- 6.42 In terms of public art, the plans show a potential location for artworks on the curved corner of the hotel block facing towards Kings Square. Details would need to be approved under condition. The Planning Statement also refers to opportunities on the digital screen, and/or in planting/heritage information plaques. There are no freestanding proposals in the public realm, as with the previous scheme.
- 6.43 Landscaping and trees  
Of the 20 trees on site, 9 would be retained, with the remaining 11 removed. These 11 include one category A tree and 10 category C trees, including several with a high visual amenity assessment. 17 replacement mature trees are proposed, alongside Bruton Way and Market Parade with multiple specimens to be provided in excess of 350mm girth to give a greater impact from early stages of development.
- 6.44 Although it was retained in the previously approved scheme, this new proposal seeks the removal of the existing London plane tree on Market Parade, and this is objected to by the Tree Officer and Landscape Advisor. The proposed replacement planting in that location is a small group of orchard trees. The submitted tree report assesses this tree as an A grade, and the Tree Officer notes that it would be subject to a TPO were it not on public land. In considering the location and extent of new tree planting proposed, the Tree Officer advises that the planting mitigation is not sufficient to compensate for the tree loss.
- 6.45 The tree report does not set out a justification for the proposed tree felling but it is apparent that it is to open up the view to the Cathedral tower along the new Cathedral View street and it appears clear that there is a strong feeling on the developer side that opening up this view more clearly is a design aspiration that outweighs the loss of the tree. Clearly one might argue this competing interest either way. The advice to the Committee is that the proposed felling would result in the loss of a high-quality tree and it would cause harm to the environment in that regard. It would also conflict with City Plan Policy F2 which requires major development to retain and incorporate natural features such as trees where possible, and the existing consent shows this could be done. This is similarly the case against the Concept Statement's presumption in favour of retaining mature trees.
- 6.46 This proposed loss is in the context of the loss of other mature trees in the vicinity of the site in recent years (already felled or approved to be felled by planning permissions) and the relatively low number of large trees in the City Centre. This needs to be balanced against the design and environmental benefits of the scheme in other respects particularly the view created and the replacement planting, and it is acknowledged that the visual connection with the Cathedral tower is a valid design aspiration in itself, aiding orientation, presenting a positive vista on the approach into and through the development, and reinforcing the status of the Cathedral. This approach is strongly supported in Historic England's comments and also referenced in local policy for the site. It is considered that while the loss of the tree weighs against the application, it is outweighed by the significant positive impacts of the scheme in terms of built and natural environment, and mitigation is proposed by substantial, large-specimen re-planting (albeit not to the level sought by the Tree Officer). Because the Officer advice is that the mitigation is insufficient there is also a conflict with Policy INF3 of the JCS, which sets out that development should incorporate mitigation measures acceptable to the Authority to mitigate the loss of trees.

- 6.47 The large London Plane adjacent to the Station Road taxi rank opposite Clarence Street and the Lime on Market Parade would be retained, and will require careful protection during demolition and construction.
- 6.48 The applicants have given a commitment that if they encounter services, they will employ a below ground arrangement to ensure trees can still be planted around the services, rather than seek to omit the tree planting.
- 6.49 All the retained trees must be protected during construction activities and while some indication is provided in the application, further detail of the measures and their location is needed, and it is recommended that measures are secured by condition.
- 6.50 Other soft landscaping proposals includes planting beds along Cathedral Walk which include a bio retention SuDS feature beneath, and new tree and low-level planting alongside Market Parade and Bruton Way. Brown roofs are also proposed to both buildings. Overall the planting within the public realm would benefit the appearance of the scheme. Notably, planting along Bruton Way would enhance the attractiveness of this pedestrian route and the setting of the highway.
- 6.51 Hard landscaping  
The proposed surfacing materials have changed from the previous scheme. The proposed pedestrian areas are now largely proposed as concrete paving, with key areas, notably on the west side of Market Parade and next to Bruton Way at the eastern end of the new street proposed as Forest of Dean pennant stone (intended to tie in with the proposals in Kings Square).
- 6.52 The Public Realm Strategy SPD defines the site in the 'secondary streets and spaces' category, where pavements should be Forest of Dean sandstone. The Conservation Officer has raised concerns about the proposed concrete paving, and it would conflict with the SPD requirement. The applicant has cited the cost implications of the use of the Forest of Dean stone across the whole area, and it is acknowledged that the quality of finish to the buildings shows a commitment to high quality overall. The applicant has submitted a further justification report and also noted that they propose to use a premium reconstituted textured concrete paving rather than a standard product.
- 6.53 It is considered that new paving would be an enhancement over the existing surfacing, including for the areas inside the Conservation Area, as it is standard flag paving there currently, albeit that it would not follow the SPD proposal. Nevertheless this conflict with the SPD weighs against the proposal and will be considered in the overall assessment. Notwithstanding that, Policy F2 of the City Plan requires hard landscaping to be appropriate to the location and character, or a new and distinctive character where it is lacking, and the Concept Statement seeks high quality public realm and to enhance sense of place with high specification, robust and durable materials used in interesting ways. In these respects it is considered that in the context of the site, the proposed surfacing and public realm arrangement, subject to careful selection of the precise product, would satisfy this policy aim. If permission is granted, the concrete paving product would need careful consideration under condition.

6.54 Heritage policy

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

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

6.55 Chapter 16 of the National Planning Policy Framework sets out the importance of protecting and enhancing the historic environment, and conserving heritage assets in a manner appropriate to their significance. In particular, paragraph 192 states that in determining planning applications, local authorities should take account of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

6.56 Any harm or loss should require clear and convincing justification; substantial harm to or loss of assets of the highest significance such as scheduled monuments should be wholly exceptional. Tests are set out if 'substantial harm' or 'less than substantial harm' to a designated heritage asset are identified. The NPPF requires appropriate desk-based assessment and where necessary a field evaluation to assess possible impacts on archaeology. It also requires developers to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and the impact, and to make this evidence publicly accessible.

6.57 Policy SD8 of the JCS sets out that heritage assets and their settings will be considered and enhanced as appropriate to their significance. Development should aim to sustain and enhance their significance and put them to viable uses consistent with their conservation whilst improving accessibility. Proposals that secure the future conservation and maintenance of heritage assets and their settings that are at risk through neglect, decay or other threats, also those that bring vacant or derelict heritage assets back into appropriate use, will be encouraged.

6.58 Policies D1 and D2 of the emerging City Plan reflect the guidance in the NPPF and JCS in respect of designated and non-designated heritage assets respectively. Policy D1 notes the extensive archaeological remains of the highest significance within the historic core of the city, and that great weight will be given to the preservation of any such remains whether designated or undesignated.

6.59 Policy D3 requires developers to record and advance the understanding of the significance of a heritage asset prior to or during development where development would reveal, alter or damage it. Policy D4 deals with shopfronts, shutters and signs and supports new shopfronts that are of high quality and respond to the character of the area. Policy D5 requires that development does not harm any key views of the Cathedral and other historic places of worship.

6.60 The Kings Quarter site allocation Policy SA08 notes the high significance archaeological remains within the site and requires the provision of detailed historic environment assessments. It also requires maintaining/enhancing views to the Cathedral, development to positively respond to Conservation Areas, and provision of detailed historic environment assessments. The important archaeological assets of the area are also highlighted in the Concept Statement.

6.61 The Shopfronts Guidance seeks to ensure the retention of historic shopfronts and notable elements of historic shopfront design, with new proposals to be designed to take account of the design, style and proportions of the building and the character of the street, and sets out the elements of good shopfront design including for modern buildings where it is noted that there is more scope for innovation and creativity. The Conservation Area Appraisals encourage the redevelopment of sites that make a negative contribution to the Area.

6.62 *Built heritage assets*

*Conservation Areas*

The application site extends marginally into the City Centre Conservation Area at its western edge (the highway and public realm). The adjacent parts of the Conservation Area include negative buildings and neutral buildings, and negative spaces.

The site also extends marginally into the London Road Conservation Area at its northern edge (the end of the public realm improvements). The adjacent Spreadeagle Court building is a 'positive' and a 'focal building' in the Conservation Area, as is the building on the opposite side of the road (the Carraige building).

The site abuts the Eastgate and St Michael's Conservation Area at the south west edge (at Station Road). The adjacent buildings fronting Station Road (Wessex House/County Chambers, Lister House) are positive buildings and include a focal building at the corner with Clarence Street.

The remaining majority of the site is outside the Conservation Areas.

6.63 *Listed buildings and other nearby buildings of interest*

Clarence Street includes a grade 2 row of listed buildings at its nearby northern end.

There are a number of listed buildings within the wider vicinity, notably the Grade 1 Cathedral and Grade 2\* St Peters Church at the near end of London Road.

The site adjoins 8 Market Parade at the location of proposed plots 3b/3c (the remaining late 1800s building on the north west side) although this has already been approved for demolition.

6.64 *Views*

The proposals would affect views of heritage assets. Most notably the Heights of Buildings SPD identifies view corridors to the Cathedral tower from the east across the site, while the site would sit in the background of views of the Cathedral from the west. There is also a view of the Grade 2\* listed St Peters Church on London Road, from the north end of Market Parade, as highlighted in the Concept Statement.

6.65 *Existing buildings on site*

The standing buildings at the site are of low architectural quality and historic significance and their loss is not objectionable.

6.66 Scale of proposed buildings

Planning permission has already been granted for substantial buildings on this site. The new scheme does involve an increase in scale from that approval, in some areas. The height of the Plot 2 building has been slightly reduced from the approved scheme by 1m, however the maximum height of the Plot 4 building has been increased. It is indicated in the outline phase of the approved scheme as 21m, and now proposed at 30m at the western end in the current application.

6.67 *Plot 2*

The 6 storey hotel block has a top floor that is set back from the main frontage. It would be 22m tall. The adjoining car park block would be 7 storeys and up to 20.6 m tall, with the office block section at the east side of the plot 5 storeys up to 22.1m tall, and up to 24.3m tall at maximum including the roof compound. The ground levels changes would modestly increase these heights relative to the surrounding areas.

6.68 As with the approved scheme the proposed scale of the Plot 2 building would be markedly different to the existing 4 storey Grosvenor House that is broadly in the same position, and it would be a very large mass of building. However, this is an inevitable product of developing a multi storey car park and its impact and appearance has been considered through the design process. The articulation of the overall building helps to break down that large mass and it is considered that it is acceptable in this context and comparable to the approved scheme. The scale of development also provides efficient use of land.

6.69 *Plot 4*

As noted Plot 4 at its western end is proposed at 9m higher than the (outline phase) consented scheme, being proposed at 30m tall / 7 storeys. The top storey would be partially set back from the Market Parade frontage but would be a full 7 storeys on the Bruton Way side. It would stagger down to 5 storeys with a set back 6<sup>th</sup> storey at its south east end (22m to 25.7m).

6.70 This would be a very significant addition within the street. By comparison to existing or recently demolished buildings in the vicinity; the multi storey car park and Bentinck House were the equivalent of 5 and 8 storeys, respectively. Grosvenor House is 4 storeys. The new buildings on the former Kwiksave site facing onto Bruton Way to the north are 5 storeys. Spredaegle Court nearby to the north is 4 storeys, and the Land Registry building is 5 storeys. Otherwise buildings in the area are generally 2-3 storey, with some 4 storeys sporadically. The Conservation Officer raises concerns about scale, although they note that the quality of the scheme balances the concerns raises.

6.71 *Impact on views*

The Pre-Submission City Plan, Concept Statement, 2002 Second Deposit Local Plan and Conservation Area Appraisals seek to protect views and the City skyline, and the Heights of Buildings SPD includes views 2 and 4 which the site sits within. View 2 is from Metz Way Bridge over the railway triangle on the approach to the City centre and gives a view of the Cathedral tower as well as other church spires, albeit the view is interrupted by trees to a greater degree now than when the SPD was adopted. The SPD also acknowledges the competition within view from tall lamp columns. View 4 is from the hospital from a path linking Great Western Road with the main hospital grounds. This has a view of the Cathedral tower between mature trees, partially obscured during the summer. Furthermore, the site would be in the background of views of the Cathedral from the west at Over Causeway/Westgate Street set out in the SPD.

- 6.72 These views have been modelled in the application, including views further along Metz Way where the tree screening isn't as apparent. The modelling shows that the proposed building form should sit comfortably in the context and not harm the views of the Cathedral tower from the positions to the east, indeed it would be less than the consented scheme in parts. Equally from the west the buildings would visually sit within the general built form and not harm the views of the tower. Finally, it is noted that the site would be just to the south of Strategic view 11 in the SPD – the view west from Churchdown Hill. Given the foregoing analysis, it is not considered that the development would significantly harm this view.
- 6.73 The scale of the Plot 2 building would be acceptable on a similar basis to the approved scheme. The Plot 4 building would be of a substantial height and noticeable taller than the car park was however the arrangement of building plots and street widths assists in addressing its impact, as does the staggered height, set back top floor at its highest point, and position next to Bruton Way. It is considered unlikely to appear as particularly incongruous in its setting or so pronounced in wider views as to cause significant harm to the townscape setting or views of the Cathedral tower, or the setting of other heritage assets. It would satisfy the policy requirements of respecting the city skyline and views within the City especially the Cathedral and St Peters Church, and not overpower the historic pattern and important views identified, and also the policy aspiration of creating an entrance to the City Centre of landmark status with appropriately significant building forms to identify crossing the threshold into the City Centre, with a strong sense of enclosure along key routes.
- 6.74 *Facade design*  
The façade detailing shown in the application indicates a high-quality finish to the buildings. The concerns raised by the Conservation Officer are in relation to the main brick colour proposed for the hotel block and these are acknowledged. The Concept Statement seeks an architectural design and materials choice that is unique to the local distinctiveness of the City and references red brick, render and stone being the most predominant. It notes that the scheme should draw from the existing prominent materials, and that there is an opportunity to create a high-quality contemporary palette within the historic context, and that it should avoid pastiche design. The application sets out that the proposals intend a bold, contemporary design and it is apparent that the lighter brick selection comes with the strong support of the project steering group. A secondary darker brick would be used for detailing in the hotel block. While the proposals seek to echo the traditional Gloucester red brick colour by use of a reddish pink metal cladding for the office building, the scheme would not be a direct interpretation of the surrounding historic brick types in the manner of many recent City centre developments which have utilised a red brick, and the scheme would create its own character.
- 6.75 The justification for the lighter brick also notes the site being on the edge and not within Conservation Areas, being adjacent to modern and international style buildings, and that the choice references light beige stone and stuccoed buildings. Furthermore, permission has been granted for the opposite plot on Market Parade with a light beige brick colour and these buildings would therefore tie together. In my view the resulting appearance would be a slightly incongruous brick colour in the context of the historic buildings in the vicinity and the Townscape Character Assessment but with a high quality execution, and there has been a considered methodology for the brick selection and a precedent in agreeing the scheme opposite. The vertical rhythm of the fenestration is intended to reference the tall Georgian style present in the City's historic buildings. In this particular context it is considered that the concerns raised about the diverging brick colour of the hotel block would not amount to significant harm to the character of the area. The quality of design and detailing shown in the proposals is critical to this assessment where a divergence from the normal approach to materials is to be considered.

- 6.76 The car park green wall would be set against concrete slabs, columns and galvanized steel framing, with the planters being the same painted metal colour as the office building. The green wall would be predominantly variegated ivy species, and the applicant has set out that this has been successful on a number of other car parks structures in the UK, requiring a 6 monthly/yearly maintenance regime for upkeep. Overall in respect of Plot 2, with a high quality range of materials it is considered that the building would enhance the appearance of the area.
- 6.77 The 'reddish pink' metal paneling proposed for the office blocks of Plot 4 and the north east part of Plot 2 includes a perforated metal panel detailing and the overall submission suggests a high quality detailing and execution in the facing treatment to these blocks. At ground floor concrete columns are proposed. Again this external design would be a bold and modern approach that would be quite different to other new developments in the vicinity which have tended to use a more literal direct interpretation of the Gloucester red brick. It would create a striking addition to the townscape which in this location and surrounding context is considered would enhance the appearance of the area.
- 6.78 In terms of the concern about the bridge and screen detracting from the view of the Cathedral, this is not currently a view that is available in the proposed manner, so any opening up of the view is an enhancement. While the concern of Historic England is noted regarding being distracted by the bridge and screen, in the context of the proposal it is not considered to cause harm that would merit objecting to the proposals.
- 6.79 In terms of the other issues raised by heritage consultees, in relation to historic interpretation, this is mentioned in the application and it is suggested that a condition could be used to secure approval of any such details prior to installation. In terms of the concerns about signage needing to be addressed this would appear to be most relevant to the hotel and commercial units in plot 2. In terms of the hotel a zone is suggested on the curved corner for art work or signage in future. There is also a horizontal brick band above ground floor and a fascia panel at the entrance. In terms of the commercial units there appears to be a fascia panel that could provide a location for signs. In all cases, signs requiring express advertisement consent would have to be considered on their merits, notably any proposals for any large and/or high level sign on the curved corner of the hotel block would need careful consideration, particularly if it conflicted with a public art proposal. On this basis the proposals do not conflict with the shopfronts and signs policies and Design Guide. The scheme provides options for tenant signage and it is not considered to be an objectionable aspect of the application. In terms of the name for the development, that would be for the developer to resolve with the heritage stakeholders and is not part of the planning consideration.

6.80 *Built heritage and design conclusions*

The scheme would deliver design benefits in terms of connectivity and the appearance of the site, with a high quality design finish proposed. It would preserve and, in respect of the resurfacing inside the Conservation Areas, modestly enhance the character and appearance of Conservation Areas. It would preserve the setting of other heritage assets in the vicinity of the site. The view along Market Parade to the grade 2\* listed St Peter's Church would be enhanced in a similar manner to the approved scheme. The development would not interrupt or harm any of the 'significant views' identified in the Conservation Area Appraisals. A new view of the Cathedral along the new street would be created and would enhance the appreciation of the building from this part of the City and the scheme would otherwise cause no harm to its setting. There would be no adverse impact on the setting of the listed Clarence Street terrace opposite Plot 2. The proposal would comply with the design and built heritage policies of the JCS and City Plan, the Concept Statement and the 2002 Plan.

The scheme would conflict with the Public Realm Strategy in terms of the hard landscaping material proposed for a large part of the proposed pedestrian areas. The proposal would be an enhancement over standard paving materials but not what the SPD aspires to. In the context of the overall scheme impacts, the results would be positive and the conflict with the Public Realm Strategy while unfortunate, is not considered to outweigh the significant design benefits that would accrue.

As no harm would be caused to the significance of built heritage assets the proposals comply with the built heritage policy context above. The requirements of Sections 66 and 72 of the 1990 Listed Building and Conservation Areas Act are satisfied.

6.81 ***Archaeology***

The site is situated just outside the Roman city walls and in the vicinity of the Civil War defences and the long-suspected location of the Whitefriars Carmelite Friary.

6.82 ***Plot 4***

Plot 4 has been subject to archaeological evaluation in 2020, which demonstrated that significant medieval remains survive in the north western part of the plot, including structures likely to be part of the Whitefriars Friary.

6.83 The site does not contain any formal heritage designations. However the remains of the Whitefriars Carmelite Friary found at the site are likely to be of national importance and as such are subject to footnote 63 of the NPPF (whereby undesignated remains of such high significance should be subject to the NPPF policies as if they were formally designated). Great weight must be given to the conservation of these remains. Any harm to, or loss of, the significance of this asset should require clear and convincing justification. Substantial harm should be wholly exceptional.

- 6.84 Impacts at this plot are likely to arise from piling, lift pits and the culvert diversion. Plot 4 includes the piled foundations of the former multi storey car park. It is predicted in the AIMS that fairly widespread survival of medieval and Roman horizons between the piles is to be expected and a pile re-use report has been submitted at the request of the City Archaeologist. This is also an issue of concern raised by Historic England. There is a possibility that some of the existing piles could be reused, which would allow for a reduction in the proposed new piling requirement and as such a reduced potential impact on archaeological remains. However the associated testing, design and verification requirements would increase the timescale and cost of the works and, most relevant for the planning assessment, it would also reduce flexibility in the pile design limiting the scope to avoid remains later in the design process. Furthermore, it would only result in a potential reduction of 5-8 piles in the area of most archaeological importance. The report also sets out an alternative strategy of locating piles in areas that have already been disturbed by existing piling or the existing culvert route. The proposed foundation design has been refined to seek to reduce the potential damage to remains. In this light it is considered that the best approach to limiting impact is to require foundation design details under condition, but not specifically requiring pile re-use.
- 6.85 The impact of the proposed culvert realignment is considerable. Nevertheless, it would be less damaging to remains than the approved scheme. The impact of the culvert and piles is also lessened as part of the area for their installation has already been disturbed. The majority of the Friary site would be preserved. Robust proposals for archaeological mitigation are proposed and could be secured by condition. The impact could be further reduced by including some flexibility in the design of the culvert route, which would allow for tweaking the alignment if highly significant remains were found. This reflects the difficulty of seeking to manage impacts on remains where their precise location and significance is not known in totality up front, and is considered reasonable as a means to secure the policy aspirations of the NPPF and development plan. The applicant is in agreement with this approach in principle as they are likely to commission a detailed design later in the process once further investigative works have been undertaken. The construction widths/depths of the culvert should also be secured by condition as they underpin the assessment of impact that has been undertaken in this case. As above, it is recommended that conditions secure details of foundation design for the same reason of reducing impact when further information is available.
- 6.86 Further evaluation of the southern part of the plot would also be required. The City Archaeologist has noted that the developer has made all responsible and proportionate efforts to preserve the remains of the Friary and where that isn't possible they have made provision for preserving and advancing understanding of the remains as required by the NPPF.
- 6.87 Plot 2  
Parts of the plot 2 site have been subject to archaeological investigation. Evidence suggested this plot is likely to contain the remains of Roman Buildings and paleochannels (historic routes of the river Twyver). While only limited medieval and later remains have been uncovered to date, further remains of this type cannot be ruled out, notably the possibility of the 17<sup>th</sup> century remains of the Civil war defensive works. The remains at this plot are likely to be of regional and local importance but not national importance.
- 6.88 Impacts at this plot are likely to arise from piling, lift pits and drainage infrastructure. The currently designed foundations indicated a large number of pile clusters which are particularly destructive to remains, and would be more likely to require archaeological mitigation.

6.89 Further archaeological evaluation would be required following demolition of the standing buildings. Mitigation is likely to require an excavation followed by a watching brief, and further borehole surveys. These measures should be secured by condition, as should a further submission of foundation details to seek to limit the damage to remains in light of the further information.

6.90 Public realm

The public realm area encompasses an area with a wide variety of remains, of varying significance, including Roman buildings, paleochannels, medieval and later deposits, and around Market Parade potentially complex remains of the Friary which may be of national importance.

6.91 Impacts within this area are likely from landscaping works, services and drainage infrastructure. The evidence indicates that the likely intersection of sewers south of plot 4 with Friary remains would be on the edge of the significant archaeology and the level of impact is likely to be acceptable with mitigation.

6.92 *Archaeology conclusions*

Overall the scheme would have a lower potential impact on archaeological remains than the approved scheme. Importantly for context, since the approved scheme, evidence has been found to clarify the nature and importance of the archaeological remains of Whitefriars which at the time of the previous decision had not been clarified.

Overall the proposals would cause less than substantial harm to the significance of buried heritage assets subject to mitigation. This needs to be balanced against the public benefits of the proposal.

6.93 **Overall NPPF heritage balance**

While no harm would be caused to built heritage assets, less than substantial harm would be caused to below ground archaeological remains. Paragraph 196 of the NPPF requires this harm to be weighed against the public benefits of this scheme. In considering the benefits set out above, it is considered that they outweigh the harm (which can be mitigated in part).

6.94 **Traffic and transport**

The NPPF requires that development proposals provide for safe and suitable access for all and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy INF1 of the JCS requires safe and accessible connections to the transport network and sets out that permission will be granted only where the impact of development is not considered to be severe. Policy G1 of the emerging City Plan notes that the Council will work closely with the County Council and other organisations on local transport matters, Policy G3 notes that development that promotes new cycle routes and improved cycle security will be encouraged, and will support development leading to the improvement of cycle routes to sustainable transport hubs. Policy G4 supports development that protects and enhances convenient, safe and pleasant walking environments, and improvement of walking routes to sustainable transport hubs. New public realm development should reflect pedestrians being at the top of the road user's hierarchy. Proposals that disrupt walking desire lines, reduce the pedestrian legibility or reduce pedestrian connectivity will not generally be supported. Policy A1 requires adequate off-street parking, access, and covered and secure cycle storage. The Concept Statement seeks to ensure public transport routes and layby provision can be provided for existing and future needs, access is maintained for delivery vehicles, taxis and disabled users, and maximisation of opportunities for walking and cycling.

6.95 Location

The site is in a highly sustainable location at the edge of the City Centre area and in close proximity to both the rail and bus stations, as well as residential premises within the City Centre and surrounding walk-able areas.

6.96 Access and changes to highway arrangements

Vehicular access to the proposed car park would be off the existing Station Road lay by in a one-way arrangement. Servicing points for commercial uses are proposed in the Station Road lay by and also via a new loading area off Bruton Way. Refuse would be collected from two loading bays off Station Road in the lay by and off Bruton Way.

6.97 A one-way bus and taxi route along Market Parade is proposed (as per approved scheme), out onto Bruton Way. This allows for the narrowing of the carriageway, reducing traffic flow and aiding pedestrian movement.

6.98 The proposals would improve pedestrian accessibility through the site, and the improvements to the public realm including the works to Market Parade reflect pedestrians being at the top of the road user hierarchy as required by City Plan G4 and meets the aspirations of City Plan allocation SA08.

6.99 Again there is no formal proposal for an amended pedestrian crossing at Bruton Way but this aspiration is again addressed in the application. The concept is to align the west side crossing point with the end of Cathedral View which would provide a more direct and logical relationship to the new street, and the design of the scheme at the end of Cathedral View reflects this aspiration. It would retain the east side crossing point at the position close to the railway station and as such require traversing the central island between. It is not part of the proposals for determination and not required by the Highway Authority as an essential pre-requisite to the occupation of the site, albeit desirable from an urban design perspective.

6.100 Traffic impact

Planning permission has already been granted for redevelopment of the application site as part of a wider scheme and this provides a baseline. However the current proposals represent a different composition and quantum of uses and therefore affect the traffic impact and require further assessment. Notably there is a significant increase in the amount of office space proposed, also the hotel proposal is larger, while there are associated reductions, notably there now being no residential units proposed on these plots.

6.101 The assessment builds on the previous analysis, and the predicted rates for office users include a reduction for changes in travel patterns resulting from national control measures responding to the pandemic. The analysis also factors in committed development in the locality, and the operation of the bus station. The Highway Authority has queried the trip rate reduction based on the pandemic, in the interests of seeking to ensure a reasonable worst-case scenario of impact is assessed. It is acknowledged that the long-term impact on travel patterns is unclear. In this context the Highway Authority has not yet accepted the proposed reduction in trip rates and advised that a sensitivity test should be undertaken to review this approach.

- 6.102 The total predicted peak hours traffic generation from the amended scheme set out in the Transport Assessment is:
- AM peak:  
124 arrivals (of which the office component represents 102)  
40 departures  
165 total (rounded)
- PM peak:  
72 arrivals  
148 departures (of which the office component represents 86)  
221 total (rounded)
- 6.103 Development trip distribution is assigned on the same basis as the approved scheme as the access points remain broadly the same.
- 6.104 Junction capacity  
The submitted Transport Assessment analysis shows all local junctions operating within capacity in the 2024 with-development scenario. It is noted that in the junction assessment, some junctions are close to the theoretical capacity and experiencing delays in the 2024 baseline without the proposed development, and the introduction of development traffic and associated traffic flow changes results in slight worsening in places. Overall however the Highway Authority considers that the proposed development would not have an unacceptable impact on the highway network with a combination of sustainable transport measures and a robust travel plan.
- 6.105 Impact on the strategic network  
Highways England has previously expressed a desire to consider the potential impact on the strategic network and in this respect notably impact on the A40, at Over roundabout and Longford roundabout. The Transport Assessment sets out that the highest impact would be on Over roundabout; westbound in the PM peak showing 34 additional vehicles, equating to an average of just over 1 additional vehicle every 2 minutes, which is not considered to be significant.
- 6.106 Highways England accepts the trip generation analysis in the Transport Assessment, and has undertaken its own trip distribution and assignment analysis, noting 19 (AM) and 14 (PM) two-way trips through the A40 Longford roundabout and 11 (AM) and 8 (PM) two-way trips through the Over roundabout, with 8 (AM) and 6 (PM) two way trips through the Elmbridge Court roundabout. They are considered robust calculations given the likelihood of fewer vehicle trips being made in reality, given the sustainable location of the site. Based on these predicted trips levels, Highways England advises that it is unlikely that the proposals would have a severe or unacceptable impact on the safe and efficient operation of the strategic road network.
- 6.107 Travel Plan  
A Framework Travel Plan has been submitted, to encourage sustainable travel, healthier lifestyles and reduce reliance on private vehicles and single occupancy trips, and provision of travel information, and targets for its success. Each occupier employing more than 10 staff would be committed to producing a Travel Plan and a site wide Travel Plan co-ordinator would be appointed. The Highway Authority seeks to secure this and a 5 year monitoring fee of £10,000.00.

6.108 Parking

The proposed car park would include 404 spaces. The Council's 2018 City Centre Parking Strategy recommends a new multi storey car park for at least 350 vehicles at Kings Quarter to provide sufficient City Centre parking supply up to 2027. The previous multi storey car park had 428 spaces, although it was noted to be underutilised. 10% of the proposed spaces would be electric charging spaces proposed with built in capability to be 100%. 16 disabled spaces would be provided (8 on ground floor, 8 on 6<sup>th</sup> floor where there is access to the hotel and across the bridge). Provision for motor cycle parking has not been clarified so the Highway Authority proposes that this be secured by condition. Otherwise the Highway Authority raises no objection to the proposed parking levels, provided a contribution is secured to enable exclusion of the development from applying for business parking permits by amending the Traffic Regulation Order (£10,000.00).

6.109 Cycle parking provision for the office accommodation is 168 in total. 16 spaces are proposed for the hotel, with 59 (42 outdoor, 17 covered) proposed for the public. The Highway Authority is satisfied that the level of cycle provision accords with the requirements in Gloucestershire Manual for Streets.

6.110 Public transport

The site adjoins the transport hub which provides access to many service routes within the City, county and beyond. Similarly the railway station is in close proximity. The existing bus stop facilities surrounding the site would be retained albeit the stop in Market Parade moved slightly (which has been discussed with Stagecoach and First) and the closing off of the Spredaegle Road link and change to the Market Parade carriageway altering the routes via Worcester Street and Bruton Way southbound onto Station Road, as already approved. Bus access and routes relating to the current scheme are as approved for the previous approval. There is a lack of acceptable waiting facilities on Station Road, notably sufficient shelter provision for the no. 10 service. The Highway Authority proposes that improvements should be secured as part of the application or by condition.

6.111 Taxi provision

An amended taxi drop-off/pick up area off Station Road is proposed with 8 spaces and a dedicated electric vehicle charging point within the multi storey car park. Taxi spaces would be solely on the south west side adjacent to the island as proposed. This is a decrease of taxi space provision from the 11 currently, although a drop off bay is shown in the proposed lay by off Bruton Way (not exclusively for taxis) and the 2 electric charging bays that are offered for taxis in the car park. It is recommended that continuity of provision is secured by condition, either by implementation of the new arrangement before altering the existing, or a temporary arrangement.

6.112 Traffic and transport conclusion

Subject to conditions and securing contributions as noted above there would not be an unacceptable impact on highway safety or a severe impact on congestion, the proposals comply with the above policy context.

6.113 ***Residential amenity and environmental health***

The NPPF seeks to ensure that developments provide a high standard of amenity for existing and future users. Chapter 15 of the NPPF sets out that decisions should ensure development is appropriate for its location taking into account effects of pollution on health and living conditions, and should mitigate and reduce to a minimum adverse impacts from noise, and avoid noise giving rise to significant adverse impacts on health and quality of life. It also requires planning decisions to sustain and contribute towards compliance with relevant limit values or national objectives for pollutants. Furthermore it seeks to ensure that new development integrates with existing businesses and facilities – which should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

6.114 Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Policy SD14 also requires development to cause no unacceptable levels of pollution with respect to national and EU limit values. Policy C5 of the emerging City Plan requires major developments to demonstrate compliance with EU limit values and achieve national objectives for air pollutants. It also seeks to avoid building configurations that inhibit pollution dispersal, minimise public exposure to pollution sources, use green infrastructure to absorb pollutants, provide infrastructure that promotes transport modes with low air quality impacts, and control dust and emissions from construction operation and demolition.

#### 6.115 Impacts from the proposed buildings

The nearest neighbouring properties are the following:

##### Spreadeagle Court (to north)

This property benefits from permission for residential use. It is approximately 50m from the near corner of Plot 4 building which includes a roof terrace on this side. It is considered to be sufficiently far away that no significant impact would be caused from overlooking or overbearing effects. While Plot 4 would be taller than the pre-existing car park, it is considered that any overshadowing or loss of light would be limited due to the scale and footprint, separation and windows in the Spreadeagle Court property such that there would be no significant harm.

##### Flats in Plots 3b/3c (to north west)

These plots have a resolution to grant permission for residential use for the same developer. They would be around 20m from the plot 4 building and 22m from the plot 2 building (which also has a terrace on this side), across Market Parade. The nature of this relationship across the road to the front façade of the proposed flat blocks, and the scale and orientation of the proposed buildings, would be such that the effect in terms of overlooking, overbearing, overshadowing or loss of light would not result in the approved flats having unacceptable living conditions.

##### Flats at upper floors of properties in Northgate Street (to north west)

These would be approximately 80m from the Plot 4 building at the nearest point. It is considered that these are sufficiently far away (and likely with a substantial building between if either of the permissions on plots 3b/3c are built) that no significant impact would be caused from overlooking, overshadowing/loss of light or overbearing effects.

##### Flats on Station Road / Clarence Street (to south)

These would be approximately 30m from the Plot 2 building across Station Road. It is considered that the separation distance across the road to the front façade of the flats, and the orientation of the blocks is such that no significant impact from overlooking, overbearing, overshadowing or loss of light would be caused.

##### Station Hotel

It is understood that there is a flat in this building. It would be approximately 37m across Bruton Way from the building at Plot 2 and 34m from the Plot 4 building which has a terrace at this near corner. Historically the relationship was to the now-demolished 8 storey Bentinck House. The orientation and siting, separation distance, and surrounding environment, is such that no significant harm would be caused from overlooking, overbearing, overshadowing/loss of light.

#### 6.116 Impacts from noise

An acoustic assessment has been provided, which considers the suitability of the site for residential (hotel) use, the potential noise impact from plant associated with the development, and road traffic noise. The Council's advisor is satisfied with the methodology and conclusions of the report.

6.117 Appropriate internal ambient noise levels can be achieved with the predicted building fabric components and with specifications for glazing requirements set out. Notably overheating is proposed to be addressed by mechanical ventilation, so is not reliant on opening windows, and no balconies are proposed, both of which would expose hotel users to greater noise impacts. The principle of meeting the required levels is shown to be achievable and it is proposed to require by condition that the standard is met for the hotel use.

- 6.118 Noise from plant equipment could impact on residential receptors in the vicinity. The precise specifications for plant are not known yet so a noise limiting exercise was carried out for the likely plant and the required noise rating levels are set out. These levels should be secured by condition.
- 6.119 In terms of road traffic noise levels the acoustic report concludes that the increase in traffic associated with the development at various points in the vicinity of the site would range between minor beneficial, negligible, and minor. The adoption of good acoustic design and the mitigation options in the report would mitigate and minimize adverse impact from the development to ensure that significant adverse noise impacts are avoided, and the measures to ensure the hotel benefits from satisfactory internal noise conditions have already been noted above.
- 6.120 The proposals also offer a Construction Environmental Management Plan (CEMP) to control impacts from noise and vibration during the construction phase. This, along with controls over hours of construction, should be secured by condition to preserve the amenities of the area during the construction phase.
- 6.121 Hours of operation  
As the proposals seek Class E use it is possible that the proposed floorspace would be used for restaurants/cafes. Drinking establishments and hot food take aways are now sui generis uses. As such they are not applied for in this application and would not be approved uses without a further application. It is these uses that have usually created more concern about potential noise and disturbance at evening/night. There is a possibility that a restaurant/café use could cause nuisance by noise and disturbance given there are existing and approved residential uses in the vicinity. However given the likely location of such units (on Cathedral View) and the relatively low likelihood of significant disturbance, it is not considered that this is an in-principle issue for granting planning permission and it is suggested that any controls over hours of operation are undertaken by licensing legislation at the appropriate time, if and when detailed occupier proposals and their proposed hours of opening are known.
- 6.122 Subject to conditions, it is considered that the proposal would comply with the above policy context in terms of noise.
- 6.123 Air quality  
An Air Quality Assessment has been submitted. There is a high risk of dust effects from demolition and construction which would need to be addressed. Mitigation measures could reduce these to an acceptable level and should be secured by condition and could be picked up in the CEMP.
- 6.124 In terms of future occupants of the development being exposed to pollutants, concentrations at the site are predicted to remain below the national air quality objectives at the proposed occupation date. In terms of the development's impact on air quality when operational, a negligible impact is predicted for all pollutants considered. Subject to conditions, it is considered that the proposal would comply with the above policy context.
- 6.125 Cooking fumes – extract equipment  
The proposals could provide for uses involving cooking processes; in respect of the commercial and hotel elements of the scheme. The applicants have clarified that kitchen extracts would vent to the roof, and routing is providing for within the building so this built in capacity should future-proof such potential uses in the future. Tenant proposals for extract are unknown at present. It is recommended that a condition be used to secure details of the extract equipment in due course, prior to opening.

6.126 *Residential amenity and environmental health conclusion*

Subject to conditions, the proposals would comply with the above policy context.

6.127 ***Drainage and flood risk***

The NPPF requires that development is directed to the areas at lowest risk of flooding, that new development should take the opportunities to reduce the causes or impacts of flooding, should not increase flood risk elsewhere and take account of climate change. Policy INF2 of the JCS reflects the NPPF, applying a risk based sequential approach, requiring new development to contribute to a reduction in flood risk and requiring the use of sustainable drainage systems. Policy E6 of the emerging City Plan sets out a similar approach to making development safe, avoiding an increase in flood risk, the sequential and exception tests, requiring Sustainable Drainage Systems, incorporating climate change considerations, facilitating benefits to watercourses and floodplains, and maintaining a buffer strip for maintenance and ecology. The emerging City Plan allocation SA08 also sets out site specific requirements and opportunities; those being a Flood Risk Assessment, and assessment and implementation of Sustainable Drainage Systems.

6.128 Parts of the site are within Flood zones 1, 2 and 3 according to the Environment Agency (EA) flood map. However a study undertaken for the previous application (and supported by the EA) established that the site is at low risk from both fluvial and surface water flooding. There appear to have been no recorded historic flood events within the site. In terms of the risk classification of the proposed uses they are largely in the 'less vulnerable' category. The hotel is a 'more vulnerable' use although the customer rooms are above ground floor, also a nursery or health service would also be a 'more vulnerable' use although the applicants do not indicate that these are intended uses. Less vulnerable uses are appropriate in zones 1, 2 and 3a but not 3b (functional floodplain), while more vulnerable uses are appropriate in zones 1 and 2 and the exception test is required in zone 3a (and not in 3b).

6.129 A Flood Risk Assessment has been submitted. The source of fluvial flood risk is overland flow from the culverted sections of the River Twyver. The previous study undertaken to support the original application undertook detailed modelling of the flood risk scenario expanding on the EA flood mapping and showed that the flows within the Twyver in fact remained within the culvert through the site and any upstream overtopping does not impact on the site. As such there is a low risk of fluvial flooding to the development from the Twyver. This study had the support of the EA, and the EA has no further comments on it in relation to the current amended scheme. Part of the site is shown to be at some risk of surface water flooding. These relate to low points on the highway and not in the building areas proposed. External levels have been designed to route surface water away from buildings. It is proposed to raise finished floor levels above existing ground levels to accommodate multiple entrance points and the northerly fall of the site, placing the building approximately 300mm above external road levels, and this is accounted for in the submitted plans. This would also protect against overland flows.

6.130 *Sequential test*

Notwithstanding the conclusions of the additional modelling that the site is entirely within flood zone 1 for fluvial flooding, as the site is shown to be partly within flood zones 2 and 3 on the EA maps, the sequential test has been considered for completeness which has previously been recommended by the EA.

6.131 The sequential test study for the previous application considered sites within the 2018 City Plan report and the area of search as the City Centre is again considered appropriate because the proposal includes main town centre uses. Of the sites previously considered, several are outside the City Centre boundary where the proposed main town centre uses would be encouraged. This leaves the Blackfriars site, of which the area in flood zone 1 could accommodate the proposed development.

6.132 The site has been a draft allocation for redevelopment in local plan documents for some time, including in the Pre-Submission City Plan which can be afforded limited to moderate weight with some objections to the allocation but not in principle to it. The site is in need of redevelopment and the site-specific planning aspirations could not be achieved on the Blackfriars site. In the context of the aspirations for the site, the allocation, and the site-specific flood modelling that has refined the EA flood mapping, it is not considered that there are reasonably available sites appropriate for the development in areas with a lower risk of flooding, and the sequential test is considered to be satisfied.

6.133 *Drainage strategy*

The flow control rates agreed in the previous application have been achieved, though in a different configuration. The drainage proposals outlined incorporate;

Blue roof to the plot 4 office block providing storage. The applicant's engineer has confirmed that the whole roof (including the brown roof areas, plant compound and terraces) will be of blue roof construction.

SuDS in the public realm including cellular attenuation, which would provide a functional and aesthetic benefit, and would also capture runoff from plot 2.

Cellular unit attenuation in the car park block. Car park also served by a bypass separator to ensure water quality by removing oils and grit.

The scheme would provide betterment in runoff of 40% through these measures.

6.134 The Drainage Officer has no concerns about the flow control and attenuation. The only concern raised by drainage consultees is in relation to water quality and demonstrating the efficacy of the proprietary oil interceptor in the multi storey car park; these do not alone provide adequate water quality treatment. This could be addressed under condition. An outline SuDS maintenance strategy is provided, to be clarified in the future, and a detailed version should be secured by condition.

6.135 *Exceedence provision*

Flows from blockages would travel along Market Parade in line with the site topography before re-entering the sewer network. The two localised low points would have additional surface water drainage. In the new street levels are proposed to convey water away from the buildings to the central raingarden. In an exceedence event water would flow to Market Parade and then north.

6.136 *Exception test*

The proposal seeks 'less vulnerable' uses in the main, which are acceptable in Flood Zones 1, 2 and 3a without the exception test, and the 'more vulnerable' hotel would have customer rooms only above ground floor, while the site specific modelling has shown the site is not in high risk of flooding, being flood zone 1 for fluvial flows. In any respect, in considering the exception test, the scheme provides wider sustainability benefits as set out in the report already that outweigh the limited flood risk. The City Plan and SFRA work has already concluded in this respect in relation to the site allocation – with benefits to health, inequalities, the city centre, sustainable transport and traffic considered likely to take place as a result of development. These benefits are likely to arise from the application proposals notably in terms of benefitting the centre and connectivity for sustainable modes of transport. The potential disbenefits set out in the City Plan sustainability appraisal for the site, of flood risk, historic environment and public open space, are all demonstrated to in fact be acceptable in the application proposal, subject to certain conditions as discussed elsewhere in this report. As such, and in the context of the modest level of flood risk identified in the additional modelling work, it is considered that the development would provide wider sustainability benefits to the community that outweigh flood risk. Secondly, the proposals are shown to be safe for their lifetime without increasing flood risk elsewhere. No flood plain storage compensation is needed as the site is in flood zone 1 for fluvial flooding, and safe egress would be available, while the works to the culvert would maintain the watercourse route with improved ability to access it. As such the exception test is satisfied.

6.137 *Foul water*

There are no envisaged capacity issues for new foul connections, and the development is likely to represent a reduction from the approved scheme due to the omission of residential use from the new scheme.

6.138 *Diversion of the River Twyver culvert*

The proposed diversion would largely avoid the Plot 4 building footprint allowing for maintenance access points within the public realm and would preserve the existing drainage infrastructure beneath the site. Furthermore it would improve the ability to maintain the culvert and avoid the potential for site redevelopment to inhibit access to it in the event of a structural collapse, which has historically been the EA's concern about rebuilding at Plot 4.

6.139 Given the proposed alignment being largely beneath the public realm on the Bruton Way side, it is no longer intended to provide a 'boxed-in' culvert for maintenance access, although a slightly larger diameter pipe is proposed which would provide minor betterment to flow capacity. The proposed arrangement provides for access at either end of the build-over, which is beneficial for archaeological impact given the reduced dimensions of the culvert. The EA has no objection to the proposed diversion as it results in a significant reduction in the length of culvert beneath buildings.

6.140 Subject to conditions, it is considered that the proposals comply with the above policy context.

6.141 ***Land contamination***

The NPPF requires decisions to enhance the environment by remediating and mitigating contaminated land where appropriate, and ensure that a site is suitable for the proposed use taking account of ground conditions and any risks, and that after remediation as a minimum the land should not be capable of being determined as contaminated land. Responsibility for securing a safe development rests with the developer/landowner. Policy SD14 of the JCS requires that development does not result in exposure to unacceptable risk from existing or potential sources of pollution, and incorporate as appropriate the investigation and remediation of any contamination.

- 6.142 The 2018 Phase 1 Geo Environmental survey has been resubmitted, which identified some potential contaminating elements from recent or historical activities on site that may require remediation. This provides an acceptable site model of the conditions. Further intrusive investigation is likely to be required to determine their significance for site redevelopment. This does not present any in-principle problem for the proposed development and could be addressed in the usual manner pursuant to the standard contaminated land condition. Therefore, subject to conditions, the proposal would comply with the above policy context.
- 6.143 **Ecology**  
The NPPF requires development to minimise impacts on and provide net gains for biodiversity. Policy SD9 of the JCS similarly requires the protection and enhancement of biodiversity in the area. The emerging City Plan Policy E2 requires the conservation of biodiversity and providing net gains, and also Policy E8 specifically restricting development that would be likely to lead directly or indirectly to an adverse effect on the integrity of the Cotswold Beechwoods Special Area of Conservation where these effects cannot be mitigated. Policy E4 requires biodiversity net gain on site (or a suitable alternative) if there is unavoidable significant adverse impact on trees, woodland or hedgerows. Policy E5 requires development to contribute to the provision, protection and enhancement of the Green Infrastructure Network. The emerging City Plan allocation sets out site specific requirements and opportunities for biodiversity; green roofs/walls should be utilised; and creation of bat habitat and roosts, swift blocks and provision for house martins. Policy F4 requires well designed measures to prevent gull roosting, nesting and damage, as does the Concept Statement. The Concept Statement also requires biodiversity improvements.
- 6.144 The site is predominantly covered in hardstanding and buildings and no protected species have been found on site. Grosvenor House has been assessed to have negligible potential to support roosting bats for the presence of bats. In terms of habitats the it was concluded that the site offers limited ecological value and no significant negative impact would arise. Demolition could be undertaken (following the recommendations in the previous ecological appraisal) without harm to protected species.
- 6.145 In terms of securing net gains from the development, ecological enhancements would be achieved by the additional planting (proposed with native species), brown roofs, and nest boxes for bats, birds and bees. These should be secured by condition. The construction-phase ecological mitigation recommended by the ecology adviser should also be secured by condition.
- 6.146 In terms of the site-specific proposals set out in the City Plan, green walls are proposed to the car park. The Council's ecology advisers have proposed securing biodiversity enhancements by condition and this could include the creation of the bat habitat and roosts, swift blocks and provision for house martins mentioned in the City Plan. The 'Building with Nature' standards referred to in City Plan Policy E5 are not explicitly referenced, although the proposals should not hamper ecological networks and would provide for a modest enhancement of green infrastructure.
- 6.147 Previous applications on the Kings Quarter site have been subject to Habitats Regulations Assessment due to the potential recreational impact on European designated sites (such as the Cotswold Beechwoods covered by City Plan Policy E8, and as referenced in JCS Policy SD9) as a result of introducing new residents to the site. The new proposal has no residential use proposed. The proposed development would not result in a likely significant effect to the integrity of the various European designated sites within the region that have previously been identified.

- 6.148 In terms of dealing with gull nuisance, the applicant has confirmed that all roofs are accessible to maintenance operatives and deterrent measures are possible either by management or by physical measures. Details should be secured by condition.
- 6.149 Subject to conditions the proposal is considered to comply with the above policy context and legislation.
- 6.150 ***Energy and sustainability, and waste reduction***  
The NPPF supports the transition to a low carbon future and contributing to reductions in greenhouse gas emissions. It expects developments to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. Policy SD3 of the JCS requires all developments to demonstrate how they contribute to the principles of sustainability by increasing energy efficiency. Proposals will be expected to achieve national standards. Policy G2 of the emerging City Plan requires for non-residential development providing 100 or more spaces, at least 2% should be utilised for charging for electric vehicles. The Concept Statement requires an Energy Statement and the use of renewable/low carbon energy through a number of methods, meeting at least 10% of predicted energy requirements.
- 6.151 An Energy and Sustainability report has been submitted. The application sets out that the development would achieve a 16.4% reduction in carbon emissions, and that the scheme has a pre-assessment BREEAM rating of 'Excellent'. It furthermore notes that the all-electric strategy and proposed renewables would enable the development to be nearly zero carbon in future.
- 6.152 Energy reduction strategies are designed into the proposed building form (e.g. high levels of insulation, optimised solid to glazing ratio, efficient double glazing, improved air tightness, minimising heat gain), also mechanical ventilation with heat recovery, air source heat pumps (taking heat from the air) to provide heating and cooling and solar thermal panels. The submission sets out that the fabric performance for the development meets and exceeds the minimum Building Regulations requirements.
- 6.153 Electric vehicle charging would also be provided in certain parts of the site and the applicant has proposed 10% as electric charging spaces proposed with built in capability to be 100%. This exceeds the City Plan target of at least 2% for non residential development.
- 6.154 An outline of waste reduction measures is set out in the application pending appointment of a contractor if the project proceeds. The details are not considered sufficient on their own and it is recommended that further details are secured by condition. Subject to this the proposals would satisfy the aims of the Waste Core Strategy Policy WCS2 and Waste Minimisation SPD.
- 6.155 The application sets out sustainability measures that improve on the previous scheme. Policy SD3 requires proposals to demonstrate how they contribute to the aims of sustainability by increasing energy efficiency, and will be expected to meet national standards. On that basis, there would be no conflict with Policy SD3, and the proposals similarly comply with the City Plan and Concept Statement aims.

6.156 ***Planning obligations***

Planning legislation and the NPPF provide that planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The NPPF provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Policy INF6 of the JCS provides that where the need for additional infrastructure and services is expected, the Local Planning Authority will seek to secure appropriate infrastructure which is necessary, directly related, and fairly and reasonably related to the scale and kind of the development proposal. Policy G8 of the emerging City Plan sets out that where planning policies cannot immediately be met by a development due to exceptional circumstances, a review mechanism shall be imposed for phased developments to rigorously test the ability to be policy compliant over the lifetime of the project.

6.157 The Highway Authority's requests for contributions would preserve highway safety (in respect of addressing the parking demand by amending the Traffic Regulation Order), and would secure oversight of the travel plan and benefit sustainable travel in the manner proposed by the applicant to mitigate the development's impact (in respect of the travel plan monitoring). In both respects these are considered necessary to make the development acceptable, are directly related, and at the level proposed are fairly and reasonably related in scale and kind.

6.158 ***Environmental Statement conclusions***

The Environmental Statement Addendum revisits the topics previous considered for potentially significant environmental effects and makes the following conclusions based on the various analyses set out earlier in the report:

#### 6.159 *Transport*

Transport impacts correlate with the previous ES assessments. The proposed amendments to the project would not alter the conclusions in the consented scheme ES and no additional mitigation measures are required.

#### *Air quality*

The air quality effects of the development are considered to be not significant. There is no material change to conclusions of the consented scheme ES., and no additional mitigation measures are required.

#### *Noise and vibration*

Applying the mitigation set out in the report, the scheme would not alter the conclusions of the assessment in the consented scheme ES.

#### *Archaeology & cultural heritage*

The archaeological impacts are less than the consented scheme. The significance of effects on archaeological remains are the same as that for the consented scheme ES.

#### *Built heritage*

The overall principles do not vary widely from consented scheme. The amended scheme is considered to be an improvement and provides better interaction with the wider historic environment. It does not alter the significance of the effect on built heritage with regard to the wider scheme reported in the consented scheme ES.

There are no new likely significant effects with regard to archaeology or built heritage. The amendments would not alter the conclusions of the cultural heritage assessment in the consented scheme ES, and no additional mitigation measures are required.

#### *Townscape and visual impact*

The overall assessment of effects at year 1 are the same as reported in the consented scheme ES. There would be no new likely significant effects compared to those identified in the consented scheme ES. The proposed amendments would not alter the conclusions of the assessment in the consented scheme ES and no additional mitigation measures are required.

#### *Flood risk and water resources*

The mitigation proposed provides the same benefits as the consented scheme and potential effects are reduced, with the residual risks remaining unchanged (i.e. not significant). The proposed amendments would not alter the conclusions of the assessment as reported in the consented scheme ES and no additional mitigation measures are required.

6.160 *Effect interactions and cumulative effects*

The Environmental Statement Addendum considers the potential for further cumulative effects and interactions between projects but no new cumulative schemes have been identified and no new further consideration of cumulative effects is made.

The proposed amendments would not alter the conclusions of the consented scheme ES in this regard. The existing conclusions, that potentially significant combined effects during demolition and construction (noise and vibration impacts and townscape and views impacts) are all temporary and reversible and would be reduced as far as reasonably practical through good environmental practices, and furthermore that during operation of the development the combined effects would be beneficial and no mitigation is required, still stand.

As noted, no new cumulative schemes have been identified and the existing conclusions, that potential cumulative effects (noise and vibration and townscape effect during multiple constructions activities) are inevitable impacts of development in urban areas and would be temporary and relatively localised, and that during the operational phase no additional significant cumulative effects are likely to be apparent, still stand.

6.161 The applicant is obliged to consider the 'do nothing' option under the EIA process, and it is again agreed that this would result in negative effects, given the current site condition and the benefits of regenerating and efficiently using the land and the policy context of doing so. Similar conclusions apply in respect of considering alternative sites for the proposals.

6.162 *Residual effects*

The proposed amendments do not alter the likely residual effects and conclusions presented in the consented scheme ES.

During demolition and construction the majority of effects are either negligible or minor adverse and not considered to be significant, other than;  
Noise and vibration - at worst, moderate adverse effects are likely. These are more severe during demolition and initial construction activities in close proximity to works.  
Townscape and visual effects – at worst, major adverse effects are likely, due to intrusion of construction elements and disruption. These are temporary in nature.  
These effects are temporary and would be controlled by on-site good practice and mitigation measures.

Officers have considered the archaeological impacts in a slightly different way to that in the ES (considering that some remains would have more than a 'minor' impact, in that they would be removed), but there is no overall objection to the assessment of significant environmental effects in this respect, or the overall conclusion of acceptability.

During the operational phase there would be a limited number of minor (not significant) adverse effects, in relation to traffic flows at certain links, and noise and vibration. Significant moderate beneficial effects are identified on traffic flows for Market Parade (reduced volume), and major beneficial effects are identified for effects on pedestrians and cyclists. The scheme is predicted in the ES to have minor beneficial (not significant) effects in relation to archaeology and cultural heritage. Significant beneficial effects are predicted for certain townscape and visual effects. The predicted air quality effects are considered to be negligible. The revised assessment of fluvial flood risk is of a neutral (not significant) effect during both phases.

- 6.163 Overall, the ES conclusions on the project remain applicable, in that the proposal would regenerate and enhance the site (and in respect of other parts of the project outside the current application it would contribute to a need for new housing). Some adverse effects would be experienced during demolition and construction but they would be largely temporary in nature and mitigated to reduce the effect. Once complete, the project would deliver housing (on other plots), visitor accommodation, office and commercial space, public realm and an improved pedestrian environment for the wider community. No likely significant adverse residual effects have been identified for the operational phase.
- 6.164 **Conclusion**  
Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The proposals have been assessed against development plan policies within this report.
- 6.165 As identified in the report, the proposals would provide significant economic, environmental, and social benefits.
- 6.166 The Planning (Listed Building and Conservation Areas) Act 1990 imposes requirements as set out in this report. Great weight has been given to the impacts on designated (and undesignated but equivalent significance) heritage assets. In respect of built heritage the proposal would preserve or enhance heritage assets. In respect of buried heritage the proposal would have less than substantial harm (which is not objected to by Historic England or the City Archaeologist); this harm has been limited by the design approach taken, and is considered to be outweighed by the significant public benefits of the proposal. The requirements of Sections 66 and 72 of the Listed Buildings and Conservation Areas Act are satisfied.
- 6.167 Weighing against the proposal is the conflict with the public realm strategy SPD in relation to the specific surfacing materials, and the loss of the (previously retained) existing London Plane where Policy F2 of the City Plan requires major development to retain trees where possible, the Concept Statement's presumption in favour of retention of mature trees, and Policy INF3 of the JCS requiring sufficient measures to mitigate the loss of trees. However none of these matters are considered to be of overriding weight within the context of the proposal given the status of the policies and/or the nature/extent of the harm, and the benefits of the scheme.
- 6.168 The proposals mitigate their impact on heritage, highway safety, flood risk and drainage, residential amenity, land conditions and ecology, subject to certain conditions and contributions. The proposals would deliver a sustainable scheme in accordance with the adopted policy.
- 6.169 It is considered that the Environmental Statement contains sufficient information and analysis to reach a reasoned conclusion on the significant effects of the development on the environment. The Environmental Statement has been taken into account in making this recommendation. Monitoring measures have been considered and are included in proposed conditions where considered necessary.
- 6.170 There is broad compliance with the Joint Core Strategy as the development plan, and with the NPPF policies, the saved 2002 Second Deposit Plan and supplementary planning documents, other than the modest conflicts noted. The limited conflicts with the emerging Gloucester City Plan given the weight to be afforded to it are not considered to be overriding.

6.171 Overall for the reasons explained in this report it is considered that the proposals are in general compliance with the development plan. When considering all of the relevant material considerations in the balance, it is considered that the significant public benefits of the scheme outweigh the identified harms, including the less than substantial harm to buried archaeological heritage assets. It is therefore considered that planning permission should be granted subject to conditions. At the time of writing the applicant's agreement to the proposed pre-commencement conditions is awaited.

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

7.1 That authority is delegated to the City Growth and Delivery Manager to GRANT planning permission subject to:

- a) no new representations being received that raise new material planning considerations not considered in this report prior to 9<sup>th</sup> April 2021;
- b) completion of a legal agreement/s to secure;
  - Travel Plan monitoring fee of £10,000.00 over a 5 year period; and
  - contribution of £10,000.00 to amend the Traffic Regulation Order to enable exclusion of the development from applying for business parking permits;

and the following conditions:

### 7.2 **Reason for Approval**

The impacts of the proposal have been carefully assessed. The scheme would regenerate a highly sustainable, partly vacant, brownfield site in a prominent position within the City centre, deliver economic benefits to the area, enhance the public realm, preserve or enhance the character and appearance of the Conservation Areas, preserve the setting of listed buildings, and improve the ability to maintain the culverted River Twyver, and is acceptable in design terms. Less than substantial harm would be caused to buried heritage assets but this is outweighed by the public benefits of the scheme. The Environmental Statement has been taken into account in reaching the decision and it contains sufficient information and analysis to reach a reasoned conclusion on the significant effects of the development on the environment. The proposals mitigate their impact on heritage, highway safety, flood risk and drainage, residential amenity, land conditions and ecology, subject to certain conditions and contributions. There are limited conflicts with policies of the emerging Pre-Submission City Plan, the Joint Core Strategy, and a Supplementary Planning Document but there is otherwise broad compliance with the Development Plan and the NPPF. The benefits of the scheme are considered to outweigh the disbenefits.

### 7.3 **Condition 1**

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

#### **Reason**

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

#### **Condition 2**

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

0001 Location plan

0003 Proposed demolition

- 1100 Rev. A Ground floor masterplan (amended plan received by the Local Planning Authority on 18<sup>th</sup> March 2021)
- 1101 Rev. A First floor masterplan (amended plan received by the Local Planning Authority on 18<sup>th</sup> March 2021)
- 1102 Rev. A Second floor masterplan (amended plan received by the Local Planning Authority on 18<sup>th</sup> March 2021)
- 1103 Rev. A Third floor masterplan (amended plan received by the Local Planning Authority on 18<sup>th</sup> March 2021)
- 1104 Rev. A Fourth/third floor masterplan (amended plan received by the Local Planning Authority on 18<sup>th</sup> March 2021)
- 1105 Rev. A Fifth/fourth floor masterplan (amended plan received by the Local Planning Authority on 18<sup>th</sup> March 2021)
- 1106 Rev. A Fifth/roof floor masterplan (amended plan received by the Local Planning Authority on 18<sup>th</sup> March 2021)
- 1107 Rev. A Sixth/roof floor masterplan (amended plan received by the Local Planning Authority on 18<sup>th</sup> March 2021)
- 1108 Rev. A Roof floor masterplan (amended plan received by the Local Planning Authority on 18<sup>th</sup> March 2021)

- 2000 Rev. A Plot 2 ground floor plan (amended plan received by the Local Planning Authority on 18<sup>th</sup> March 2021)
- 2001 Rev. A Plot 2 first floor plan
- 2002 Rev. A Plot 2 typical floor plan
- 2003 Rev. A Plot 2 top floor plan
- 2004 Rev. A Plot 2 roof floor plan

- 2100 Rev. A Plot 4 ground floor plan and typical floor plan (amended plan received by the Local Planning Authority on 18<sup>th</sup> March 2021)
- 2101 Rev. A Plot 4 Fourth floor plan and fifth floor plan (amended plan received by the Local Planning Authority on 18<sup>th</sup> March 2021)
- 2102 Rev. A Plot 4 Sixth floor plan and roof floor plan (amended plan received by the Local Planning Authority on 18<sup>th</sup> March 2021)

- 3000 Rev. B Proposed elevations (amended plan received by the Local Planning Authority on 17<sup>th</sup> March 2021)
- 3001 Rev. B Proposed elevations (amended plan received by the Local Planning Authority on 17<sup>th</sup> March 2021)
- 3002 Rev. B Proposed elevations (amended plan received by the Local Planning Authority on 17<sup>th</sup> March 2021)
- 3003 Rev. B Proposed elevations (amended plan received by the Local Planning Authority on 17<sup>th</sup> March 2021)

- 4000 Rev. A Section AA
- 4001 Rev. A Section BB
- 4002 Rev. A Section CC
- 4003 Rev. A Section DD

- 5000 Rev. A Detail elevation Plot 2 hotel (amended plan received by the Local Planning Authority on 18<sup>th</sup> March 2021)
- 5001 Rev. A Detail elevation Plot 4 office (amended plan received by the Local Planning Authority on 18<sup>th</sup> March 2021)
- 5002 Rev. A Detail elevation Plot 2 car park

4295 05 001 Rev. 02 Public realm proposed lighting layout (amended plan received by the Local Planning Authority on 18<sup>th</sup> March 2021)

1417.HED-ZZ-DR-L-0101 Rev. 01 Landscape masterplan - Public realm (amended plan received by the Local Planning Authority on 17<sup>th</sup> March 2021)

1417.HED.002 Landscape masterplan - Courtyard and terraces

1417.HED.003 Landscape masterplan - Roof layout

1417.HED-ZZ-DR-L-0104 Rev. P01 Landscape masterplan – Overview (amended plan received by the Local Planning Authority on 18<sup>th</sup> March 2021)

1417.HED.005 Landscape masterplan – Illustrative

1417-HED-ZZ-DR-L-0106 Levels plan (received by the Local Planning Authority on 18<sup>th</sup> March 2021)

unless otherwise required by conditions of this permission.

### **Reason**

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

### **Condition 3**

Prior to the commencement of development a Phasing plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved Phasing plan unless an alternative Phasing plan is approved by the Local Planning Authority subsequently in which case development shall take place in accordance with the approved alternative.

### **Reason**

To enable the development to proceed in phases and the Local Planning Authority to assess details under conditions in each respect.

This is required prior to commencement to enable the whole development to be addressed by the phasing plan and to allow the phased discharge of conditions including pre-commencement conditions.

## **DESIGN & LANDSCAPING**

### **Condition 4**

Notwithstanding the submitted details, prior to the commencement of any above-ground construction of a building, samples of all facing materials and detailing for that building (comprising of any facing brick and mortar, cladding, concrete, glazing framework, roofing material, stonework, lintels, window and door frames and reveal depths, rooflights, balcony/terrace enclosures (including a section drawing), rainwater goods, any vents, flues and meter boxes, any provision for television services, and including scaled elevations showing their use across the building) shall be submitted to and approved in writing by the Local Planning Authority. Buildings shall be constructed only in accordance with the approved materials.

### **Reason**

To ensure a satisfactory appearance to the development and preserve the setting of listed buildings.

### **Condition 5**

Notwithstanding the submitted details, hard surfacing within a phase shall be implemented only in accordance with samples and scaled drawings showing their use across the phase that have first been submitted to and approved in writing by the Local Planning Authority.

**Reason**

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

**Condition 6**

Notwithstanding the submitted details, any boundary treatments or means of enclosure within a phase shall be implemented only in accordance with scaled drawings of their location, form, appearance and materials that shall first be submitted to and approved in writing by the Local Planning Authority.

**Reason**

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

**Condition 7**

Notwithstanding the submitted details, street furniture within a phase shall be implemented only in accordance with scaled drawings of their location, form, appearance and materials that shall first be submitted to and approved in writing by the Local Planning Authority.

**Reason**

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

**Condition 8**

The proposed wall mounted screen at Plot 4 shall only be implemented in accordance with scaled details of its appearance and location that shall be submitted to and approved in writing in advance by the Local Planning Authority.

**Reason**

To clarify the details proposed in the interests of the visual amenities of the development.

**Condition 9**

Heritage interpretation media shall only be installed within a phase in accordance with details (comprising of scaled plans showing the location and appearance of the interpretation media, and details of the content/display material) that have been submitted to and approved in writing by the Local Planning Authority.

**Reason**

To enhance understanding of the significant heritage assets within the site, and to preserve the visual amenities of the area.

**Condition 10**

Notwithstanding the submitted details, any external lighting shall only be implemented in accordance with details (including at minimum a scaled layout plan, details of the fixtures including scale drawings of any column or bollard lighting, a representation of the light spill,

that have been submitted to and approved in writing by the Local Planning Authority.

**Reason**

To protect the amenities of the area.

**Condition 11**

No public art installation shall be implemented until details of the installation (including scaled layout and elevations, visualisation, details of any below ground foundations and utilities required, and a timetable for implementation) have been submitted to and approved by Local Planning Authority. Development shall be implemented in accordance with the approved details.

**Reason**

To secure details of these features, in the interests of the visual amenities of the area and preservation of heritage assets.

**Condition 12**

Notwithstanding the submitted details, prior to commencement of any above ground development within a phase details of any soft landscaping (comprising of a scaled layout plan, planting specification including size of trees at the time of planting, tree pit details and any below ground mechanism to accommodate trees alongside utilities) for that phase shall be submitted to and approved in writing by the Local Planning Authority.

**Reason**

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

**Condition 13**

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

**Reason**

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

**TREES**

**Condition 14**

No development including demolition and site clearance shall be commenced on the site nor shall any machinery or material be brought onto the site for the purpose of development until full details of adequate measures for that phase to protect trees including those within the developable area to be retained and those on adjoining land have been submitted to and approved in writing by the local planning authority, particularly noting Tree T039 (London

Plane adjacent to the taxi rank). These shall include:

(a) Fencing. Protective fencing must be installed around trees to be retained on site. The protective fencing design must be to specifications provided in BS5837:2012 or subsequent revisions, unless agreed in writing with the local planning authority. A scale plan must be submitted and approved in writing by the local planning authority accurately indicating the position of protective fencing. No development shall be commenced on site or machinery or material brought onto site until the approved protective fencing has been installed in the approved positions and this has been inspected on site and approved in writing by the local planning authority. Such fencing shall be maintained during the course of development,

(b) Tree Protection Zone (TPZ). The area around trees enclosed on site by protective fencing shall be deemed the TPZ. Excavations of any kind, alterations in soil levels, storage of any materials, soil, equipment, fuel, machinery or plant, citing of site compounds, latrines, vehicle parking and delivery areas, fires and any other activities liable to be harmful to trees and hedgerows are prohibited within the TPZ, unless agreed in writing with the local planning authority. The TPZ shall be maintained during the course of development

**Reason**

To ensure adequate protection to existing trees which are to be retained and to retain habitat, in the interests of the character and amenities of the area and protecting biodiversity. Receipt of details pre-commencement is necessary to fully protect retained trees during all works.

## **ARCHAEOLOGY**

### **Condition 15**

Notwithstanding the submitted details, no development other than demolition down to ground floor slab level or site securing shall commence within a phase until a detailed scheme showing the complete scope and arrangement of the foundation design and ground works of the proposed development for that phase (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. The Council requires that disturbance or damage by foundations and related works is minimised, and that archaeological remains are, where possible, preserved in situ.

### **Condition 16**

No development other than demolition down to ground floor slab level or site securing shall commence within a phase until a written scheme of investigation, including a timetable for the investigation, has been submitted to and approved by the Local Planning Authority in writing.

**Reason**

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost.

### **Condition 17**

The programme of archaeological work approved under condition 16 for each phase shall

subsequently be implemented and development within that phase shall accord with it. This condition will not be discharged in relation to a phase until the programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material, for that phase, has been implemented as outlined in that written scheme of investigation and approved in writing by the Local Planning Authority.

**Reason**

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost.

**Condition 18**

No development other than demolition down to ground floor slab level or site securing shall take place within a phase until a report outlining the results of a programme of archaeological evaluation for that phase, 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 reduces the impact on archaeological remains as much as possible.

**Condition 19**

Notwithstanding the submitted details, prior to any development of plot 4 (as defined on plan ref. 2100 Rev. A Plot 4 – Ground floor plan & typical floor plan) other than remediation, site securing, archaeological works, or investigative works associated with the existing culvert, detailed drawings of proposed works to the full extent of the existing culverted watercourse beneath the site including the position of shafts to surface level, and which shall be informed by the archaeological investigations at the site, shall be submitted to and approved in writing by the Local Planning Authority. If the culvert dimensions diverge from that set out in the submitted Archaeological Impact and Mitigation Statement (AIMS) then the detailed drawings shall be accompanied by a further AIMS assessing the archaeological impact of the amended scheme. The approved culvert design shall be implemented in full as part of the development of Plot 4 and no above ground development within Plot 4 shall commence until the approved culvert works have been completed, unless an alternative timescale for their completion is submitted to and agreed in writing by the Local Planning Authority.

**Reason**

To ensure there is ongoing provision to maintain the watercourse not inhibited by the development in the interests of minimising flood risk and impact on archaeological remains.

**ENVIRONMENTAL HEALTH**

**Condition 20**

The hotel hereby approved shall not be occupied until measures have been implemented in full to that building to achieve the internal noise level criteria from BS8233:2014 (or subsequent equivalent replacement standard) for residential use.

**Reason**

To ensure the ability to deliver the proposed use and acceptable living conditions for future occupants.

**Condition 21**

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

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Reason

To safeguard the amenities of the area.

**Condition 22**

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

Reason

To safeguard the amenities of the area.

**Condition 23**

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

- a. Site access/egress
- b. Staff/contractor facilities and travel arrangements
- c. Dust mitigation
- d. Noise and vibration mitigation
- e. Measures for controlling leaks and spillages, managing silt and pollutants
- f. Minimisation of disturbance to ecological assets

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

Reason

To protect the environment and ecological assets.

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

**Condition 24**

No restaurant, café or hotel use (if the hotel includes a restaurant/café) shall open to customers until ventilation and cooking fume control measures have been installed in that unit in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter the equipment shall be maintained in accordance with the manufacturer's instructions.

Reason

In the interests of protecting the amenities of the area

## **CONTAMINATED LAND**

### **Condition 25**

No development of a phase other than demolition, site securing, archaeological works or that required to be carried out as part of an approved scheme of remediation shall commence until parts 1 to 4 below have been complied with for that phase. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.

#### **1. Site Characterisation**

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

#### **2. Submission of Remediation Scheme**

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

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

#### **3. Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to

the commencement of development other than demolition, site securing, or that required to be carried out as part of an approved scheme of remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

#### **4. Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2 above, and submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, and submitted to and approved in writing by the Local Planning Authority in accordance with part 3 above.

#### **5. Long Term Monitoring and Maintenance**

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over an appropriate time period, and the provision of reports on the same, shall be submitted to and approved in writing by the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be submitted to and approved in writing by the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

#### **Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

This condition is required as a pre-commencement condition because there is potential for contamination to exist on the site.

## **DRAINAGE**

#### **Condition 26**

No development shall commence within a phase other than site securing, demolition, remediation or archaeological works until a detailed design for the surface water strategy presented in the Jubb Flood Risk Assessment & Drainage Strategy September 2020 (in accordance with principles of Sustainable Drainage Systems (SuDS)) for that phase has been submitted to and approved in writing by the Local Planning Authority. The submission must include a detailed design, demonstrate the technical feasibility/viability of the drainage

system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development (in particular, water quality for the multi storey car park must be addressed), and provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters. The approved scheme for the surface water drainage shall be carried out in full in accordance with the approved details for that phase before any development within that phase is occupied.

**Reason**

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

**Condition 27**

No development within a phase shall be occupied until a SuDS management and maintenance plan for the lifetime of the development for that phase, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SuDS management and maintenance plan shall be implemented in full for that phase in accordance with the agreed terms and conditions for the lifetime of the development.

**Reason**

To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

**Condition 28**

No development shall take place within a phase including any public realm or hard landscaping other than site securing, demolition, archaeological works or remediation until details of works required to manage exceedance flow paths associated with the drainage systems for all the phases and including evidence that this provides for all the drainage systems that would affect the application site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as approved concurrently with the implementation of the drainage system.

**Reason**

To deal with exceedance flows and mitigate flood risk impact.

**Condition 29**

No development shall commence within a phase other than demolition, archaeological works, remediation or site securing until details for the disposal of foul water from that phase have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of development within that phase.

**Reason**

To ensure the development is provided with a satisfactory means of drainage.

## **ECOLOGY**

### **Condition 30**

Notwithstanding the submitted details, prior to any above ground construction within a phase other than site securing, a scheme for biodiversity enhancement within that phase, including incorporation of permanent bat roosting features and other measures such as nesting opportunities for birds, shall be submitted to and approved in writing by the Local Planning Authority. The approved details thereafter shall be implemented concurrently with the development of that phase, and retained and maintained for their designed purpose, in accordance with the approved scheme. The scheme shall include, but is not limited to, the following details:

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

### **Reason**

To provide net gains for biodiversity.

### **Condition 31**

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

### **Reason**

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

## **WASTE MANAGEMENT**

### **Condition 32**

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

### **Reason**

In the interests of waste minimisation.

This is required pre-commencement given the impacts are likely to commence immediately upon development starting.

### **Condition 33**

No building within a phase shall be occupied until a Waste Minimisation Statement for that building has been submitted to and approved in writing by the Local Planning Authority. The Waste Minimisation Statement shall include;

- Provision within commercial and business areas of facilities or allocated areas to sort, store, treat and manage a majority of the waste produced internal to each of those parts of the site; and
- Suitable processing arrangements for recycling/waste collection vehicles.

Development shall be completed and maintained in accordance with the approved Waste Minimisation Statement.

**Reason**

In the interests of waste minimisation.

**HIGHWAYS**

**Condition 34**

No development within a phase shall be occupied until the cycle and bin storage facilities for that phase have been made available for use in accordance with the approved plans, and those facilities shall be maintained for the lifetime of the development.

**Reason**

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

**Condition 35**

No development of a phase shall commence until a highways construction management plan addressing the demolition and construction periods for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The plan shall address the following matters:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. wheel washing facilities;
- v. a routing strategy for the delivery of plant and materials and construction traffic;
- vi. details of the methods of communication with local occupants about construction phase traffic.

Demolition and construction shall only take place in accordance with the approved highways construction management plan.

**Reason**

To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework. These details are required prior to commencement because they are to address impacts that may occur from the initial activities on site.

**Condition 36**

Prior to the link between Spread Eagle Road and Market Parade being closed or Market Parade being closed to south-west bound traffic off Bruton Way, four additional bus stops including shelters shall be provided on the north west side of Market Parade and improvements to the bus stop facility in Station Road shall be provided all in accordance with details to be submitted to and approved in advance in writing by the Local Planning Authority

and the associated carriageway widening and the decommissioning of stops on the southbound side of Worcester Street shall be completed.

**Reason**

To provide a layout that maximises the catchment area for bus or other transport services and to provide appropriate facilities to encourage public transport use.

**Condition 37**

Prior to the removal of any allocated taxi rank space from the existing taxi rank provision to the north east of Station Road/Market Parade the replacement taxi rank spaces provision on the north east side of the island (shown on plan ref. 1100 A Ground floor masterplan) shall be completed in full unless alternative temporary provision for taxis has been provided in accordance with details that shall first be submitted to and agreed in writing by the Local Planning Authority.

**Reason**

To ensure continuity of provision for taxis and avoid impacts on highway safety.

**Condition 38**

No building hereby permitted shall be occupied or its use commenced until the car/vehicle parking area and turning space shown on the approved plans has been completed and thereafter the areas shall be kept free of obstruction and available for the parking of vehicles associated with the development, unless the applicant has provided details of sufficient alternative car parking being available at the time of occupation that have been submitted to and approved in writing by the Local Planning Authority in advance.

**Reason**

To ensure that there are adequate parking facilities to serve the development constructed to an acceptable standard.

**Condition 39**

Prior to the commencement of use of the multi storey car park a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The proposed multi storey car park shall be operated in accordance with the approved Management Plan for the duration of its use.

**Reason**

To ensure that the existing infrastructure remains suitable to serve the development.

**Condition 40**

No building shall be occupied until the new street between Plots 2 and 4 (including surface water drainage/disposal and street lighting) providing access to that building has been provided to at least base course level.

**Reason**

To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access to an adoptable highway for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

**Condition 41**

The approved Framework Travel Plan (Ref. 20186-FTP-C Nov 2020) shall be implemented for each phase of the development that includes buildings in accordance with the details and timetable therein.

**Reason**

The development will generate a significant amount of movement and to ensure that the appropriate opportunities to promote sustainable transport modes are taken up.

**Condition 42**

Prior to the first use of the multi storey car park hereby approved, at least 10% of the car parking spaces shall be constructed to full working order so as to enable charging of plug-in and other ultra-low emission vehicles in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

**Reason**

To ensure that the development incorporates facilitates for charging plug-in and other ultra-low emission vehicles.

**Condition 43**

The vehicular access hereby permitted shall not be brought into use until all existing vehicular accesses to the site (other than that intended to serve the development) have been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

**Reason**

In the interests of highway safety.

**Condition 44**

No building or use hereby permitted shall be occupied or use commenced until the loading, unloading, circulation and manoeuvring facilities for servicing vehicles associated with that building or use have been completed in accordance with the approved plans. Thereafter, these areas shall be retained for the lifetime of the development.

**Reason**

To ensure that there are adequate servicing facilities within the site in the interests of highway safety.

**Condition 45**

The car park hereby approved shall not be brought into use until 20 secure motorcycle parking spaces have been provided in a location to be agreed in writing by the Local Planning Authority and thereafter shall be kept available for motorcycle parking as approved.

**Reason**

To provide safe and suitable access for all users.

**Condition 46**

The car park hereby approved shall not be brought into use until the 16 accessible car parking spaces have been provided in the locations shown on the approved plans and shall

thereafter be kept available for disabled users as approved.

**Reason**

To provide safe and suitable access for all users.

**ECONOMIC**

**Condition 47**

The development hereby permitted shall not be occupied until an Employment and Skills Training Plan, tailored to the development, has been submitted to and approved in writing by the Local Planning Authority. The development shall be subsequently carried out in accordance with this approved plan.

**Reason**

In the interests of delivering local employment and skills training opportunities in accordance with Policy B1 of the Pre-Submission Gloucester City Plan 2011-2031.

**Informative notes**

**Note**

As part of the culvert replacement works, the separate prior formal permission of the Environment Agency in the form of a Flood Risk Activity Permit (FRAP) under the Environmental Permitting Regulations (EPR) will be required which will also need to take account of the methodology of the replacement, including the need for any temporary works.

**Note**

The development hereby approved includes the construction of structures which will overhang the adopted highway. You are advised that before any works commence you will require a licence from the Highway Authority on 08000 514 514 or [highways@gloucestershire.gov.uk](mailto:highways@gloucestershire.gov.uk).

**Note**

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

- i. Drafting the Agreement
- ii. A Monitoring Fee
- iii. Approving the highway details
- iv. Inspecting the highway works

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the

Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved. It is noted that there will be new tree planting within the public highway which will attract commuted maintenance sums in the order of £660 per tree which will need to be included within the S278 agreement..

**Note**

You are advised that a Traffic Regulation Order (TRO) is required. You must submit a plan to scale of an indicative scheme for a TRO, along with timescales for commencement and completion of the development. Please be aware that the statutory TRO process is not straightforward; involving advertisement and consultation of the proposal(s).

You should expect a minimum of six months to elapse between the Highway Authority's TRO Team confirming that it has all the information necessary to enable it to proceed and the TRO being advertised. You will not be permitted to implement the TRO measures until the TRO has been sealed, and we cannot always guarantee the outcome of the process.

We cannot begin the TRO process until the appropriate fee has been received. To arrange for a TRO to be processed contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov](mailto:highwaylegalagreements@gloucestershire.gov).

The cost of implementing any lining, signing or resurfacing required by the TRO is separate to the TRO fees, which solely cover the administration required to prepare, consult, amend and seal the TRO.

**Note**

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980.

Contact the Highway Authority's Legal Agreements Development Management Team at [highwaylegalagreements@gloucestershire.gov.uk](mailto:highwaylegalagreements@gloucestershire.gov.uk). You will be required to pay fees to cover the Councils cost's in undertaking the following actions:

- I. Drafting the Agreement
- II. Set up costs
- III. Approving the highway details
- IV. Inspecting the highway works

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority.

The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

**Note**

The development hereby approved and any associated highway works

required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [Network&TrafficManagement@gloucestershire.gov.uk](mailto:Network&TrafficManagement@gloucestershire.gov.uk) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

**Note**

You are advised that the Highway Authority has recommended to the Local Planning Authority (LPA) of which the development forms part and shall be treated as low-car and the occupiers are ineligible for business parking permits if in a controlled parking zone.

**Note**

You are advised that to facilitate the development an order must be obtained to stop up or divert any sections of the adopted highway under sections 247 and 248 of the Town and Country Planning Act 1990. Contact the National Transport Casework team on [nationalcasework@dft.gov.uk](mailto:nationalcasework@dft.gov.uk).

**Note**

The proposed development will require a Travel Plan as part of the transport mitigation package together with a Monitoring Fee and the Applicant/Developer is required to enter into a legally binding Planning Obligation Agreement with the County Council to secure the Travel Plan.

**Note**

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says:

Constructors should give utmost consideration to their impact on neighbours and the public

- Informing, respecting and showing courtesy to those affected by the work;
- Minimising the impact of deliveries, parking and work on the public highway;
- Contributing to and supporting the local community and economy; and
- Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principle contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

CEMP can include but is not limited to:

- A construction programme including phasing of works;
- 24 hour emergency contact number;
- Hours of operation;
- Expected number and type of vehicles accessing the site;
  - o Deliveries, waste, cranes, equipment, plant, works, visitors;
  - o Size of construction vehicles;
  - o The use of a consolidation operation or scheme for the delivery of materials and goods;
  - o Phasing of works;
- Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
  - o Programming;
  - o Waste management;
  - o Construction methodology;
  - o Shared deliveries;
  - o Car sharing;
  - o Travel planning;
  - o Local workforce;
  - o Parking facilities for staff and visitors;
  - o On-site facilities;
  - o A scheme to encourage the use of public transport and cycling;
- Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residual roads;
- Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- Location for storage of plant/waste/construction materials;
- Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- Any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Arrangements for temporary facilities for any bus stops or routes;
- Highway Condition survey;
- Method of preventing mud being carried onto the highway; and
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

**Person to Contact:** Adam Smith (396702)

Planning Application: | 20/01286/FUL

Address: | Kings Quarter Kings Square  
Gloucester

Committee Date: |

