

GLOUCESTER CITY COUNCIL - DEVELOPMENT CONTROL

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| Committee: | Planning |
| Date: | 3 rd March 2020 |
| Address/Location: | Kings Quarter & Kings Square, Gloucester |
| Application No: | 18/01454/FUL & 19/01212/LBC |
| Ward: | Westgate |
| Expiry Date: | 11 th June 2019 & 21 st January 2020 |
| Applicant: | Gloucester City Council |
| Proposal: | <p>Hybrid Planning Application for the redevelopment of Kings Square and land known as Kings Quarter, Gloucester seeking:</p> <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 Oxeboode 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>(iii) Listed Building Consent for</p> <p>External works to Grade 2 listed building comprising; minor works to eastern elevation, chimney and building frontage resulting from construction of adjacent new building (referred to as 'plot 1') within wider Kings Quarter redevelopment proposals submitted under hybrid planning application 18/01454/FUL.</p> |
| Report by: | Adam Smith |
| Appendices: | Site location plan Ground floor masterplan |

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site comprises a large expanse of land between Northgate Street and Bruton Way totalling approximately 3 hectares and including;

- Kings Square, The Oxbode and St Aldate's Street
- Kings House (the building containing the Chambers public house) fronting the square and Market Parade
- Grosvenor House, the old bus station site and Market Parade up to the junction next to the Land Registry building
- The multi storey car park and Bentinck House office block (which now benefits from a prior approval for demolition)
- Market Parade up to Bruton Way and land to the north west of Market Parade backing onto Spread Eagle Way
- Land adjacent to Northgate Street and Spread Eagle Way (104 Northgate Street)

1.2 The surroundings include a variety of commercial and a limited amount of residential premises, including the new bus station immediately to the south, the railway station across Bruton Way, office buildings, and retail premises including Debenhams and Kings Walk fronting the Square. Existing residential premises and buildings with permission for residential use are set out in the Officer analysis below.

1.3 The planning application is submitted as a hybrid application whereby the development is proposed in outline form with several detailed phases for full permission. In summary the proposals include the following;

Detailed phases:

- Demolition of all standing buildings with the exception of Kings House (Plot 3a);
- Public realm renewal and associated structures in Kings Square;
- Construction of a 4-5 storey building for residential and commercial use at Northgate Street (Plot 1);
- Construction of a 7 storey building for a multi storey car park, residential and commercial use broadly on the plot of Grosvenor House/old bus station (Plot 2);
- Conversion, extension and re-cladding of Kings House (Plot 3a);
- Construction of a 5 storey building for residential and commercial fronting Market Parade next to Kings House (Plot 3b);
- Public realm works within the new development along Market Parade and along a new street formed between plots 2 and 4;
- 101 residential units in total within the detailed phases.

Outline phases:

- Construction of building of up to 5 storeys for residential and commercial (comprised of Class A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments) and B1 (business) fronting Market Parade (Plot 3c);
- Construction of a building of up to 4 storeys for residential and commercial (comprised of Class A1, A2, A3, A4 and B1) fronting Market Parade (Plot 3d);
- Construction of a building of up to 6 storeys for hotel, office and commercial (comprised of Class A1, A2, A3, A4 and B1) broadly on the plot of the existing multi storey car park (Plot 4);
- Up to 55 residential units in total within the outline phases.

The Listed Building Consent application has been submitted because the proposed building at Plot 1 would physically attach to the grade 2 listed 102 Northgate Street and constitute a work of alteration.

1.4 In further detail the proposals comprise:

Kings Square – detailed phase

Renewal of the existing public realm including:

Demolition of the standing structures;

Removal of 8 trees (3 retained);

Laying of new public realm hard surfacing;

Installation of bespoke 'structural edging' to the square providing stepped seating and retaining walls, in pre-cast concrete. These are curved and not to a consistent size but are around 0.5 to 1.5m high, and 1 to 3.5m deep;

Installation of fountains and associated infrastructure. Water jets would be individually programmed to alter flow, colour and height to produce different patterns;

Installation of below ground surface water attenuation infrastructure;

Planting of 9 new trees around the edge of the square;

Installation of bespoke lighting scheme.

1.5 ***Plot 1 – detailed phase***

A 4-5 storey building (comprising 3 storeys with roof accommodation at the Northgate Street frontage), faced in brick and metal cladding. A retail/commercial unit (use classes A1, A2, A3, A4, B1) is proposed onto Northgate Street at ground floor, and 25 residential units in the remainder of the building (9x1 beds, 16x2 beds).

1.6 The building would physically attach to the adjacent listed building no. 102 Northgate Street using a system with sleeved sliding ties that will not load the existing wall either horizontally or vertically, with a gap of 15mm between the existing and new walls sealed with mastic.

1.7 ***Plot 2 – detailed phase***

A 7 storey multi storey car park accessed off Station Road/Market Parade (by the existing taxi rank). Commercial uses (A1, A2, A3, A4, B1) at ground and part first floors, and public toilets off the south west elevation, accessed off Station Road by the taxi rank. 60 residential units are proposed in the remainder of the building (16x1 beds, 40x2 beds, 4x3 beds) wrapping around the car park to overlook Market Parade and the new street ('Cathedral View') to the north east, on the upper floors. The building would be faced in brick, sandstone and metal cladding.

1.8 ***Plot 3a (Kings House) – detailed phase***

The replacement of the existing elevations with a curtain wall glazing and perforated metal cladding over at the upper floors. The cladding incorporates an opening to allow for a TV screen, but the screen is not part of this application having been approved under a separate application already. Extensions are proposed at roof level to add a single storey of accommodation with a terrace around. These extensions would be faced in a metal cladding, and the ground floor would have a stone cladding.

1.9 ***Plot 3b – detailed phase***

A 5 storey building comprising of a commercial unit (A1, A2, A3, A4, B1) at ground floor fronting Market Parade, and 16 residential flats in the upper floors (8x1 beds, 8x2 beds). The building would be faced in two brick types and a metal cladding.

1.10 ***Plot 3c – outline phase***

A building of up to 5 storeys (with a 3 storey section to allow views of the Cathedral at the end of the new street), with commercial units (A1, A2, A3, A4, B1) at ground floor and up to 32 residential units over (proposed as 10x1 beds, 18x2 beds, 4x3 beds). As it is an outline phase the detailed design is not submitted.

1.11 ***Plot 3d – outline phase***

A building of up to 4 storeys (with a 1 storey section to protect the amenities of adjacent occupiers), with commercial units (A1, A2, A3, A4, B1) at ground floor and up to 23

residential units over (proposed as 10x1 beds, 12x2 beds and 1x3 bed).

1.12 **Plot 4 – outline phase**

A building of up to 6 storeys, for use as hotel and office, with part ground floor for commercial (A1, A2, A3, A4, B1). Beneath Plot 4 there is a proposal to construct a new chamber to contain the culverted River Twyver, to allow for maintenance access.

1.13 **Public realm**

New surfacing and planting to Market Parade/Station Road and around the proposed new buildings, including to the new street formed between plots 2 and 4 ('Cathedral View').

Re-arrangement of the taxi rank provision, retaining certain bays in the existing locations, and a new bay off Bruton Way (north of the new bus station). Re-organisation of those at The Oxbode and Station Road.

Removal of 18 trees, retention of 8 existing (notably at the bottom of Clarence Street/taxi rank area, by the old bus station entrance, and along Bruton Way).

1.14 The site is partially within the City Centre and London Road Conservation Areas, and fronts onto the Eastgate and St Michael's Conservation Area. The site contains a Scheduled Monument at Kings Square (Glevum Roman colonia). The site (Plot 1) is adjacent to a Grade 2 listed building at Northgate Street. The site includes areas of Flood zone 1, 2 and 3 on the Environment Agency's flood map (these zonings are considered in more detail later in the report).

1.15 The application is accompanied by an Environmental Statement, which considers traffic and transport, air quality, noise and vibration, archaeology and cultural heritage, townscape and visual impact, and flood risk and water resources. An Environment Statement addendum was submitted alongside the amended scheme in November 2019, reporting on the additional archaeological, flood modelling work and design changes, and covering heritage and archaeology, flood risk and water resources, townscape and visual, traffic and transport, air quality, and noise and vibration, and updating the conclusions.

2.0 **RELEVANT PLANNING HISTORY**

| Application Number | Proposal | Decision | Decision Date |
|--------------------------------------|--|-------------------------------|----------------------|
| Kings Square | | | |
| 11/00196/CON | Demolition of building comprising former public convenience and a retail unit. | Granted | 7.4.11 |
| 11/00197/DDD | Infilling of sunken access area to below ground public conveniences and reinstatement of land to a grassed area with modified and new low level walling. | Granted | 7.4.11 |
| | 2014 Demolition of Golden Egg | | |
| 18/00576/ADV | Installation of rotating digital screen (3840mm x 7680 mm) mounted on galvanised mast. | Withdrawn | |
| Plot 1 / 104 Northgate Street | | | |
| 06/01074/FUL | Erection of 4 and 5 storey residential building consisting of 34 apartments with single shop/office unit on Northgate Street | Granted subject to conditions | 19.12.2006 |

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| Plot 2 / Grosvenor House | | | |
| 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 |
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| Plot 3a | | | |
| 19/00740/ADV | Display of LED screen (8000mm x 4480mm) at first floor level | Granted subject to conditions | 15.08.2019 |
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| Plots 3b, c & d | | | |
| 10/00832/FUL | Use of land for car parking and vehicular access from service yard off Spread Eagle Road | Granted temporary permission to January 2012 | 27.01.2011 |
| 10/00833/COU | Use of land as a car park including 3 no. spaces for use in association with taxi business, and vehicular access from service yard off Spread Eagle Road. | Granted temporary permission to January 2012 | 27.01.2011 |
| 14/00778/FUL | Use of land for car parking and vehicular access from service yard off Spread Eagle Road | Granted temporary permission to 2017 | 09.10.2014 |
| | | | |
| Plot 4 / Multi storey car park & Bentinck House | | | |
| 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 |
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| Land adjacent to site: | | | |
| 15/01142/FUL | Demolition of buildings, tree removal and redevelopment of site to provide a new bus station, highways and access works, landscaping and associated infrastructure works including provision of emergency staircase on existing NCP car park | Granted subject to conditions | 17.12.2015 |

3.0 RELEVANT PLANNING POLICY

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

3.2 National guidance

National Planning Policy Framework (NPPF) and Planning Practice Guidance

3.3 Development Plan

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

Relevant policies from the JCS include:

SP1 - The need for new development

SP2 – Distribution of new development
SD2 – Retail and City/Town centres
SD3 – Sustainable design and construction
SD4 – Design requirements
SD8 – Historic Environment
SD9 – Biodiversity and geodiversity
SD10 – Residential development
SD11 – Housing mix and standards
SD12 – Affordable housing
SD14 – Health and environmental quality
INF1 –Transport network
INF2 – Flood risk management
INF3 – Green Infrastructure
INF4 – Social and community Infrastructure
INF6 – Infrastructure delivery
INF7 – Developer contributions

3.4 **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).

Policies:

A1 – Effective and efficient use of land and buildings
A2 – Affordable Housing
A6 – Accessible and adaptable homes
B1 – Employment and skills plan
B2 – Safeguarding employment sites and buildings
B3 – New employment development and intensification and improvements to existing employment land
B5 – Tourism and culture
B6 – Protection of public houses
C1 – Active design and accessibility
C3 – Public open space, playing fields and sports facilities
C5 – Air quality
C7 – Fall prevention from taller buildings
C8 – Changing places toilets
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
F6 – Nationally described space standards
G1 – Sustainable transport
G2 – Charging infrastructure for electric vehicles
G3 - Cycling
G4 – Walking
G7 – Water efficiency
G8 – Review mechanism

Site allocation SA08 – Kings Quarter

3.5 **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
BE.16 – Provision of public art
BE.30a – Control of redevelopment in Conservation Areas
S.3 – Kings Square
E.4 – Protecting Employment Land
OS.2 – Public Open Space Standard for New Residential Development
OS.3 – New housing and open space
OS.7 – New areas of Public open space

3.6 **Supplementary Planning Guidance/Documents:**

Kings Quarter Planning Concept Statement Interim adoption 2013

Sustainable Urban Drainage Systems SPG 2004 and 2013 SuDS Design Guide

New housing and open space SPG 2004

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** considers overall the site is in a highly sustainable location and there would be no severe impacts on the local highway network. Therefore no objection is raised subject to conditions to:

Outline phase:

- Limit construction and demolition hours;
- Secure bin and cycle storage;
- Implement the Travel Plan;
- Make provision for site operatives, plant, etc;
- Implement streets to access buildings before occupation;

Detailed phase:

- Implement as per the phasing scheme;
- Limit construction and demolition hours;
- Secure a Construction Environmental Management Plan;
- Secure bin and cycle storage;
- Make provision for site operatives, plant, etc;
- Implement the Travel Plan;
- Provide the additional parking shown on plans prior to the removal of existing allocated spaces within St Aldate Street or The Oxbode;
- Provide bus stops prior to the closure of the Spreddeagle Road/Market Parade link or the closure of Market Parade to southbound traffic;
- Provide the replacement taxi rank provision prior to the removal of any taxi rank space off Station Road;
- Provide a Car Park Management Plan prior to us of the new multi storey car park;
- Provide electric vehicle charging spaces.

4.2 **Highways England** originally imposed a holding direction preventing determination for a 3 month period. A further technical note was provided by applicants looking at impact on the strategic road network (the A40), on the basis of which Highways England has confirmed that it raises no objection.

4.3 The **City Archaeologist** makes the following comments:

Designated heritage assets with archaeological interest (or those of demonstrably equivalent significance to scheduled monuments) are known to survive beneath Kings Square, plot 3a and the public realm area along Market Parade. In each case the scheme design limits the level of harm, and the proposals would lead to less than substantial harm to the significance of those heritage assets, subject to mitigation, and are considered acceptable.

In respect of non designated assets, the scheme would in certain locations lead to the destruction of remains, but mitigation is proposed to be secured, and the proposals are acceptable.

4.4 **Historic England**

In terms of built heritage no objection is raised, and they defer to the Conservation Officer's advice on details, materials and impact Grade 2 and undesignated heritage assets. They ask

the LPA to consider the nature and detail of the landscaping of the new Cathedral View street so that in the long term the established planting does not impede the view of the Cathedral tower from the station approach.

In terms of archaeology they raise no objection, noting that they consider the application now meets the requirements of the NPPF. They note that there remains some uncertainty and areas where further archaeological investigations are needed to inform that final design and mitigation, and the possibility that the AIMS would need to respond to changes during construction. They note that Scheduled Monument Consent would be required for the works within the scheduled area in the Square. They consider that no harm would be caused to the significance of the designated Roman town as a heritage asset. Uncertain areas relating to deeper drainage provision and possible drilling through the defensive wall, would impact on Roman remains but would cause minimal harm to the significance of the overall heritage asset. With regard to undesignated archaeology outside the Roman town the recommendations of the City Archaeologist should be followed.

4.5 The **Conservation Officer** makes the following comments:

Overall this is a high quality contemporary scheme. The character and appearance of the Conservation Areas would be preserved and enhanced. The setting of designated heritage assets would be preserved. The proposals would assist in boosting the number of visitors to the area and encouraging economic growth through heritage led regeneration which is a key objective of the Council's adopted Heritage Strategy. Conditions are required to ensure the high quality proposed in the application is delivered.

No objection is raised to the applications subject to conditions to secure;

- Details of materials, hard surfacing (including Via Sacra markers), street furniture and public art;
- Details of buildings – rooflights, windows and reveals, doors, sections, glazing bars, colour finishes, dormers, roofs, eaves and parapets, balconies, shopfronts, shutters and signage, cladding, vents, flues, meter boxes, cable/satellite dish provision, and rainwater goods;
- Heritage interpretation;
- Routing for M&E services;
- Signing of contract before demolition of 8 Market Parade;
- Building recording of 8 Market Parade;
- Protection and monitoring of development on Plot 1 in relation to the listed no. 102 Northgate Street.

In terms of the Listed Building Consent the proposal would not cause harm, subject to conditions to secure detail of the intersection of Plot 1 to the listed building.

4.6 The **Civic Trust's** original comments raised the following;

- Query if there has been sufficient archaeological investigation of the Whitefriars monastery.
- Welcome retention of Kings Square as an open space with new water feature.
- Welcome new 'Cathedral View' street and views of the Cathedral, but concerned about planting of trees that could block the view.
- Upgrade of the Plot 3a building and Plot 2 look promising. Plot 2 materials should match the bus station.
- Buildings along the new street look to be too tall.
- Concern if there are enough shops in the proposal to serve this new residential area of the City.
- Wishes to see high quality local materials – Gloucester brick and Forest stone, and not

extensive use of grey and white bricks shown (*note – this was in relation to the original design)

The Trust's final comments consider the LBC application is acceptable. Also note that the amended design enables a much better street frontage to Plot 1. The Trust welcomes the reduced height of the new building and the shop front treatment the glazed blue brickwork and the Pennant stone paving.

4.7 The **Urban Design Officer** raises no objection subject to a condition to secure compliance with the submitted outline plots design principles.

4.8 The **Tree Officer** raises no objection subject to a condition to secure the implementation of the submitted tree protection and removal measures.

The Officer notes the large number and concentration of mature trees within the site, and that the City Centre is not abundant with tree cover generally, while acknowledging that not all existing trees can be retained. The increased planting over and above the number lost, is positive. Queries about the species selected and protection measures have been resolved. It is imperative that service runs are verified to avoid conflict with proposed trees. Most of the highest quality and largest trees would be retained. Acceptable tree pit details are needed.

4.9 The **Landscaping advisor** raised the following issues:

- Sculptural seating requires measures to deal with skateboards (metal studs or similar);
- A little concerned about lighting levels within the square – need to consider meeting the required levels and ensuring safety of users at night;
- LED fittings to seating should be a necessity to provide interest and define the edges of the space;
- Pleased to see the pedestrian route out of the Square to Market Parade has been widened and planters reduced in size;
- It is vital that people are encouraged to stay in the area – could more seating be provided;
- Agrees with the Conservation Officer regarding the Via Sacra;
- Would have liked to have seen more playful/active elements within the Square but hope that the public art schemes will address this;
- Still unconvinced that proposed planting would be robust enough to withstand activities in the Square, but presume that there would be a standard condition to require replacements if they die.

4.10 The Council's **Ecology Advisers** requested further information in respect of biodiversity enhancement, and a condition to set out times of work in respect of nesting birds. They note no bats were found roosting on site and identify nesting birds as a constraint.

They also produced a HRA Appropriate Assessment which concludes that no impact would be caused to the European designated sites in the area subject to mitigation being secured by condition.

4.11 **Natural England** was consulted on the application and the Council's HRA Appropriate Assessment and raises no objection subject to securing the mitigation measures of habitat enhancement for Special Protection Area birds at Alney Island, and a residents information pack.

4.12 The Council's **Contaminated Land Adviser** raises no objection subject to conditions to secure appropriate investigation, remediation and reporting for the various phases, in relation to which the Kings Square requirements are slightly reduced given the addition investigation work undertaken here.

4.13 The **Drainage Officer** comments as follows;

Flood risk

(The first comments were submitted prior to the revised modelling work and associated flood zoning conclusions).

The regeneration aspiration is a key factor and provides grounds for passing the sequential test, and a sequential approach has been taken to the layout of the development, which is acceptable. Finished floor levels need to be set appropriately based on further modelling.

The exception test is only explicitly required for plot 4, although the principles of safe development still apply. The Officer defers to the Environment Agency in respect of the flood risk issues but noted that in principle the scheme appears to provide sustainability benefits that outweigh the flood risk (regeneration, reduction in surface water discharge rates), but this should be evaluated when the design flood levels are confirmed, and the further modelling work would inform consideration of the safety for future users (floor levels, safe access/egress, etc) and avoiding flood risk elsewhere (any loss of flood storage volume, flood flow routing, etc).

The Officer is satisfied that the detailed parts of the application meet relevant requirements, but the outline parts will need further attention to water quality at the reserved matters stage.

Drainage

The SuDS features proposed are welcomed. The revised detailed drainage plan for Kings Square is acceptable. There should be no reduction in the SuDS provision shown in the submitted drainage strategy plan for the rest of the development particularly given the loss of SuDS in the Square.

Overall no objection subject to conditions to secure detailed drainage/SuDS design (other than Kings Square); SuDS/drainage maintenance proposals; and details of exceedance flow routes.

4.14 The **Environment Agency (EA)** originally objected on the basis that it didn't include sufficient information to assess the flood risk, the treatment of the culverted section of the River Twyver, and the relationship of the SuDS features to groundwater. Further modelling and explanatory information has been supplied to address this.

The EA has now confirmed that it raises no objection on flood risk grounds subject to conditions to secure details and implementation of a reconstructed culvert arrangement beneath Plot 4; and secure a set back of plot 3d from the culvert in front (unless the culvert has already been replaced).

4.15 The **Lead Local Flood Authority** raises no objection subject to conditions to secure detailed plans for the surface water drainage and a management and maintenance plan for the surface water drainage. The LLFA notes that the overall discharge rates from the development would offer significant improvement over the current situation.

4.16 The **Environmental Health Officer** raises no objection subject to conditions to secure;

- Implementation of noise mitigation measures for the residential accommodation;
- A Construction Environmental Management Plan;
- Hours of work limitations (including specific arrangements for Kings Square).

4.17 The **County Council** planning policy department asked for a Waste Minimisation Statement to be provided. The County Council's Economic Growth and Strategic Planning department seeks financial contributions to education (total £1,128,531.86) and libraries (£30,576). Full details

are set out in the Officer analysis below.

The County Council Minerals & Waste Policy department requests securing waste minimisation measures by condition.

- 4.18 The **Housing Strategy and Enabling Officer** has the following comments:
Seeks provision of affordable housing at the policy level and notes that on site provision should be secured (not an off site contribution).
Concerned that the issue of public subsidy is not addressed in line with Policy SD12.8.
Welcomes the provision of some larger apartments but the provision is still small overall; concerned about the community that forms as a result.
Unclear whether design of units complies with Category 2 of the Building Regulations (adaptable homes) – the City Plan target of 50% of all homes should be addressed.
- 4.19 The **Economic Development** Officer requested the implementation of an Employment and Skills Plan for each phase of the site in line with Policy B1 of the emerging City Plan.
- 4.20 The **Police** note the following:
- Measures needed to top floor of car park to address anti social behaviour and provide suicide prevention.
 - Service entrance to roof should have same security measures as apartments given access from car park to apartments roof space.
 - Access ramps to level 1 could create conflict as vehicles cross paths – easy movement should be ensured without risk of collision.
 - Motorcycle parking should provide solid secure ground anchor.
 - Cycle racks/stores and refuse stores should be overlooked, lit and a suitable specification.
 - Communal entrance to apartments should provide secure route from street lobby to the apartment, and along with ground floor windows should be to appropriate security specification.
 - External stairs to plot 1 roof space should be secured.
 - Area around Bruton Way end of the new Cathedral View street should include design features to create a safe and secure pedestrian area that prevents vehicle entering the street.
 - Hard landscaping and street furniture should prevent misuse or damage.
- 4.21 **Severn Trent Water** raises no objection subject to a condition to secure drainage plans for foul and surface water for approval, and their implementation prior to use.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 With respect to the hybrid application, neighbouring properties were notified and press and site notices were published, and a second round of this consultation was undertaken on the basis of the amended application. No representations have been received from the public.
- 5.2 With respect to the listed building consent, press and site notices were published. No representations have been received from the public.
- 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
- Heritage
- Design, layout and landscaping
- Traffic and transport
- Residential amenity and environmental health
- Drainage and flood risk
- Contaminated land
- Sustainability
- Ecology
- Economic and regeneration considerations
- Planning obligations / Viability
- Environmental Statement conclusions

6.5 **Environmental Impact Assessment (EIA)**

The application is accompanied by an Environmental Statement (ES) because the project is considered to be EIA development. 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'. The ES was revised on the basis of the amended proposals and additional analysis. It is considered that the submitted ES covers the likely significant environmental effects in a manner that is considered to be acceptable, and the ES analysis and conclusions on the various matters are commented on by reference to this ES terminology within the Officer assessment below.

6.6 ***Principle – Residential use***

Policy SD10 of the JCS allows for infilling within the existing built up areas of the City Gloucester. In terms of the broad principles of development, the site is within the built up area of the City, is a highly sustainable site within the city centre, next to both the bus station and railway station and with good access to local facilities. It is an acceptable location for residential development and gives opportunities to consider high density living to maximise the use of sustainable sites for residential use. It would boost the supply of homes in a sustainable location.

6.7 The emerging City Plan includes allocation SA08 which is for a mixed use development including residential. The residential component is therefore compliant with the emerging allocation.

6.8 **Principle - Main town centre uses**

The proposed class A1, A2, A3 and A4 'commercial space', the class B1 office space, and the class C1 hotel are all 'main town centre uses' in the NPPF terminology. The application site is within the City Centre boundary and within the Primary Shopping Area as set out in the JCS.

6.9 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 all be used for A1 retail use, although this is considered highly unlikely in practice. Notwithstanding this, the potential class A1 retail uses are also within the more constrained Primary Shopping Area and are similarly policy-compliant in terms of the sequential test. As the uses are within the centre boundary, the 'impact' test is not applicable.

6.10 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 satisfied. The Class A1 retail use proposals within the Primary Shopping Area are 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.

6.11 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.

6.12 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 in the earlier Kings Quarter Concept Statement.

6.13 The proposal would result in the loss of the existing public house at Kings House, to which JCS Policy INF4 and City Plan policy B6 are relevant. The current situation is that there are lots of other public houses within the area and the application proposals provide the opportunity for additional Class A4 floorspace within the scheme. In this respect no significant detriment would be caused to the needs of the local community facilities.

6.14 The proposal incorporates a large part of the ground floor accommodation as 'commercial' use, which in the application includes Class A1 shops, A2 financial and professional services, A3 restaurants and cafes, A4 drinking establishments and B1 business. It is considered undesirable to have a large predominance of drinking establishments and it is therefore recommended that these units be subject to restrictions on the amount of floorspace for A4 units, by condition. Any future proposals that would breach this tolerance could then be determined on a case by case basis.

6.15 **Principle - Employment uses**

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 emerging City Plan seeks to safeguard employment sites and buildings. 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.

- 6.16 The proposal would result in the loss of 4500sq m of office accommodation – this is commented on in the economic/regeneration section below. However the proposals include 4600sq m comprising the offices proposed within Plot 1 and the Kings House expansion (which includes a D1 type exhibition use), plus the ‘commercial’ use that could comprise of an amount of A2 financial and professional service and/or B1 business floorspace, amounting to 2900sqm between Plots 1, 2, 3b, 3c, 3d and 4. Although it is unlikely that the whole 2,900sqm would be used for A2 or B1 use, this floorspace would in any respect provide some additional level of employment generation, as would the hotel. As such, it is considered that the employment provision associated with the proposed uses would mitigate the employment floorspace loss associated with the demolition of the existing accommodation and no objection is raised in this regard. The traffic and transport, amenity, design, and environmental impacts set out in Policy B3 are considered in the relevant sections below.
- 6.17 ***Benefits of the proposal***
The proposals would lead to a number of benefits. The applicant sets out that the proposals are a unique opportunity to catalyse long awaited public realm improvements and regeneration in the City centre, and would provide a mix of uses that would assist in providing activity through the day and evening, and encourage City centre living. Overall, it is considered that the benefits include regenerating a highly sustainable, partly redundant site in a prominent position within the City centre, which would be likely to have economic benefits beyond the extent of the site, enhancing the public realm including the retention and enhancement of the main public square in the City centre, delivering housing in line with the government’s objectives of boosting housing delivery, improving the character and appearance of Conservation Areas, increasing activity and natural surveillance in the area, and improving the ability to maintain the River Twyver culvert compared to the existing situation.
- 6.18 ***Heritage***
In terms of heritage the NPPF requires Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness. Great weight should be given to the conservation of the designated heritage asset; the more important the asset the greater the weight should be. 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.
- 6.19 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.
- 6.20 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.

- 6.21 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 seeks to retain or reinstate traditional shopfronts, 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.
- 6.22 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.
- 6.23 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.
- 6.24 **Archaeology**
The site includes a Scheduled Monument – within Kings Square (comprising part of the Glevum Roman Colonia which is designated at various points around the City Centre) and other undesignated remains of schedulable quality, while the remainder of the site outside the Roman walls is also likely to contain assets of national significance as well as important assets of lower significance.
- 6.25 Archaeological trenching has been undertaken on Plot 1, in the former bus station area and multi storey car park. Excavations have previously been undertaken in Kings Square where there is a reasonable understanding of the archaeological levels, and previously in the surrounding area including at the new bus station site adjacent. An evaluation report has therefore now also been submitted setting out the results. Based on the research and intrusive works undertaken an Archaeological Impact and Mitigation Statement (AIMS) has subsequently been submitted. The likely remains that would be encountered and consultees' conclusions on the likely impacts are set out in respect of the relevant phases below.
- 6.26 Archaeological remains surviving in Kings Square are of national importance and part of it is formally designated as a scheduled monument. All of Kings Square should be considered as a designated heritage asset and great weight should be given to the asset's preservation. The scheme would have minimal impact on archaeological remains; the majority of groundworks would be well above the archaeological remains and the impacts as a result of the proposed drainage runs and hydrobrake are very localised and limited in the context of the whole Square.
- 6.27 Plot 1 is situated within a Roman and medieval suburb along Northgate Street and investigations show that substantial Roman buildings survive and are significant, possibly of national significance. The proposal would have relatively low impact. There would be impacts but they would be limited in extent.
- 6.28 Plot 2 is within a more peripheral area outside the Roman city walls, but evidence suggests that the plot is likely to contain Roman remains, possibly remains of the City's Civil War earthworks, as well as paleochannels (historic river routes). The remains are likely to be of regional and local importance. Impacts from piling, sewer connections and an interceptor tank

for the car park are likely. The proposed clustering of piles is likely to be more damaging and heightens the need for appropriate mitigation, which is likely to include excavation and a watching brief, although there is scope to redesign the foundations to reduce the mitigation requirements.

- 6.29 Plot 3a is situated on the line of the northern Roman City wall and within a Roman and medieval suburb. It can be assumed that nationally important remains are present. The impacts are very limited; comprising some levels changes and a new lift pit. The city walls should not be affected at all.
- 6.30 Plot 3b contains medieval premises over Roman structures although it is difficult to establish the significance of the remains. It is considered that they are unlikely to be of national significance. The proposals would be of very low impact.
- 6.31 Plot 3c has not yet been subject to evaluation and the depth of archaeology is unconfirmed. It is likely that similar remains as plot 3b would be present. The impact of the proposals is fairly limited from piling but potentially higher from pile caps and lift pits, and sewer connections. The level of impact is acceptable with mitigation but again could be reduced by redesign of the below ground proposals.
- 6.32 Plot 3d has also not yet been subject to archaeological evaluation but adjacent investigations have uncovered shallow Roman remains. It seems likely that Roman and medieval remains will be present and possibly Civil War earthworks. The proposals are likely to have a fairly high impact on remains and excavation in advance of development is likely to be required. Redesign of the below ground arrangements may allow a reduced mitigation proposal.
- 6.33 Plot 4 has not been fully investigated due to the multi storey car park on site. The plot potentially contains very sensitive remains and may include part of the Whitefriars Carmelite friary, however none of the recent investigations have exposed nationally significant remains. The plot has also had significant historic disturbance from the buried River Twyver culvert and the piling for the car park. Overall the significance, character and condition of archaeological remains within the plot are not known, and this reflects its inaccessibility – although the applicant has undertaken pre-determination evaluation to the extent they reasonably can.
- 6.34 Beneath Plot 4 there is a proposal to house the culverted river within a new chamber for approximately 75m across the plot to enable the maintenance access required by the Environment Agency. This would be likely to cause damage beyond that caused by the original installation. It is considered that these works are necessary for flood risk reasons and the applicant has justified the proposed design which has also been reduced in scale to limit the impact. It is recommended that a condition is imposed to require a detailed version of the culvert design within reserved matters applications for Plot 4.
- 6.35 There would be an exceptionally high impact arising from the replacement of the river culvert and the building foundations. The ES commits to refinement of design detail and preservation in situ if required, as the project moves on. Although there is currently no remains identified, it remains possible that archaeological remains of equivalent significance to a scheduled monument are present – possibly structural remains of the friary and/or a cemetery. Full site investigation should be required post-demolition and prior to a reserved matters application. In the context no objection is raised subject to mitigation.
- 6.36 The public realm area includes a variety of remains of different significance, including paleochannels, Roman and medieval remains, and at the northern end more complex remains can be expected including those associated with the Whitefriars complex and they may be of national importance. The largest impact is likely to be from drainage which would impact on remains, however given the level of disturbance and the localised impact, this is considered

acceptable subject to mitigation.

6.37 There is the potential for the culvert in front of plot 3d to be replaced as part of the project and this has been assessed. Again replacement is likely to involve a wider impact than the original installation, and may encounter the medieval town boundary and Civil War earthworks. The remains are of local or regional importance. With mitigation, the impact is acceptable.

6.38 Remediation works may also have impacts on archaeology depending on their extent. They are likely to be of limited scope but should be subject to archaeological mitigation.

6.39 Given the above, there is no objection on archaeological grounds but mitigation measures need to be secured to address the impact on heritage assets, and specific conditions are proposed for each phase to make the development acceptable.

6.40 **Archaeology – Environmental Statement conclusions**

The further intrusive evaluations enable a more robust conclusion on environmental impacts than the original ES. The ES addendum reduced the level of impacts from the original ES due to the additional work undertaken, and the level of below ground impact being lesser than the 'worst case scenario' assumed in the original. The overall ES conclusions are that prior to mitigation there would be minor adverse (not significant) effects, but following mitigation, no adverse effects of greater than 'minor' effect would remain, and no significant environmental effects would occur.

Officers conclude on this slightly differently but are not in overall disagreement. While it is considered that some remains would be subject to greater than a 'minor' impact (they would be removed and this would be a significant impact), these remains are of less importance. The overall ES conclusion, in respect of nationally important remains, is agreed with.

6.41 **Archaeology conclusions**

Designated heritage assets with archaeological interest (or those of demonstrably equivalent significance to scheduled monuments) are known to survive beneath Kings Square, plot 3a and the public realm area along Market Parade. In each case the scheme design limits the level of harm. The AIMS is sufficient to control works within Kings Square but details of below ground structures would be required under condition for the other phases. In respect of non designated assets, the scheme would in certain locations lead to the destruction of remains, but mitigation could be secured by condition. The proposals would lead to less than substantial harm to the significance of heritage assets, subject to mitigation, and are not objected to by the City Archaeologist and Historic England. Overall, whilst the proposed development would result in less than substantial harm to archaeological remains, it is considered that, subject to necessary mitigation, the wider social, economic and environmental public benefits of the proposals as set out above would outweigh the identified harm in this case.

6.42 **Built heritage**

Built heritage assets

The proposals would affect several designated built heritage assets. These include the building proposed for Plot 1 physically attaching to, and affecting the setting of, the adjacent Grade 2 listed 102 Northgate Street. It has architectural and historic interest and is part of a group of surviving 19th century buildings on Northgate Street. Its rear plot, which is part of its immediate setting, is within the application site. There is also a grade 2 listed terrace at Clarence Street, which is across Market Parade and further up the street from the proposed Plot 2 building, and other listed buildings in the wider area including the grade 2* St Peters Church at the near end of London Road.

6.43 The proposals would also affect the character and appearance of the City Centre Conservation Area (at the Kings Square area), and the London Road Conservation Area (Plot 1), while the

Eastgate and St Michael's Conservation Area is situated across Market Parade from the site. The remaining eastern section of the site is outside any Conservation Areas. The site also contains or is nearby to non designated heritage assets including some buildings noted in the Conservation Area Appraisals as 'positive buildings' in the Conservation Area, which are commented on below.

- 6.44 The proposals would also affect views of heritage assets. Most notably the Heights of Buildings SPD identifies a view corridor to the Cathedral across the northern edge of Kings Square and St Aldate Street. There is also a view of the Grade 2* listed St Peters Church on London Road, from north end of Market Parade.
- 6.45 *Analysis*
The loss of several building associated with the scheme (the multi storey car park, Bentinck House, Grosvenor House) are not objectionable given their minimal historic significance and current condition, and their demolition provides opportunities for enhancement of the built environment. Other affected buildings are more noteworthy and are commented on in subsequent paragraphs. The main parts of the scheme affecting built heritage are considered as follows:
- 6.46 Kings Square has been subject to a number of minor re-works since the 1970s redevelopment, and is currently a mix of different levels and hard surfaces, with little cohesion to the layout and limits to the useability of the space. A number of trees are sited within it which make a positive contribution. There is a poor quality and incoherent mix of surfacing and the square generally has a dated appearance, and is recorded as a 'negative open space' in the Conservation Area Appraisal. The existing parking areas at the end of St Aldate Street and The Oxbode intrude into the Kings Square space. The 4 storey 1930s Debenhams building fronting one side of the square is recorded as a positive building in the Conservation Area Appraisal, while the Kings Walk buildings on the south west and south east of the square are recorded as negative buildings in the Appraisal.
- 6.47 The surfacing materials are now proposed to be altered from those originally submitted and confirmation of the updated proposal is awaited. The original proposal was of high quality however and any revised proposals would need to be of similarly high quality. The proposals would create a comprehensive and high quality redevelopment of the public realm. It would retain the important public use and the routes through the area but encourage activity within the square by the provision of seating and lighting. The Via Sacra route would be denoted by markers in the ground. The route extends into the square from inside Kings Walk and Officers have long advised that the treatment should be considered comprehensively across both sites. The Interim Adoption Public Realm Strategy SPD 2017 recommendations for the Via Sacra include renewing existing poor quality areas of Via Sacra paving and adding metallic markers set into the paving to indicate the route, allowing it to overlap existing streets without the need for wholesale repaving and as such the proposals are considered to comply. Vehicular access is provided for by ramps, allowing for servicing events, with each entrance controlled by bollards and street furniture, in terms of designing out crime. In terms of concerns about skateboarding on the seating, the applicant is aware of this potential issue and is considering various measures to obstruct this from happening but has not chosen which option yet.
- 6.48 The proposals would significantly enhance the appearance of the square and improve the 'negative open space' which the Conservation Area Appraisal recommends should be addressed. There would be an associated enhancement of the character and appearance of the Conservation Area and of the setting of the several positive but undesignated buildings in the vicinity.
- 6.49 As set out above, Plot 1 would affect the setting and physically attach to the Grade 2 listed no. 102, and is also within the London Road Conservation Area. There was historically a building

on Plot 1 adjacent to no. 102, and an earlier permission for the redevelopment of this plot has expired without being commenced, of 4 and 5 storeys, for 34 residential units. The ES refers to the reinstatement of built form at plot 1 being desirable, and would represent reinstatement of an historic and long established use. The heritage analysis sets out that a new building should be in keeping with the adjacent and neighbouring historic buildings – i.e. not exceed 3 storeys and make use of appropriate building materials and fenestrations. The current application scheme follows on from this analysis, and is considered to be an improvement on the design of the expired scheme. Its design has evolved by breaking up the mass and respecting the Northgate Street frontage in the context of the adjacent listed building. In addition the changes to the materials to remove the grey brick and use two multi red brick types are considered to tie the proposal in more sympathetically to the character of the area. The applicant also made changes to the original design to introduce stone lintels and quoins, and sash windows. The use of the metal cladding is a bold and modern approach but provided a high quality material is used it is considered to be acceptable. The current proposal would reinstate street frontage and at the scale and design proposed would preserve the setting of the listed building. The works to attach to the listed building using the system described by the applicant would not have a structural impact on the listed building, and the physical works would be limited and include a seal at roof level, so do not appear to inherently create a maintenance issue from water ingress. It is considered that the physical works to the listed building would preserve its special character subject to a condition to secure details of the precise method of attachment.

- 6.50 In terms of Plot 3a within the City Centre Conservation Area, the existing ‘Chambers’ building was built in the mid 1980s. It is a neutral building in the Conservation Area Appraisal, however the applicant considers it to be a negative building as it has no architectural merit and its massing and materials are out of keeping with the nearby historic buildings. It is agreed that the building appears rather dated and contributes little to the character of the area, and the re-cladding of the frontage elevations would refresh the appearance of this building and the proposed combination of stone cladding to ground floor and glazing/metal mesh cladding to the upper floors is again a bold modern approach that would add interest to the building and surroundings of the public square, letting light into the building in daytime and out at night and animate the building facade. The extension to the roof would add height to the enclosure of the square which can be accommodated satisfactorily in terms of the scale of built form. The proposed elevations include an opening in the cladding to allow for the TV screen granted permission in 2019. The proposal is to remove the screen while the works are undertaken to the frontage and re-install it afterwards. The ventilation duct indicated to the rear would generally not be visible from the public realm. It is considered that the proposed works would enhance the character and appearance of the Conservation Area.
- 6.51 Plot 3d would be situated adjacent to the Spredaeagle Court building, which is 4 storeys and a ‘positive building’ in the Conservation Area Appraisal. The siting and scale of Plot 3d (up to 4 storeys) would respect this building and the character and appearance of the Conservation Area. The final design would be considered at reserved matters stage.
- 6.52 Non designated heritage assets within and adjacent to the site include:
- The Regal (former cinema, completed after the second world war to a modified design).
 - 100 Northgate Street (late 19th century building attached to the listed no. 102 and noted as a focal building and a positive building in the Conservation Area Appraisal).
 - Spredaeagle Court at lower Northgate Street.
 - 8 Market Parade (late 1800s building, acknowledged by the applicant as a non-designated heritage asset).
 - Row of 1930s buildings along The Oxbode (noted as positive buildings in the Conservation Area Appraisal).
 - The current Debenhams building (noted as a positive building in the Conservation Area Appraisal).
 - Wessex House/County Chambers, Lister House on Station Road (opposite Plot 2 and

noted as positive buildings in the Conservation Area Appraisal).

No harm would be caused to any of these non designated heritage assets or their setting, other than 8 Market Parade, which would be demolished. This is the only surviving remnant of the Market Parade terrace although the applicants consider that it has no special architectural or historic interest. The ES notes that this asset is of low heritage value and while demolition would be a permanent adverse effect this would not be significant. The applicant considers that removal is acceptable subject to building recording before demolition. No objection is raised to its demolition by the Conservation Officer subject to building recording and signing of a contract before demolition. While a recording exercise is considered reasonable the site is not within the Conservation Area and in the context it is not considered necessary to require the letting of a contract for redevelopment before demolition.

6.53 Also in terms of built heritage considerations it is noteworthy that the view along King Square and St Aldate Street to the Grade 1 listed Cathedral is retained, and the view along Market Parade to the grade 2* listed St Peter's Church is enhanced. Overall development would not interrupt or harm any of the 'significant views' identified in the Conservation Area Appraisal. A new view of the Cathedral along the new street (effectively across the former bus station parking) would be created and would enhance the appreciation of the building from this part of the City and would otherwise cause no harm to its setting. While Historic England has noted concern about the retained tree obscuring this view of the Cathedral, it is considered that 'glimpse' views of the Cathedral are characteristic within Gloucester, it does not harm an existing view, and the retention of this tree is beneficial in design terms. There would be no adverse impact on the setting of the listed Clarence Street terrace opposite Plot 2.

6.54 ***Built heritage – Environment Statement conclusions***

The ES concludes that the development would result in overall enhancement to the Conservation Areas (essentially as a result of removal of poor quality buildings that detract from adjacent Conservation Areas, and replacement with improved architectural form and use of space). Other than the effect of demolishing 8 Market Parade, all other effects on built heritage assets as a result of the operational scheme are predicted to be minor beneficial (not significant) or no effect.

6.55 ***Built heritage conclusions***

Subject to conditions the character and appearance of the Conservation Areas would be enhanced, and the setting of designated assets would be preserved. Non designated assets would largely be preserved and the loss of one asset is considered acceptable subject to condition. Subject to conditions the special character of the listed 102 Northgate Street would be preserved. As no harm would be caused to the significance of heritage assets the proposals comply with the policy context above. The requirements of Sections 16, 66 and 72 of the 1990 Listed Building and Conservation Areas Act are satisfied.

6.56 ***Design, layout and landscaping***

The NPPF states that good design is a key aspect of sustainable development, and sets out criteria for decision making including ensuring that developments 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.

6.57 JCS Policy SD4 sets out requirements for high quality design, including responding positively to and respecting the character of the site and surroundings, and being of a scale and materials appropriate to the site and setting. Design should establish a strong sense of place and have appropriate regard to the historic environment. Policy SD10 seeks housing of the maximum appropriate density compatible with good design, the protection of heritage assets,

local character and compatible with the road network. Policy SD11 seeks an appropriate mix of dwelling sizes, types and tenures to contribute to mixed and balanced communities, and requires development to address the needs of the local area. It also requires housing to meet and where possible exceed appropriate minimum space standards, and be accessible and adaptable as far as compatible with local context and other policies.

- 6.58 Policy A1 of the pre-submission City Plan requires overall improvements to the built and natural environment, preserve the character of the area and appearance of the streetscene, and appropriate bin storage. Policy A6 requires 50% of units to be to Building Regulations requirement M4 (2) – accessible and adaptable dwellings (“Category 2”), and 4% of the affordable housing component to be to Building Regulations requirement M4 (3) - wheelchair user dwellings (“Category 3”).
- 6.59 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 C8 requires, where appropriate, for major applications to provide toilets to the ‘Changing Places’ standard.
- 6.60 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.
- 6.61 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. Policy F4 requires well designed measures to prevent gull roosting, nesting and damage. Policy F6 requires residential development to meet Nationally Described Space Standards.
- 6.62 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 Oxboode and St Aldates;
 - Increase density particularly around the edges of open spaces;
 - Retain and enhance Kings Square as a multi use events space and focus within the city centre.
- 6.63 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 a presumption in favour of retaining good quality traditional shopfronts where they make a positive contribution, and 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 accessible to wheelchair users where practical.
- 6.64 ***Townscape and views***
The Environmental Statement includes analysis of the townscape and visual impact. The analysis includes consideration of view corridors set out in the Heights of Buildings SPD and the 2013 Concept Statement.
- 6.65 The 2019 Townscape Character Assessment has the application site within 3 character areas. Kings Square and Plot 1 are within part of the historic and commercial core of the City, and

Plots 3a, b, c and d within the 19th and early 20th Century expansion; these areas have a strong character that is important locally, with dense coverage by terraced or semi detached buildings from the medieval to the present day of two and three storeys and higher sitting to the front of plots, with plots of varying sizes and shapes but greatly influenced in the core by the Roman and medieval layout of long and narrow plots, and with some infilling or extensions to the rear. It notes the good access and connectivity through the area. It notes that many buildings have architectural detailing to indicate their status, and wider use of brick as a facing material, with limestone also within the core. It also notes unsightly late 20th century buildings that clash with the historic character as potential sites for change. Plots 2 and 4 are 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.

- 6.66 The scheme broadly retains the existing urban pattern in terms of the layout. The major change is the proposed creation of the new street between blocks 2 and 4. In terms of building heights, parameter plans have been submitted to show the proposed heights of buildings on the outline phase plots. The replacement of the car park (5 storeys/10 levels) and Bentinck House (8 storeys) with Block 4 (outline plot up to 6 storeys – 21/26m) would retain the tall urban form in this part of the site. Plot 2 however (6 storeys with a top car park deck above) would represent a more striking change in massing compared to the existing Grosvenor House (4 storeys) at this position. Along the northern side of Market Parade there would be a change in massing, notably due to there being no buildings here currently for large stretches (although there were historically). The public realm works and the building design would result in an improved quality to the appearance of the urban form.
- 6.67 The proposed buildings could appear in several of the protected view corridors in the Heights of Building SPD and the application models these. Where the development would be perceived, it would blend in with the existing built form and vegetation and no significant harm would be caused.
- 6.68 The demolition and construction phase over several years would result in townscape impacts through removal of buildings, construction equipment, public realm changes, and hoardings for a temporary period. Once complete, as mentioned earlier, important local views including of the Cathedral along the north eastern edge of Kings Square, and along Market Parade to St Peter's church would be retained and the new street would increase the visibility of the Cathedral along this new view and reinforce the importance of the Cathedral within the City.
- 6.69 Although from large parts of the city the ground levels and the intervening buildings would be such that the proposals would not be perceived, they would be seen in long distance views from the wider area such as from Churchdown Hill and Robinswood Hill. However given the scale of the development and perception in the context of the City centre built form, there would be no significant effects.
- 6.70 ***Environmental Statement townscape conclusions:***
During the demolition and construction phase the proposals would result in a temporary major adverse effect and is an inevitable part of development.

Once completed however, there would be overall a high magnitude of impact at the site level, it is considered a significant major beneficial effect. A moderate beneficial (significant) effect is predicted to the local townscape character area. No significant effects are predicted to any other townscape and landscape areas. Significant beneficial visual effects are predicted to a range of views within the locality. The ES concludes that scheme would not have an adverse effect on views identified in the Heights of Buildings SPD.

- 6.71 It is agreed that no significant adverse impacts would be caused in terms of townscape and

views.

6.72 **Public realm**

Materials, surfacing and public art

The hard landscaping to the public realm area outside the square is proposed as a Forest of Dean pennant stone which would provide a high quality finish in line with the Public Realm Strategy.

6.73 Street furniture in the wider site is proposed to match that at the new bus station. The eastern part of the site is arranged around the principle of a central new street, which is aligned on the retained tree and the view of the cathedral beyond. This would assist in wayfinding and orientation around the city and signifies the cathedral's historic importance to the city. Public spaces would be subject to natural surveillance from surrounding buildings the majority of which are proposed for mixed use. It is considered that subject to approving the final detail under condition, the design of the new public realm would be of high design quality and enhance the appearance of the area.

6.74 **Access**

Level access is proposed to all retained and new buildings. A strip of directional paving has been added to the main circulation areas to guide people with a visual impairment around Kings Square or from the entrances to the centre. A specialist accessibility consultant was employed to offer advice on the scheme. The pedestrian crossing point over Market Parade at the corner of Kings Square comprises of a raised table compliant to DDA requirements. A second pedestrian crossing point of the same type is also proposed to the north end of Market Parade. Pedestrian entrances would be protected from vehicle access by bollards/street furniture, including at the end of the new 'Cathedral View' street off Bruton Way.

6.75 **Public art**

Policy BE.16 of the 2002 Second Deposit Plan seeks provision or a financial contribution to publicly accessible art in major development. A public art strategy has been submitted. This sets out the proposal to integrate the art works into the fabric of Kings Square, be robust and safe, and have a clear and pragmatic approach to delivery. The revised plans for the Square now include a detailed design of 'sculptural edging' to the central part of the square (shown on the plans to be pre-cast concrete but currently proposed to be in granite instead), and also provision for the lighting scheme, which comprise the public art proposals. The sculptural edges consist of stone waves inspired by the Severn bore, and fluting to reflect the detailing in the Cathedral cloisters, interactive areas for play and performance, and where needed, the functional requirement of seating and steps. The lighting comprises of façade lighting and LED lighting integrated into the sculptural edge, and to the trees and fountains. The lighting would be programmable to co-ordinate with events or performances, and could be responsive or visitor activated lighting. The applicant considers that illuminating vertical surfaces (trees, sculptural edge, steps, etc) would create a unique and safe environment for the Square, and proposes a well illuminated route around the perimeter of Kings Square.

6.76 The public art elements of the scheme shown in Kings Square would be of high quality and enhance the appearance of the area. Where public art pieces are indicated on the plans for the rest of the application site but details are not provided, a condition is proposed to secure approval of their exact details.

6.77 **Building design**

Plots 1 and 3a have already been commented on in detail in the previous section in relation to built heritage and are considered acceptable in design terms. The remaining proposed buildings are considered as follows:

6.78 Plot 2 was designed to largely wrap around the proposed multi storey car park, which assists in

articulating the building and creating active elevations and natural surveillance to the new street adjacent to Plot 2. It addresses the street providing an attractive frontage and surveillance to the new street and to Market Parade. The applicant altered the design of the building elevations during the application process. The application explains the design rationale of the building to reflect the urban grain of the Victorian buildings around the site by splitting the elevation vertically into different frontages with variations in facing material. The proposed scale of up to 7 storeys would be markedly different to the existing 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 has been modelled in the application. The articulation of the building helps to break down that large mass and it is considered that it is acceptable in this context. It also maximises density and efficiency of the use of land for housing provision. The proposed facing materials are shown to be of high quality and overtly bold and modern in several instances, and are considered acceptable provided the precise product can be approved under condition to secure the high quality that is proposed in the application. Ventilation provision is proposed to be incorporated internally to avoid external ducts. With a high quality range of materials it is considered that the building would enhance the character of the area.

6.79 In terms of Plot 3b the proposed 5 storey scale is considered appropriate to the context, and it addresses Market Parade which is positive in terms of reinstating street frontage. The elevation design has been altered during the course of the application in response to Officers' concerns, and the new arrangement of the front elevation and change from a buff brick to multi red and brown bricks is a positive change and is supported. The side elevation is now enhanced as well given that this may be a prominent elevation for some time if the adjacent Plot 3c is not developed in the short term. Again, with a high quality range of materials it is considered that the building would enhance the character of the area.

6.80 Outline plots

In terms of Plot 3c the scale of 3 and 5 storeys is considered acceptable. Notably the 3 storey section allows the view of the Cathedral from the new street opposite this plot. The plot footprint provides for the reinstatement of street frontage which is beneficial, and with an appropriate detailed design to the plot at reserved matters stage it is considered that the proposed scope of this outline plot would be acceptable and would enhance the character of the area.

6.81 In terms of Plot 3d the scale of up to 4 storeys would respect the adjacent Spredale Court building, which is 4 storeys and a 'positive building' in the Conservation Area Appraisal. Again the plot arrangement providing for street frontage reinstatement and natural surveillance of the surrounding streets is positive, and subject to securing appropriate detailed design, would provide for an enhancement of the character of the area.

6.82 Plot 4 would be sited broadly on the plot of the existing multi storey car park and Bentinck House, which are the equivalent of 5 and 8 storeys, respectively. The scale of up to 6 storeys would be noticeably higher than the car park but in this context and next to Bruton Way at the one side is considered acceptable.

6.83 The applicants have provided a strategy document to guide the design of development on these outline plots. This is important to secure a high standard of design and a level of continuity with the design of the remainder of the scheme, when reserved matters applications come forward. This strategy includes requirements to address key corners, reinstate street frontages, complement the remainder of the development and adjacent buildings and spaces, use similar materials, maximise active frontage, articulate large masses of building, fenestration requirements for appearance and natural surveillance, preserve views of the Cathedral, identify locations for vehicular access points, impose scale and design restrictions to protect the amenities of neighbouring occupants, and identify access points to the culvert in

Plot 4. The strategy is considered acceptable and should be secured by condition.

6.84 ***Soft landscaping/trees***

The proposals would result in a loss of 26 trees (including one A-grade lime tree by Bruton Way). 14 existing trees are within the Conservation Area. New planting in Kings Square and the new public realm is proposed and would total 41 new trees (9 new semi mature trees in Kings Square and 32 within the rest of the site). 3 trees within Kings Square are proposed for retention. The large plane tree would be retained as the focal point. These trees would be crown lifted and pruned, with planting beneath. 8 other existing trees would be removed from square, this loss being mitigated by the 9 new trees to be planted in the square at semi-mature size. Two London Planes were proposed to be retained at the end of the new 'Cathedral View' street (although one was removed by the Highway Authority and is now proposed to be replaced). Two trees to the south west of plot 2 by the taxi rank would be retained, along with four on Bruton Way by Market Parade. The arboricultural impact report confirms that the locations for new underground services would be designed to avoid the root protection areas required by the retained trees.

6.85 An arboricultural method statement has been submitted to set out how works near trees would be carried out, and the Tree Officer is happy with the submitted tree protection measures which should be secured by condition. The landscape advisor has raised some concerns about the robustness of the plants proposed in Kings Square, however a standard condition would be imposed requiring implementation of the soft landscaping and a 5 year replacement requirement for any plants that die.

6.86 ***Refuse***

The proposed provision of 1 x 1000L bin for every 8 dwellings for general waste and 5 x 240L recycling bins and 1 x 140L brown bin for food waste within each bin store is in accordance with the discussions with relevant officers at the pre-application stage.

6.87 ***Housing mix***

Policy SD11 of the JCS requires an appropriate mix of dwelling sizes, types and tenures. Development should address the needs of the local areas set out in the local housing evidence base including the most up to date Strategic Housing Market Assessment (SHMA).

6.88 The type of dwelling proposed is influenced by the fact that the development is solely for flatted accommodation. The application proposes;
156 units overall
53 1-beds
94 2-beds
9 3-beds
The 3-bed apartments comprise of; 4 in Plot 2 (detailed phase), and 5 in Plots 3c and 3d (outline phases).

6.89 The Housing Strategy Officer has raised concerns about the community that would be created with a larger proportion of 1 and 2 units, although has not objected outright to the proposals. The SHMA sets out that for market housing there is an annual requirement for 11% 1 beds, 29% 2 beds, 37% 3 beds, 22% 4 beds. The proposal is for a higher proportion of smaller units than that sought in the local housing evidence base in respect of larger units, however it is considered that in the context of a city centre scheme of exclusively flat units, this diversion from the Policy SD11 aspiration is not decisive in the overall consideration.

6.90 In addition, the emerging City Plan proposes a range of enhanced standards for residential accommodation. Policy A6 requires 50% of units to be to Building Regulations requirement M4 (2) - accessible and adaptable dwellings ("Category 2"). The applicant has stated that all the flats proposed in Plot 2 are Category 2 compliant (meaning 60 units of the 101 detailed phase

units (59%) / or of the 156 overall (at least 38%)). The outline units are still to be designed in detail anyway and could be compliant, so it is recommended that a condition be imposed to require reserved matters applications to demonstrate that 50% of units are in line with the policy.

- 6.91 Policy A6 also requires 4% of the affordable housing component to be to Building Regulations requirement M4 (3) - wheelchair user dwellings ("Category 3"). There is no affordable component offered through this planning application, although the applicant has stated that all flats proposed in plot 3b and ground floor flats in plot 1 are Category 3 compliant. This would mean 19 units of the 101 detailed phase units (19%) / or of the 156 overall (at least 12%). As such the level would be met anyway.
- 6.92 Policy F6 of the emerging City Plan relates to Nationally described space standards and the application shows that:
- 1 bed premises range from 39.31sq m to 62.95 sq m
 - 2 bed premises range from 60.49 sq m to 76.55 sq m
 - 3 bed premises range from 92.74 sq m to 126.69 sq m

The national standards are set out by reference to the number of persons accommodated. It is not possible to assess in detail the accommodation in the outline blocks 3c and 3d and it appears that a detailed scheme would be likely to be able to demonstrate compliance with the standards. In terms of the detailed phases, the accommodation has been refined so that only 3 of the 101 units breach the standards and these are only by 0.11sq m. Given the context of the application and status of the emerging plan the proposals are considered to be acceptable in this regard.

- 6.93 In terms of suicide/fall prevention the applicant has increased the parapets at the Plot 2 roof to full height over 2.1m. In terms of changing places toilets in major development the applicant proposes the public toilets in Plot 2 ground floor as a changing places toilet.
- 6.94 Overall, the external design of the proposal is acceptable and would enhance the character of the area and complies with the above policy context. The modest breaches of internal standards against the policies mentioned are not considered to be of significant weight against the proposal.

6.95 ***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.

6.96 ***Accessibility***

The site is in a highly sustainable location with a wide range of facilities, and walking, cycling and public transport routes, in the vicinity. Currently however the quality of the pedestrian

environment is not appealing and the links to the bus and train stations are rather convoluted and unattractive. Access to/from the railway station and Great Western Road (via the underpass beneath the rail line) would be via the existing Bruton Way pedestrian crossing. An enhancement to this crossing would be desirable but is not part of the current planning application. The submitted Transport Assessment comments on the potential for its enhancement and is considered below.

6.97 Within the application site, by improving the pedestrian environment generally, and the connectivity to the bus and train stations via attractive pedestrian streets, the proposals would comply with policies of the emerging City Plan, and this lends support to the application.

6.98 *Access and network changes*

Vehicular access to Kings Square would continue to be via The Oxbode or St Aldate Street and needs to be serviced by large vehicles to facilitate use of the Square for events. Tracking plans have been provided to show that an articulated vehicle can serve the Square via The Oxbode and St Aldate Street. The existing parking area inside the Square at the end of St Aldate Street would be removed with a turning head provided. Servicing to the units fronting the Square is currently from the rear and this would be maintained. No deliveries would be permitted to use the Square on a regular basis.

6.99 Vehicular access to Kings Quarter for general traffic would be via Station Road and Bruton Way. Bruton Way is a dual carriageway subject to a 30mph limit. Access from Bruton Way into Market Parade north of the existing car park would be closed off. Restricted use access (buses, cyclists and taxis) from Market Parade to Bruton Way would be retained but with Market Parade narrowed. This would result in closing off the road link between Spread Eagle Road and Market Parade. Spread Eagle Road would still be accessed from Northgate Street to the servicing areas behind St Aldate Street, Kings Square, etc. A raised pedestrian table crossing point would be provided between the corner of Kings Square and the remainder of the Kings Quarter area.

6.100 The new street could accommodate vehicles and servicing is likely to come from the front of units in Plots 2 and 4 fronting this street. There may be scope for improved servicing access provision to Plot 4 at the reserved matters stage (e.g. off Market Parade and not the new street).

6.101 *Effect on buses*

The applicant notes that in discussions with Stagecoach prior to the application submission, they confirmed that the proposal to limit bus movement to northbound-only can be accommodated without unacceptable impact on bus services, subject to appropriate bus stop infrastructure (which would be increased). The existing southbound bus stops on Market Parade would need to be relocated to the northbound side with the shelters extended to accommodate them and this is proposed to be secured by condition. Stagecoach and the County Council's public transport team have confirmed that the proposed changes can be accommodated by existing and proposed services.

6.102 *Trip generation*

The total development peak hour predictions are:

Weekday AM peak hour

78 arrivals

64 departures

Weekday PM peak hour

83 arrivals

113 departures

Weekend peak hour *
134 arrivals
125 departures

(* the ES Addendum submitted with the revised proposals noted a minor increase in total traffic from the development (+7 2-way trips in the weekend peak hour from the commercial elements))

- 6.103 The Highway Authority is satisfied with the submitted development trip rates and consider it a robust assessment given the trips associated with buildings to be demolished or replaced have not been deducted. Route assignment was undertaken, including that of relocating the multi storey car park, and have also been accepted by the Highway Authority. The analysis includes the effect of committed development in the area. Local junction capacity modelling has been undertaken, including to a 'future year' situation 5 years after the application. Of these the most noteworthy are considered to be the following;
- 6.104
- The Bruton Way/Black Dog Way/London Road/Northgate Street junction, where with the introduction of development traffic and associated changes in the '2023 base + development' scenario, a worsening in performance causes the junction to operate over practical capacity in the AM peak hour, although the TA considers the % increase in DoS (3.1% or 2.5% on respective arms) not to be a material increase.
 - The London Road/Great Western Road junction, where in the 2023 base scenario the junction would be operating at absolute capacity limits anyway during the weekday PM peak, and above practical capacity during the AM peak hour. 2023 scenario + development traffic results in a negligible worsening in performance during each assessment period – the impact on junction performance is considered immaterial.
 - For junctions 3 (Bruton Way/Station Approach/Bruton Way), 4 (Station Road/Bruton Way – where the roundabout has been replaced) and 5 (Station Road/Clarence Street) there would be a material impact, but as the junctions are anticipated to continue operating below practical capacity, the level of impact is not considered to be severe.
- 6.105 A further Technical Note (TN) was produced to provide further information on the flow through junctions, in order to validate the findings, looking at surveyed and modelled queue lengths along the Bruton Way corridor. The TN considers that the capacity results compare well with on-site observations. A further sensitivity test was undertaken of the model to consider the potential for 'exit blocking' during busy periods given the potential perception of this problem by local users. This assesses worst case conditions and indicates that there would be no material change in the level of development impact, and the conclusions drawn by the Transport Assessment remain valid. This further analysis was also accepted by the Highway Authority and they note that while this demonstrated a slight reduction in junction performance the difference is not significant.
- 6.106 Overall it is considered that the impact on junction performance is not of concern. Development traffic would have a minimal impact at some junctions whilst an immaterial impact at other junctions. This is not considered to be a severe overall impact on the network, complying with the test in the NPPF. Furthermore, as above, the fact that the latest traffic growth figures indicate a reduction in growth over the modelled timescales means that the queues and traffic issues identified would have a lesser impact than originally anticipated in the TA.
- 6.107 As mentioned above the TA considers the potential (although it is not part of the proposals or in the applicant's control) of an enhanced crossing over Bruton Way towards the railway station to improve pedestrian flow and enhance the quality of the route. This would be desirable although

the HA is not of the view that improvements to the crossing are necessary for the development to proceed. Officers are advised that these improvements would form part of enhancement measures to the station forecourt although there is no planning application for this at the present time. The TA considers the potential for the Kings Quarter scheme to preclude such improvements. Two crossing options are considered and the TA sets out that the Kings Quarter application would not preclude the ability to provide an improved crossing and that such improvements are likely to be feasible. Given the potential enhancements to pedestrian/railway user connections this is welcome.

6.108 A Framework Travel Plan has been developed for the site to identify sustainable travel in the area and facilitate modal shift.

6.109 *Strategic road network*

Following the initial objection from Highways England (HE) a further note was produced in support of the application to extend the traffic distribution and assignment exercise to the strategic road network and demonstrate the impact on the A40. This concludes that there would be no severe impact on the strategic road network. The analysis shows no more than 23 2-way movements on the routes out to the A40 at Elmbridge Court roundabout or the M5 Junction 11a during any peak hour assessment period, and this is the maximum possible using the strategic road network as some dispersal to other highways en-route is likely. In terms of the route to the A40 at Over or Longford roundabouts a maximum of 49 additional 2 way movements are forecasted during any peak hour, equating to less than 1 additional movement per minute during the peak hour period. The main increase is from departures from the development which would be able to utilise the left turn bypass lane at the Over roundabout. The 6 additional vehicles arriving at the A40 western arm stop line during the pm and weekend peak hours is not considered to have a material effect on queue lengths or junction operation, equating to one additional vehicle every ten minutes. HE has confirmed that it is content that the proposal could not be considered to constitute a severe impact as defined by the NPPF, and now have no objection to the application.

6.110 Overall the TA concludes that the proposal would not have a 'severe' impact on the local highway network, and would comply with the NPPF in this respect, and this is agreed with.

6.111 *Environmental Statement - traffic impact conclusions*

The peak construction phase was assessed and the ES predicts, at worst, a minor, not significant adverse effect on vehicular traffic, and a negligible effect on pedestrians, cyclists and public transport users during construction. In terms of operational phase effects the ES sets out that there would be no significant adverse effects. The ES sets out that the complete development would have major beneficial (significant) impact on pedestrians and cyclists, and overall a negligible impact on public transport users.

6.112 *Parking*

The existing multi storey car park has 428 spaces, although it is noted to be underutilised and in poor structural condition. 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.

6.113 The proposal is for 406 spaces within the Plot 2 multi storey car park, operated by number plate recognition technology (so no barriers on entry). 21 disabled spaces including 2 spaces for larger vehicles are proposed at ground level (5% of the total). 15 family friendly parking spaces are proposed, with the remaining 370 as standard spaces. A 50 space cycle hub is also proposed. A minimum of 0.5 spaces per Plot 2 dwelling is proposed (58 units; 29 spaces proposed on an unallocated basis whereby residents would apply for an annual permit). No specific parking provision is made for other land uses within the scheme. The TA sets out that the level of supply proposed is suitable to meet demand.

- 6.114 As the HA notes, because the provision of spaces is close to the demand, cars entering and leaving the car park quickly due to a shortage of spaces could impact on the network and it is recommended that a system of advanced information signage is provided advising of the live car park capacity. This is proposed to be secured by condition and can be provided in a Car Park Management Plan. This should also consider the opportunities for using spaces for multiple uses. The demolition of the existing car park prior to the completion of the new car park would reduce availability in the intervening period. It is acknowledged that the existing car park was operating well below capacity. The HA is content that this would not have a significant impact on the highway; the Car Parking Strategy considered this, and while there would be a deficit in the north and east of the city centre, there would be spare capacity across the city, and the area is primarily within a restricted parking zone.
- 6.115 *On street disabled parking*
The proposals retain the same numbers overall. Currently 10 disabled spaces are provided in Kings Square off St Aldate Street, and 4 in The Oxbode currently (14 total). In the application an additional 4 are proposed in The Oxbode within the amended parking space layout on the Debenhams side (8 total in The Oxbode), with 6 proposed within St Aldate Street either side of the Debenhams service access (the Kings Square parking area being removed); resulting in 14 total again overall. A swept path analysis has been provided to show that a 7.5t box van can manoeuvre using the turning heads on St Aldate Street and The Oxbode under the new arrangements.
- 6.116 *Taxis*
In terms of the existing taxi provision within the site of 11 stands, the existing taxi rank loop off Station Road would be retained but with stands only provided to the nearside kerb, meaning a reduction to 6 stands in this location. An equivalent overall provision of 11 stands are provided in the scheme overall, with provision for 5 stands now shown off Bruton Way adjacent to Plot 4. 10 stands are provided in The Oxbode and are proposed to be reprovided in a different arrangement (the removal of the 2 stands in the turning head are compensated for by 2 new ones in the new parking arrangement on the Debenhams side of The Oxbode). Following liaison with the HA, it was agreed to move the new taxi rank on Bruton Way northwards by one bay to move it further from the signalized pedestrian crossing and improve the public realm in the area. Subject to securing the new taxi provision before loss of the existing, there is no objection on highways grounds to the taxi provision. It is noted, for background, that in the meantime a Traffic Regulation Order has been approved by the HA and implemented, and this replaces two taxi stands at the end of The Oxbode (by the Post Office) with a loading bay.
- 6.117 *Cycle provision*
In terms of cycle storage the application commits to a minimum of 2 cycle spaces per residential unit. The application also proposes an increased no. of cycle stands in Kings Square at the arrival points in the square. This provision is desirable and provision of the cycle storage within the residential blocks is proposed by condition.
- 6.118 ***Environmental Statement – traffic and transport conclusions***
The ES concludes that the increase in traffic would not result in significant effects that would require additional mitigation, and would result in major beneficial effects for pedestrians and cyclists upon completion, and there are not expected to be any cumulative effects with other schemes.
- 6.119 ***Traffic and transport conclusion***
Subject to conditions the proposals would comply with the above policy context in terms of traffic and transport.
- 6.120 ***Residential amenity and environmental health***

The NPPF seeks to ensure that developments provide a high standard of amenity for existing and future users. This is reflected in Policy SD14 of the JCS which requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

6.121 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. Policy SD14 of the JCS 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.

6.122 **Impact on neighbouring occupants**

Existing residential properties or those with the benefit of a permission for residential use in the vicinity of the application site are:

6.123 St Aldate Street

There are some flats in the upper floors of the St Aldate Street terrace, and the upper floors of 23a St Aldate Street benefits from planning permission for conversion to flats. The proposed use of the street and Square nearby to these properties would not change fundamentally and there are no physical structures proposed that would cause undue harm to the amenities of residents here.

6.124 Station Road/Market Parade

There are some flats in the upper floors of nearby properties on the south side of Market Parade/Station Road and at the near end of Clarence Street. The Plot 2 building would be on the opposite side of Market Parade/Station Road broadly in the position of the existing Grosvenor House, at around 30m away from these properties. It would be around 21m in height and taller than the existing Grosvenor House but given the separation would not cause significant harm to the amenities of residents of these properties. There is no record of residential occupation at 8 Market Parade and no representations have been received from occupants. In any respect given the arrangement and outlook of the property, if it were retained and the development around constructed, there would be no significant impact anyway on the amenities of any occupants.

6.125 Northgate Street .

Former Kwik Save site

The former Kwik Save site has been developed for residential accommodation. Given the separation of these properties from the application site it is not considered that the proposals would be harmful to residents' amenities here.

6.126 *92-96 Northgate Street*

The upper floors of 92-96 Northgate Street (Curzon House – the British Heart Foundation store) have been converted for 14 flats. The approved scheme includes lounge and bedroom windows facing east towards Plot 1, and bedroom windows facing south. This residential scheme was permitted while there was an extant permission on Plot 1 (which has now

expired). The distance from the side windows in this building to the Plot 1 building would be at least 17.7m. The facing wall of the Plot 1 building where it would be in line with the windows of the existing flats includes windows to; shared circulation space, the hallway within flats and the bathrooms of flats, with secondary lounge windows sited at a more obtuse angle to the existing flats' windows. While the Plot 1 building would clearly appear in views from the existing flats, the separation distance, arrangement of the built form and the nature of the rooms that the windows serve in Plot 1 is such that significant harm to residential amenity would not arise as a result of any overbearing or overlooking effects. The Plot 1 building would project further rearward than these neighbouring upper floor properties such that it would also be apparent in the left side of views from the rear/south facing rooms of the existing flats as well as the east facing windows considered above. While the Plot 1 building is of a greater height, given the generally open aspect to the rear of the Curzon House flats and the angle at which the Plot 1 building would appear, it would again not cause any significant harm to amenity. There could be some window to window distances at around 13.5 to 16m, but the angle of the relationship is such that it would not lead to a significant impact on privacy. In the context of the separation and orientation of the properties it is not considered that a significant impact would be caused in respect of loss of light either.

6.127 *110 Northgate Street*

Spreadeagle Court, 110 Northgate Street has previously gained prior approval for a conversion to residential flats and a more recent permission has been granted for shared student accommodation. Plot 1 would be situated across Spread Eagle Road. It is not considered that it would cause any significant harm to the amenities of future residents given the scale and separation. Plot 3d however would be situated south of this building in close proximity, is within the outline phases of the proposal, and was originally shown to be up to 4 storeys/15m in height, for residential use. The permitted scheme for the Spread Eagle Court building includes habitable windows to bedrooms on the first, second and third floors of the rear/south facing elevation of the east side wing facing onto Plot 3d. A 4 storey building on plot 3d when designed at reserved matters stage could be acceptable in terms of amenity but it is likely that 4 storeys immediately next to these windows would be harmful by virtue of being overbearing, or cause overlooking from new residential windows, or both. The applicant has therefore amended the parameter plans to include a single storey-only section at the near edge of Plot 3d. This would enable, as per the indicative design, a 10.3m separation between the windows and the 4 storey part of Plot 3d. The other windows in the western wing of Spreadeagle Court that face south towards Plot 3d would be around 20m distant and this would not result in harm to the amenities of residents. It is considered that the application has demonstrated that a reserved matters scheme could be designed within the amended parameters that would preserve the amenities of residents of Spreadeagle Court. The outline phase parameter plan for heights of buildings would be secured by condition as a maximum parameter for the development and would ensure this acceptable relationship. The applicant has submitted an indicative design of Plot 3d with the upper floors set back, showing that a scheme of the proposed quantum on this plot could be accommodated in an acceptable manner in terms of this impact on neighbouring occupants.

6.128 The Oxbode

There does not appear to be any residential premises on this street.

6.129 No other residential properties would be adversely affected by the proposals.

6.130 **Construction works**

Given the nature of the proposed works and their proximity, the residents of these premises could be affected by disturbance from construction, so a standard hours of work condition is recommended.

6.131 However, for the Kings Square phase the applicants now propose that construction activities

would need to take place outside the usual restricted times, up to 2300hours Monday to Friday (other than bank holidays), for a 3 month period. This is to carry out works around the entrances to business premises so as to minimize disruption during 'normal' working hours. This proposal is accompanied by a schedule setting out that the range of works at the later times are to be limited to quieter activities, and paving to the doorways (no noisy cutting or vibrating) after 2100hours.

The schedule also sets out measures to limit disturbance including siting of cutting stations to limit impacts of residential premises in the vicinity, and solid site hoarding would assist in noise attenuation. The Environmental Health Officer (EHO) is happy that these limited additional hours works as proposed are acceptable and a condition is proposed as such, for the Kings Square phase only.

Impact on future residents

6.132 *Noise and vibration*

The proposals would introduce residential uses into a busy part of the City centre where a degree of noise and disturbance is to be expected. However there are some significant noise sources that need further consideration:

- Plot 3b includes units with bedroom windows and lounge windows with balconies facing rearwards in the direction of the existing Regal public house beer garden (within approximately 15m).
- Traffic from the nearby highway network, notably Bruton Way, has a significant effect on noise at the application site, with Plot 3d and part of Plot 2 facing directly across to this highway, and the remaining residential proposals nearby to it.

6.133 The submitted noise report unsurprisingly identifies that the noise climate is dominated by traffic, although the ES sets out that the change to traffic levels as result of proposed development itself would result in a negligible change in traffic noise levels. The noise report also notes that due to the weather the Regal beer garden was rarely in use at the time of the survey, and so modelled results were used instead, which the EHO is happy with.

6.134 To achieve the desired internal noise levels in flats, the report sets out examples for different parts of the scheme (including enhanced double glazing; closed windows with alternative ventilation provision). With suitable measures in place, ambient noise affecting future occupants can be controlled to occupancy suitable level. In respect of the facades facing onto the Regal beer garden the report proposes that windows would need to be closed with alternative ventilation for the late evening period. The applicant has emphasized that these are example specifications and wishes to retain flexibility on exactly how the mitigation is achieved, which is considered reasonable. As such a condition is proposed to secure precise details of these measures, plot by plot.

6.135 It is also noted that proposed balconies may not achieve the external noise criteria where fronting onto roads. Relevant guidance suggests that where noise criteria in outdoor amenity areas are not achievable, impacts may be offset if residents have access to alternative quiet spaces nearby. While the applicant's suggestions that the proximity of Gloucester park, Alney Island, etc, is sufficient to provide residents with quiet amenity space, these are actually rather distant from the site. The Cathedral ground are in close proximity, and within the City Centre context where a degree of disturbance is to be expected. Overall, the proposed arrangement with balconies is considered acceptable, although it is noted that there could be uncomfortable noise levels to some balconies at certain times of day.

6.136 In respect of proposed plant associated with the development, precise details of specifications and locations are not available. The applicant assumes that the building services and fixed plant would be designed to achieve the operations limits consistent with BS4142. There are

various measures such as screening and silencers that could be used if required. An overall noise limit condition is proposed to address this.

6.137 In accordance with the NPPF requirements the effect of introducing additional residential development on the existing businesses has been considered. With the implementation of the above reasonable measures then adequate living conditions should be created and there is as a result not a high likelihood of substantiated complaints about noise being directed at existing businesses.

6.138 **Noise and vibration - Environmental Statement conclusions**

The ES notes that demolition and construction noise is predicted to cause significant but temporary 'moderate adverse' effects at the nearest existing sensitive receptors, and also for new residents of the proposed development where demolition/construction works take place on adjacent plots. Changes in road traffic noise levels due to demolition and construction traffic are predicted to result in negligible effects.

6.139 The ES also notes that the majority of vibration impacts from demolition/construction are expected to be minor adverse effects (not significant), however significant moderate adverse effects were identified when piling works take place on Plots 3d and 3c. Effects on building structures causing damage are expected to be negligible.

6.140 Specific mitigation measures are proposed prior to works commencing to reduce the residual effect. A Construction Environmental Management Plan would be prepared setting out mitigation measures to minimise noise and vibration impacts. It is recommended that this is secured by condition. Measures are likely to include screening around the works site providing noise attenuation, low impact piling techniques, and careful sequencing, maintenance and site management arrangements. The ES also sets out the mitigation measures for internal noise conditions as above. In terms of plant associated with the new development, the ES sets out that suitable noise criteria could be met through the use of appropriate noise control measures, and would be limited to a minor adverse effect (not significant).

6.141 Overall in respect of environmental health issues, no permanent residual significant effects are identified once the development is occupied.

6.142 **Air quality**

The ES sets out that air quality in the vicinity of the site is generally considered good, and within the statutory objectives for pollutants. The nearest Air Quality Management Areas are at Barton Street and Priory Road, within 0.5km of the site, and further away at Painswick Road. Traffic from the development is not expected to affect the AQMAs in any significant way during construction or operational phases.

6.143 The development is a high risk for generating nuisance dust during demolition and construction, and mitigation measures have been proposed, and would be included within a Construction Environmental Management Plan that could be secured by condition. Following implementation of the measures, the submitted report sets out that no significant effects associated with dust emissions are expected during demolition or construction. In terms of construction phase traffic emissions, the impact on air quality in peak construction phase scenario is considered negligible.

6.144 In terms of the operational phase, the ES sets out that dispersion modelling was undertaken and used to assess impact, alongside consideration of the transport impacts of the scheme to factor in the cumulative impacts of traffic volumes. Road traffic emissions have no greater than a negligible effect on any of the assessed pollutants, as such the impact on air quality is not considered to be significant. In respect of new receptors created by the proposals, no exceedances of any statutory objectives are predicted, and the effect is not considered

significant. No further mitigation measures are proposed in the ES beyond those identified for industry good practice and recommended construction dust mitigation measures.

6.145 Cumulative effects on air quality could arise if construction phases overlap with other nearby schemes. However each development is expected to have suitable management and mitigation measures for dust which would control levels and no significant environmental effects are predicted as a result.

6.146 **Residential amenity and environmental health conclusion**

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

6.147 **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, 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.

6.148 According to the Environment Agency (EA) flood map the site is within Flood Zones 1, 2 and 3, with the flood zone 3 area being largely along Market Parade and Station Road, and along the edge of the multi storey car park. There appear to have been no recorded historic flood events within the site. The EA sets out that the floodwater categorised as fluvial flood zone 2 and 3 on the flood map related to overland flow routed to the application site from the direction of Asda, originating from the River Twyver overflowing at the culvert entrance near Derby Road. Further modelling work was undertaken during the application processing at the request of the EA to provide a robust justification of the flood risk context of the site and factor in appropriate allowances for climate change, which in turn would allow reliable conclusions on finished floor levels, resilience measures, any need for flood plain compensation and/or flood flow routing, etc. This updated analysis, which has the support of the EA, sets out that the site is in fact within flood zone 1 (less than 0.1% chance of flooding in any year) in respect of fluvial flooding with no flood zone 2 or 3 areas within in the site. This additional modelling concludes that:

- The site is not at risk of fluvial flooding from the River Twyver for all modelled events up to the 1% AEP + climate change (2080s upper end) scenario.
- The site is at risk of *surface* water flooding during the 1% AEP + climate event, which is predominantly caused by capacity exceedance of the sewer network.
- Modelled surface water flow routes are constrained to the roads within the application boundary.
- The proposed plot FFLs would not be exceeded by the maximum modelled surface water flood depths for all modelled storm events up to the 1% AEP + climate change scenario.
- For the climate change scenarios considered, the development would not be detrimentally affected by rising sea levels in the Severn tidal reaches.

6.149 The difference in the flood zone conclusions appears to arise from the age and nature of the 2006 project that informed the EA's flood zone 2 and 3 outlines, with the new modelling providing a more up to date and detailed analysis, including an assessment of the highway effect on flood water, and leading to significantly different floodwater mechanisms and modelled outlines. It shows that floodwater from the surcharged River Twyver culvert entrance

upstream of the site does not flow into the application site. The ES has therefore used the updated 2019 model instead of the EA flood map, as the reference point for considering the baseline position and flood risk within the site. Surface water flood risk remains as a medium risk.

6.150 The development proposal itself is categorised as 'more vulnerable' given the residential and hotel uses proposed. 'More vulnerable' development is appropriate in flood zone 1.

6.151 **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. Prior to that additional modelling taking place, the applicant submitted a sequential test analysis alongside the application, and this has been considered in assessing the application.

6.152 The applicant considered sites within the 2018 City Plan report. The area of search for alternative sites is agreed to be within the City centre boundary because the proposal involves main town centre uses that would not be policy compliant outside a designated centre. Of the City Plan sites, 7 have been identified by the applicant as large enough for the residential quantum proposed:

- Great Western Road sidings – the applicant considers this has the potential to cater for the residential capacity but the proximity to the railway track may be off-putting for residents.

It is not considered that this is sufficient grounds to dismiss the site of itself. However, it is outside the City Centre where main town centre uses are to be focused and it is accepted that the area of search can reasonably be constrained to the City centre area where main town centre uses would be considered acceptable.

- Land east of Waterwells, Marconi Drive – *it is agreed with the applicant that this is not within the City Centre.*
- Greater Blackfriars (3 site entries) – the applicant dismisses the site as it is partially within flood Zone 2 and 3.

It is accepted that a significant part of the wider Blackfriars site is no more preferable to the application site being in flood zone 2/3. However the part of the Blackfriars site within flood zone 1 is 7.78ha and could accommodate the proposed development.

- Land at St Oswalds, off Longhorn Avenue – *it is agreed with the applicant that this is not within the City Centre and is also flood zone 2/3.*
- Kings Quarter itself.

6.153 In the context of considering potential alternative sites for the development it is material that this site is in need of regeneration (as set out in the emerging City Plan, and the historic allocation through the 2002 Second Deposit Local Plan), and development of an alternative site would not achieve this planning aspiration.

6.154 Overall it is considered that the residual flood zone 1 part of the Blackfriars site is an available site that could accommodate the development in a lower flood risk area (according to the EA flood maps). However, the site-specific material consideration of needing to regenerate this part of the City, and the emerging allocation and site regeneration policy position (referenced in the emerging City Plan, and historically through the 2002 Second Deposit Local Plan) is considered to outweigh this, if the exception test is passed and can be shown to be safe. Furthermore the additional modelling analysis shows that the site is in fact flood zone 1 which demonstrates that the Blackfriars site would not be sequentially preferable to this site from a flood risk perspective.

6.155 Overall the forgoing is considered to be a robust analysis in respect of the sequential test given

the circumstances, and no objection is raised in this respect.

6.156 ***Drainage strategy***

Surface water from several plots is designed to outfall into the existing culverted River Twyver beneath Plot 4; discharge would be limited to greenfield run off rates, subject to capacity within the culvert (an outfall to the public sewer would be required if capacity is not available). SuDS features would provide a reduction of run off volumes and enhanced treatment of flows; including bio-retention tree pits, swales/urban creeks, permeable paving, attenuation tanks and blue roofs. The applicant has confirmed that the blue roof can be implemented alongside the plant requirements for the building, and the proposed installer has implemented this solution in similar projects.

6.157 Within Kings Square rainwater would be directed into bio retention tree pits and swales, for initial interception and treatment of run off, which would assist in reducing runoff during frequent rainfall events (the fountain would have a separate drainage system), plus an attenuation tank. In the fullness of time it is intended that the drainage from Kings Square would be directed to the River Twyver by an 'urban creek' in Market Parade, which would also assist in providing secondary treatment of water prior to discharge to the river. However given the proposed phasing of development, conveying the drainage from the Square through the rest of the development cannot take place immediately because it is intended that the Square would be built first. As such a 'temporary' connection to the existing sewer within the Square is proposed. In this respect it is not possible to achieve the complete and more sustainable drainage option for this first phase of the development. This connection would have to be considered permanent given that the wider scheme may never go ahead and this is likely to be how Severn Trent Water considers the sewer connection proposal. Nevertheless it is hoped that the onward connection through the swale is provided in due course, and the Square proposals include provision for this connection through the former subway beneath Market Parade to a point where it could connect into the wider development in course. The Drainage Officer and Severn Trent Water (STW) raise no objection to the revised arrangement.

6.158 Within the wider site the urban creek system would provide conveyance of surface water from plots 2, 3c, 3d and 4 to the Twyver. A bioretention urban creek is also proposed along the new Cathedral Walk street, and blue roofs are proposed to plots 3c, 3d and 4, and the residential units of plot 2, which would provide additional storage. The drainage to the car park would be a separate system with a conventional attenuation tank, and an oil separator, with discharge through the urban swale to achieve a further treatment stage prior to outfall to the river culvert. At Plot 1 the topography does not allow for run off to discharge to the Twyver so discharge to the sewer network is proposed. At Plot 3a the discharge would be unchanged and continue to the combined sewer adjacent. At Plot 3b drainage would also be to the adjacent combined sewer. All attenuation systems would be designed to accommodate return periods up to the 1 in 100 year event plus 40% for climate change.

6.159 The Drainage Strategy sets out that the measures would provide such benefits as to exceed the 40% betterment requirement of the LLFA.

6.160 The Drainage Strategy states that to deal with exceedance flows potential flood paths will be identified within the masterplan and the Drainage Officer considers that details should be secured under conditions. The residual risk identified of blockages and malfunctions can be mitigated through monitoring and maintenance can also be secured by condition to make the proposal acceptable.

6.161 In terms of foul drainage the application sets out that STW has advised that there is adequate capacity within the network to accommodate discharges likely from the development, and STW has raised no objection subject to securing final details of the proposed system for approval.

- 6.162 Final details of the foul and surface water drainage proposals (other than for Kings Square which has been provided in detail with the application) are requested by consultees and can be secured by condition.
- 6.163 **Exception test**
As above, the application of the exception test (ET) is a theoretical exercise based on the EA flood zoning, where the site is in fact shown to be in flood zone 1 for fluvial flows. In any respect the principles of safe development should still apply.
- 6.164 The ET requires the development to provide wider sustainability benefits to the community that outweigh 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 flow from the application proposals notably in terms of benefitting the centre and connectivity for sustainable modes of transport. The potential disbenefits set out 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 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.
- 6.165 The exception test also requires the development to be safe for its lifetime, without increasing flood risk elsewhere and where possible reducing flood risk overall. The FRA considered that with the proposed drainage strategy the risk to the site from surface water is considered 'medium', and 'low' risk from fluvial, sewer, tidal, groundwater and artificial sources flooding. Safe access/egress is shown in the FRA (based on the Level 2 SFRA) to be via Clarence Street (which is not in flood zone 2 or 3 based on the EA's flood maps, or in a surface water flood risk area). During the design flood event incorporating climate change all plots are predicted to remain dry, and safe access and egress to the site is achievable.
- 6.166 In terms of finished floor levels of buildings, these were originally planned indicatively using the model available at that time. These have been reassessed using the new model and are considered acceptable. The application sets out that the landscape design will align external ground levels with the finished floor levels required.
- 6.167 In light of the new modelling it is concluded that no flood plain storage compensation is needed as the site is in flood zone 1 for fluvial flooding.
- 6.168 The construction phase could lead to quality impacts on watercourses and/or damage to infrastructure but the ES assumes the use of standard mitigation measures to limit this and the provision of a Construction Environmental Management Plan under conditions could secure measures.
- 6.169 Overall, in light of the above, it is considered that the ET is passed.
- 6.170 **Works to existing culverted watercourse**
The culverted section of the River Twyver runs beneath the current multi storey car park and would be situated beneath plot 4 and in front of plot 3d as proposed. The EA's standard position is to seek the opening up of culverted watercourses for various flood risk, ecological and amenity benefits.
- 6.171 It is considered that the opening up of the culvert is desirable for several reasons but not practical in this particular case given the urban context, proximity to the main road, desire to create an appropriate built form, and the adverse effect it would have on the viability of the scheme. The EA has accepted this but seeks improved access to the culvert from Plot 4, and

seeks to ensure that replacement of the culvert is not inhibited by development of Plot 3d. The EA advises that given its age and condition the culvert will need to be replaced within the lifetime of any building constructed on Plot 3d, which could prevent the ability to safely do so.

- 6.172 In terms of access for maintenance and for recovery in the event of collapse of the culvert beneath Plot 4, a solution has been designed to enclose the culvert within an outer chamber that would enable access. As this relates to an outline phase it is recommended that reserved matters for the Plot 4 area be required to include a detailed design for the culvert solution along the lines of the draft scheme.
- 6.173 In terms of replacing the culvert in front of Plot 3d, a condition is proposed to require a separation of 3m from the edge of the culvert to the ground floor of the Plot 3d building, if the culvert has not already been replaced, in order to allow sufficient ability to replace it. This may necessitate setting the building back into the plot slightly. If the culvert is replaced in advance, then a building could be designed to the full extent of Plot 3d. This is considered to address the constraint with the least impact on bringing forward Plot 3d.
- 6.174 The EA has now removed its objection, subject to the conditions mentioned above. Provided the scheme follows the principles in the submitted drainage strategy the LLFA raises no objection subject to conditions. The Drainage Officer raises no objection subject to securing the details of the drainage systems and exceedance flow details by condition. Severn Trent Water raises no objection.
- 6.175 **Environmental Statement - flood risk and drainage conclusions**
No significant effects are associated with the demolition and construction phase or the operational phase, in isolation, or with the inclusion of cumulative schemes.
- 6.176 Overall, subject to conditions it is considered that the proposals are compliant with the above cited policy in respect of flood risk and drainage.
- 6.177 **Contaminated land**
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.
- 6.178 A Phase 1 Geo Environmental Desk Study Report was submitted, which identified a number of potential contaminating elements or current/historical activities that may present contamination risks. Further investigation was recommended and a limited Phase 2 intrusive site investigation has been undertaken in Kings Square. This indicated that it is not contaminated and no remediation is needed. However the Council's contaminated land consultant considers that further work is still needed; to undertake work on the Kings Square phase as well, because the history of the site indicates potential for contaminants in the underlying soils which would need to be risk assessed and potentially remediated accordingly, and sufficient site investigation and interpretation is required.
- 6.179 Overall the Council's contaminated land consultant advises that the standard contaminated land condition is required, and the same condition with slightly reduced requirements is needed for the Kings Square phase. To address the desire of the applicant to undertake the development in phases it is recommended that a specific provision be added to require the remediation strategies to include measures to protect plots under construction where situated

next to un-remediated plots.

6.180 Therefore, subject to conditions, the proposal would comply with the above policy context.

6.181 **Environmental sustainability**

The NPPF supports the transition to a low carbon future and contributing to reductions in greenhouse gas emissions. It expects developments to take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. Policy SD3 of the JCS requires all developments to demonstrate how they contribute to the principles of sustainability by increasing energy efficiency. Proposals will be expected to achieve national standards. Policy G2 of the emerging City Plan requires every new residential property with a garage or dedicated parking space within its curtilage to have an electric vehicle charging point. In all other residential properties charging points will be strongly encouraged where reasonable and technically feasible. For non-residential development providing 100 or more spaces, at least 2% should be utilised for charging. Policy G7 requires proposals to demonstrate that the estimated consumption of wholesome water per dwellings should not exceed 110 litres per person per day.

6.182 The applicant's Energy Statement sets out that the proposed new dwellings would meet the latest standards of energy efficiency required in terms of high levels of insulation and air tightness, efficient lighting and high efficiency heating systems – this is in respect of the current Part L of the Building Regulations. It is proposed that the non-residential buildings would also meet these standards, but in addition would meet high standards of efficiency for pumps and fans, any cooling systems, and high levels of building control to minimise energy use. The report notes potential carbon benefits from a range of technologies such as combined heat and power unit for Plot 4, a wood chip boiler for Plot 4, PV panels, solar thermal hot water, air source heat pumps, but also the relatively long payback periods and no commitment is given to implementing any of these. The application does not set out the water consumption rate under emerging Policy G7.

6.183 In terms of sustainability features that are included, as noted above, SuDS features are proposed within the scheme, including blue roofs. Electric vehicle charging would also be provided in certain parts of the site and the applicant has agreed to meet the 2% provision for non-residential spaces required in the emerging City Plan, with 50% of residential spaces provided. The applicant has also confirmed that because the dimensions of the multi storey car park spaces are wider than the minimum, all parking spaces here are potentially electric vehicle charging spaces.

6.184 There are therefore some modest commitments to sustainability measures. The applicant also states that restrictions due to heritage assets above and below ground mean there is little opportunity to pursue other renewable energy options in the scheme. This is disappointing and it is not considered to be robustly demonstrated that there are no other options. Nevertheless Policy SD3 requires proposals to demonstrate how they contribute to the aims of sustainability by increasing energy efficiency, and will be expected to meet national standards. On that basis, there would be no conflict with Policy SD3.

6.185 **Waste management**

A Waste Minimisation Statement has now been submitted. It refers to the requirements in the Waste SPD and sets out;

- A commitment to ensure that future developers must examine the possibility of reusing spoil wherever possible on site, or use on nearby sites;
- Sustainable building construction techniques in line with Building Regulations;
- Typical measures are suggested including use of building materials capable of being recycled, an element of construction waste reduction or recycling;
- A Site Waste Management Plan to be developed as the project progresses and Waste

Management Plan Coordinator to be appointed to oversee all waste management processes during construction works;

- Ensuring future developers would sign up to at least the minimum requirements for use of materials that have a recycled content and/or are sustainably sourced;
- Local sourcing of materials and best practice as to ordering, standardising and returning surplus;
- Reduce and return packaging;
- Segregation of waste at source where practical;

6.186 The details currently provided are not considered sufficient on their own and it is recommended that further details are secured by condition for the various elements of the development. Subject to this the proposals would comply with the policy requirements.

6.187 **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.

6.188 Two internationally designated nature conservation sites are within 10km of the site; Cotswold Beechwoods Special Area of Conservation (SAC) and Walmore Common Special Protection Area (SPA)/Ramsar site. Alney Island Local Nature Reserve (LNR) (also a Key Wildlife Site) is the closest designated site 0.8km away, and is considered by Natural England (NE) as likely to be functionally linked to the internationally designated Severn Estuary site - due to the birds who frequent the area. NE has raised concerns about the impact of residential development within the City on these protected sites, and provides comments where the City Council assesses the effect of projects on these sites under Habitats Regulations Assessments.

6.189 A Preliminary Ecological Appraisal has been submitted which recommends retention of trees where possible, new planting to include native species, and a further bat survey. The report recommends works take place outside the nesting season as trees and buildings could support nesting birds. A condition is therefore proposed to prevent works in the nesting season unless a suitable survey and protection measures are undertaken.

6.190 The further bat survey identified that all buildings in the site had low or negligible suitability for bat roosts. No bats were observed emerging or entering any of the four buildings that were assessed further. The site does not support any bat roosts. Only a small amount of foraging/commuting was observed within the site, which doesn't offer any unique habitats in the local context. Overall the development would not have a significant impact on local bat species. Provision of bat boxes/bricks/tiles in the development is recommended in the report.

6.191 In terms of the site-specific proposals set out in the City Plan, green walls are not proposed. The Council's ecology advisers have proposed securing biodiversity enhancements by condition and this could include the creation of bat habitat and roosts, swift blocks and provision for house martins mentioned in the City Plan. The 'Building with Nature' standards are not explicitly referenced. The proposals should not hamper ecological networks and would provide for a modest enhancement of green infrastructure.

- 6.192 Given the European protected sites mentioned above a Habitats Regulations Assessment screening has been undertaken for the Local Planning Authority. This is required to consider whether any significant impacts on those sites, and the process has concluded that the further stage of an 'Appropriate Assessment' is required to consider impacts. NE advises that the Cotswold Beechwoods is subject to recreational pressures, and Alney Island is potentially subject to similar effects from the increased visits by residents. As the Beechwoods and Estuary, and Walmore Common, are European sites the likelihood of significant impacts arising from the proposals, and any mitigation necessary to address such impacts, has been considered.
- 6.193 Further information has been submitted by the applicant to support this process and an 'Appropriate Assessment' produced by the LPA's consultant on this basis. A wintering bird survey of Alney Island was submitted to seek to identify any association with birds using the Severn Estuary (although it was only for 1 month where ideally this would be for the entire winter period). This survey identified that only one instance of a Special Protection Area (SPA) species (redshank) was recorded, on 3 occasions. The Estuary SPA supports over 2000 individuals over winter. The number recorded was not considered significant by the applicant. No SPA species from Walmore Common SPA were recorded. The applicant's report proposes that the Severn Estuary SPA and Walmore Common SPA can be screened out of the HRA Appropriate Assessment. It also recommends that signage is proposed at Alney Island to advise of the species present and that dogs are kept on leads.
- 6.194 An 'alternative sites' report has also been submitted setting out alternative recreational options for future residents, other than the Beechwoods. This report considers that the SAC has poor accessibility from the application site via walking and cyclist modes, and is accessible via car in 15-30minutes (there being 78 cars calculated to be owned by residents in the development). The alternative sites (Cathedral grounds, Alney Island, Westgate Park (boating lake), Sebert Street open space, Hillfield Gardens, Gloucester Park, The Lannett play area, Monk meadow play area, Barnwood Park, Saintbridge balancing pond, Robinswood Hill, Chosen Hill nature reserve, Highnam Woods nature reserve, Crickley Hill country park) are considered to have better accessibility compared to the Beechwoods SAC and several of the latter sites have common characteristics and are likely to accommodate the same purpose of visits. The report proposes that while visits to the SAC cannot be precluded, there are several alternatives that are more accessible.
- 6.195 The LPA's consultant advises that as only one species from the Severn Estuary SPA was present at Alney Island, in small numbers, the functional link is weak, and there were no species from Walmore Common SPA recorded. However as it was only a one-month study instead of the entire winter period it is possible that more species and greater numbers of individuals may have been recorded over the winter and the survey results should be interpreted with caution. There is nevertheless a functional link present, albeit small (and suitable habitat is available for wetland birds at Alney Island), and with climate change it is important to maintain a stepping stone of wildlife sites in the vicinity, with Alney Island being useful for wetland birds and the option for further enhancement to improve its use. The new development would be expected to lead to a significant increase in visitor numbers to Alney Island and the risk is that this would have a detrimental effect on the wildlife and habitats of Alney Island LNR. Furthermore the natural behaviour of animals can be negatively affected by human disturbance (reduced foraging/feeding, reduced breeding success) and this is not reflected simply by looking at number of animals present and need to be considered. Therefore mitigation/compensation is considered to be required.
- 6.196 A resident information pack would be useful as an education tool for new residents about the potential impacts on these sites, however practical mitigation is also necessary to minimise the negative effects in this case and proposals include:

- a. Clear the area at Castlemeads West of encroaching scrub to create an area more appropriate to over wintering wildfowl. Following clearance this would be kept free from invading scrub by the grazing cattle;
- b. Clear the area to the south of Port Ham substation of encroaching scrub and where practical fell inappropriate Lombardy poplars, to allow a more open environment supporting wading birds. Again this would be grazed with cattle subsequently to ensure it is maintained in an open manner;
- c. Remove scrub from the area north and east of the Gaelic football ground (between the railway and the A40 road). The brick pits, if cleared and managed have significant potential to further support wading birds.

- 6.197 NE has been reconsulted on the Council's Appropriate Assessment and raises no objection subject to the above mitigation being secured. As the land where the practical mitigation would take place is within the applicant's control and there is a reasonable prospect of the works taking place before any residents move into the development, it is proposed that residential occupations are restricted by condition until those works have been implemented. The resident information pack should also be secured by condition.
- 6.198 Therefore in respect of the Cotswold Beechwoods and Walmore Common, there should be no significant effect given the distance, relative accessibility, level of car ownership likely at the development, alternative recreational green spaces available in the area, and the information pack for residents offered by the applicant as mitigation, which would be a requirement by condition. In respect of Alney Island/Severn Estuary, there should be no significant effect subject to the proposed mitigation taking place prior to residential occupations.
- 6.199 Subject to conditions the proposal is considered to comply with the above policy context and legislation.
- 6.200 **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 residential, retail, leisure, culture, tourism and office development that contribute to the vitality and viability of designated centres. This is considered to be applicable to this scheme. Therefore the positive regeneration and economic impacts of the scheme weigh in its favour.
- 6.201 The construction phase would support employment opportunities. The ES estimates 300 full time equivalent staff being employed at the peak of the construction phase. The proposals would deliver opportunities for businesses to expand, in the provision of new-build, extended and converted commercial floorspace. Approximately 500 new FTE jobs are expected to be delivered on completion (although this should be considered against the loss of employment floorspace that would take place as a result of demolition). Therefore the proposal would have an economic benefit of itself, and likely within the wider area also. Further, paragraph 3.1.9 of the JCS identifies that it is important to ensure that sufficient housing is made available to support the delivery of employment and job growth, and the residential parts of the scheme would assist in this. In the context of the NPPF advice that 'significant weight should be placed on the need to support economic growth through the planning system', this adds some weight to the case for granting permission.
- 6.202 Policy B2 of the emerging City Plan safeguards sites and buildings currently in employment use for B class employment uses. The proposals would have an adverse impact in terms of removing floorspace for businesses currently in occupation, as well as some that is currently

vacant, however the significant positive economic effects in terms of new employment floorspace and job generation, shopper/visitor attraction, etc would outweigh this.

6.203 Policy B5 supports proposals that deliver the Cultural Strategy and Vision including proposals for new creative workspaces and/or extension of arts and cultural workspaces and facilities. The proposals would contribute to this policy aspiration.

6.204 Whilst the applicant has chosen not to provide an Employment and Skills Plan as requested by the City Growth and Delivery Officer in accordance with emerging policy B1, this can be secured by condition prior to occupation. Overall the economic impacts of the scheme weigh significantly in favour of the application.

6.205 **Planning Obligations / Viability**

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.

6.206 The NPPF provides that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Policies INF3, INF4 and INF6 of the JCS require new residential developments to provide for any additional infrastructure and community facilities required to serve the proposed development. Policies OS.2, OS.3, and OS.7 of the 2002 Plan set out the Council's requirements for open space. This is reflected in Policy INF6 of the JCS which 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. Similarly, a Section 106 agreement is the mechanism for providing affordable housing in compliance with Policy SD12. The requirements for S106 contributions arising from the proposal are set out below. 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.

6.207 **Affordable housing**

The NPPF states that where local authorities have identified the need for affordable housing, policies should be set for meeting this need on site, unless off site provision or a financial contribution can be robustly justified. Policy SD12 of the JCS provides that a minimum of 20% affordable housing will be sought on sites of 11 or more dwellings in the Gloucester City administrative area (although the NPPF threshold of 10 dwellings is more recent and should be preferred). Bullet point 10 of Policy SD12 provides that the viability of the site may enable additional levels of affordable housing to be provided and the emerging City Plan is based on evidence demonstrating that the achievable policy target level should be 25%, as set out in Policy A2. Therefore the starting point in respect of affordable housing on all sites of 10 or more dwellings is a requirement for 25%.

6.208 In this case, the proposed development would therefore give rise to a need for 39 affordable units. However, the development involves vacant buildings and national policy sets out that where a vacant building is brought back into any lawful use or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the Authority calculates any affordable housing contribution. Contributions may be required for any increased in floorspace.

6.209 The existing floorspace to be demolished is 21,334 sq m. The total proposed floorspace is 43,143sqm. Therefore this gives a vacant buildings credit to the proposal and the affordable

housing contribution should be 50.6 % of what would normally be sought. In this case, the affordable housing requirement would be reduced to 20 units.

6.210 However, the current application proposes 0% affordable housing, and is supported by a Viability Report that has been reviewed on behalf of the Local Planning Authority, which concludes that the development would not be viable even with 0% affordable housing. Whilst there are some relatively minor differences in calculations when compared to the applicant's figures, the LPA's consultant agrees there would be a significant negative residual land value (circa £16.8m, compared to the applicant's £17.9m).

6.211 The NPPF advises that where up to date policies have set contribution levels from development, they should be assumed to be viable, and the weight given to any viability assessment is a matter for the decision makers having regard to the circumstances. The City Plan viability review indicated that the Kings Quarter allocation would be able to come forward with the full policy requirements of the JCS and City Plan. However, in this case, the applicant has provided a detailed viability analysis of this specific proposal and it is clear that the development would not be able to provide any affordable housing as a result and remain viable.

6.212 ***Open space, play and sport***

The proposal involves an area of public open space at Kings Square which is proposed to be enhanced through new surfacing and street furniture. The emerging City plan allocation SA08 refers to a site specific open space requirement of the retention and enhancement of Kings Square as a multi-use events space and focus within the city centre. This is achieved in the proposals. Furthermore the City Plan does not include Kings Quarter as an allocation able to provide on-site open space provision to address shortfalls, above and beyond the retention and enhancement of the Square, and this is reinforced in the draft Open Space Strategy 2020; rather the Open Space Site Allocations Note 2019 seeks an off-site contribution for formal play and sport. This is not offered within the application. While contributions in this respect from residential development are normally requested, they are subject to the same viability considerations as set out in the affordable housing section above and it is agreed that the proposals could not support contributions towards open space, play and sport.

6.213 ***Libraries and education***

The County Council has sought contributions to education and libraries as follows;

Pre-school : £307,856.40 (for the full phases) + £158,455.50 (outline phases) for the Longlevens and/or Barton and Tredworth Primary Planning Area;

Primary Education : No contribution as forecasts show there is adequate spare capacity at the closest primary school (Kingsholm) to absorb the demand from the development;

Secondary education (11-16) : £265,064.00 (full phases) + £136,430.00 (outline phases) for Barnwood Park School/Gloucester Secondary planning area;

Secondary education (16-18) : £172,129.76 (full phases) + £88,596.20 (outline phases) for Gloucester Secondary Planning area.

Education total : £1,128,531.86

Library resources of £30,576.

6.214 No education or library contributions are offered in the application, again on the basis that the scheme's viability does not allow for it. This is accepted however it is noted that in circumstances where the local education authority is unable to secure funding via s106

obligations, there is other funding available in the form of basic needs grant from central government.

6.215 Viability considerations

Where a scheme is unviable to support affordable housing, Policy SD12 of the JCS also requires applicants to look at i. varying the housing mix and design to reduce costs while having regard to the requirements of other plan policies and creating a balanced housing market; and ii. securing public subsidy or other commuted sums. The applicant considers the scale of the negative residual land value is such that these measures could not address it.

6.216 The scheme is proposed to be developed in phases. The NPPG sets out that where contributions are reduced below policy requirements to provide flexibility there should be a clear agreement of how policy compliance can be achieved over time, and review mechanisms can be used to strengthen authorities' ability to seek policy compliance over the lifetime of the project. The applicant has produced sensitivity testing information looking at potential changes in costs and values to consider if there is any practical purpose in seeking to secure a review of the viability later in the project, and the Council's consultant has analysed this and undertaken their own verification. This applicant's analysis models inflationary uplifts to residential sales values, commercial rents and build costs based on reviewing the position mid-scheme delivery, and concludes that the residual land value could improve but still be at – c.£14.5 million (to meet the benchmark land value the estimate is for residential values needing to increase by approximately 85-90%). The likelihood of such increases occurring is very limited and therefore there is no real value in a review mechanism. It is likely that the scheme would continue to be incapable of delivering sufficient value to enable s106 contributions to be viably secured.

6.217 Planning obligations/viability conclusions

The applicant has not offered contributions to affordable housing, education or libraries, and has proposed the site-specific requirement to open space in Policy SA08 of the emerging City Plan but no other open space contributions. Whilst it is understood that the applicant is seeking to provide affordable housing within the development, this is a commercial decision, and the viability analysis clearly indicates that such provision could not be secured via the planning system.

6.218 The absence of affordable housing and social infrastructure in conflict with JCS policies SD12, INF6 and INF7 has been justified on viability grounds and this has been verified following robust assessment by an independent viability consultant. This diminishes the sustainability credentials of the proposal and this must be weighed in the overall planning balance.

6.219 Utilities

New connections would be required and the submitted report does not highlight any major problems with doing this. Two new substations are proposed (rear of plot 3a and within plot 2). There is an existing substation within the old bus station and the programme is to sequence the works to get the new plot 2 substation operational before decommissioning the existing. There are several instances where telecommunications infrastructure coincides with new building footprints – these would be dealt with either by removal and diversion or repositioning of jointboxes to new locations.

6.220 Environmental Statement - Cumulative effects and effects interactions

In terms of combined effects of individual impacts the demolition and construction phase and the operation phase have been considered. During demolition and construction, combined effects of noise and vibration impacts, and townscape and views impacts, are possible. These could be significant but the effects are all temporary and reversible, and the combined effects would be reduced as far as reasonably practical through good environmental practices. During operation of the development the ES predicts the combined effects to be beneficial and no mitigation is required.

6.221 In terms of combined effects of several development schemes, the ES has considered the proposal with schemes at the former Kwiksave site (now nearing completion), Allstones site, Great Western Road sidings, Spread Eagle Court and Kings Walk shopping centre. During demolition and construction, combined construction/demolition periods and their impact on noise and vibration and townscape effects are the most likely. It is expected that each scheme would be subject to controls to minimise adverse/significant effects as far as reasonably practical in terms of noise/vibration. Significant cumulative adverse visual effects would be apparent for a range of views in the area and on Conservation Areas; these are inevitable impacts of development in urban areas and would be temporary and relatively localised. During the operational phase no additional significant cumulative effects are identified.

6.222 **Environmental Statement – conclusions**

The applicant is obliged to consider the ‘do nothing’ option under the EIA process, and it is 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.

6.223 Demolition and construction phase; residual effects – 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.

While Officers consider the archaeological impacts in a slightly different way to that in the ES (as set out in the archaeological considerations above), there is no overall objection to the assessment of significant environmental effects in this respect, or the overall conclusions of the acceptability.

6.224 Operational phase; residual effects – 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 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.

6.225 Overall, the ES conclusion is that the proposal would regenerate and enhance the site, as well as 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 development would deliver housing, 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.

6.226 **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.

- 6.227 As identified the proposals would provide significant benefits including regenerating a highly sustainable, partly redundant site in a prominent position within the City centre, which would be likely to have economic benefits beyond the extent of the site, enhancing the public realm including the retention and enhancement of the main public square in the City centre, delivering housing in line with the government's objectives of boosting housing delivery, improving the character and appearance of Conservation Areas, increasing activity and natural surveillance in the area, and improving the ability to maintain the River Twyver culvert compared to the existing situation.
- 6.228 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.
- 6.229 Weighing against the proposal is the fact that the proposal does not provide any affordable housing or s106 contributions to mitigate the impacts of the proposed development other than the retention and enhancement of the Kings Square open space, however this is justified in viability terms within the policy context for doing so. Furthermore, it provides a mix of accommodation that differs from the mix required in the SHMA (as required by Policy SD11 of the JCS), there are very modest breaches against the housing design standards in respect of Policy F6 of the Pre-Submission City Plan (which at this stage is afforded limited weight), no evidence as to the estimate water consumption in respect of Policy G7 of the Pre-Submission City Plan (again, limited weight is given to this policy), and no evidence of compliance with 'Building with Nature' standards. However none of these matters are considered to be of significant weight within the context of the proposal given the status of the policies and/or the nature/extent of the harm.
- 6.230 The proposals mitigate their impact on heritage, highway safety, flood risk and drainage, residential amenity, land conditions and ecology, subject to certain conditions. The proposals would deliver some sustainability measures in accordance with Policy SD3 of the JCS however opportunities have not been taken to take up other energy efficiency measures.
- 6.231 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.
- 6.232 The requirements of Sections 16, 66 and 72 of the Listed Buildings and Conservation Areas Act are satisfied.
- 6.233 There is broad compliance with the Joint Core Strategy as the development plan other than the modest conflicts noted that are of limited concern, and with the NPPF policies and supplementary planning documents. The limited conflicts with the emerging Gloucester City Plan given the weight to be afforded to it are not considered to be overriding.
- 6.234 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 clearly outweigh the identified harms, including the less than substantial harm to buried archaeological heritage assets and the absence of planning obligations to secure affordable

housing and social infrastructure. It is therefore considered that planning permission and listed building consent should be granted subject to conditions.

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

7.1 **18/01454/FUL**

That outline planning permission (with four detailed phases) is granted subject to the conditions listed below.

19/01212/LBC

That listed building consent be granted subject to the conditions listed below.

7.3 **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, deliver housing, enhance the public realm, improve the character and appearance of the Conservation Areas, 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 scheme fails to provide the policy-level s106 contributions but is justified in viability terms. 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. There are limited conflicts with policies of the emerging Pre-Submission City Plan and of the Joint Core Strategy, but there is otherwise broad compliance with the Development Plan and the NPPF. The benefits of the scheme are considered to outweigh the disbenefits.

Condition 1

Application for approval of details of the appearance, layout, scale and landscaping (hereinafter called “the reserved matters”) shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.

Reason

To comply with Section 92 of the Town and Country Planning Act 1990.

Condition 2

In respect of the phases of development for which outline permission is hereby granted (the land within Plots 3c, 3d and 4 and the neighbouring land as defined with an “O” and within the dashed grey lines on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018 – hereinafter referred to as the ‘outline phases’) no development shall start before details of the appearance, layout, scale and landscaping (hereinafter called “the reserved matters”) have been submitted to and approved by the Local Planning Authority.

Reason

The application is in outline only and the reserved matters referred to in the foregoing condition will require further consideration.

Condition 3

Application for approval of reserved matters pursuant to condition 2 above shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.

Reason

To comply with Section 92 of the Town and Country Planning Act 1990.

Condition 4

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last reserved matters to be approved.

Reason

To comply with Section 92 of the Town and Country Planning Act 1990.

Condition 5

The uses and associated floorspace hereby granted outline permission shall not exceed the maximum outline application uses on the schedule 'Kings Quarter Masterplan, Accommodation Schedule, Summary and Uses by Plot' ref. KQG-AHR-ZZ-ZZ-SA-A-20-100 Rev. P15 (received by the Local Planning Authority on 30th January 2020).

Reason

To establish the terms of this permission.

Condition 6

No demolition of buildings, tree removal or any other clearance works likely to impact upon nesting birds shall take place within an outline phase between 1st March and 31st August inclusive within any year unless a survey (by a suitably qualified ecologist) to assess the nesting bird activity on the part of the site to be developed during this period and a scheme to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

Reason

In accordance with the submitted ecological survey, in the interests of the preservation of biodiversity.

Condition 7

The reserved matters applications submitted pursuant to condition 2 above shall not exceed the parameters set out on the following drawings:

- KQG-AHR-MP-ZZ-DR-A-93-002 Rev. P04 - Proposed parameter plan – heights (received by the Local Planning Authority on 21st November 2019)
- KQG-AHR-MP-ZZ-DR-A-93-003 Rev. P03 – Proposed parameter plan – land use (received by the Local Planning Authority on 29th November 2019)
- KQG-AHR-MP-ZZ-DR-A-93-004 Rev. P03 – Proposed parameter plan – access (received by the Local Planning Authority on 18th November 2019)

Reason

To ensure the development takes place in accordance with the parameters that have been considered and approved, and to acknowledge the proximity of adjacent premises such as Plot 3d in relation to the Spread Eagle Court building.

Condition 8

No more than 50% of the aggregate ground floor floorspace of units within the grey hatched areas of Plots 3c, 3d and 4 as shown on Proposed Parameter Plan – Land Use ref. KQG-AHR-MP-ZZ-DR-A-93-003 Rev. P03 (received by the Local Planning Authority on 29th November 2019) shall be used at any one time for any purpose within Class A4 as defined in the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)).

Reason

To ensure a suitable mix of uses and to preserve the vitality and amenities of the area.

Condition 9

Reserved matters applications involving residential use shall demonstrate that at least 50% of the residential units within that application would be of a size, configuration and internal layout to enable Building Regulations requirement M4 (2) 'accessible and adaptable dwellings' (or the equivalent standard in any revision or replacement to this Building Regulations requirement) to be met.

Reason

To support the changing needs of residents over time and maintain independence, wellbeing and community cohesion.

Condition 10

All reserved matters applications shall be accompanied by a design statement setting out how the proposals accord with the submitted Kings Quarter Outline Plots Design Principles document dated 18/11/19 (received by the Local Planning Authority on 18th November 2019).

Reason

To secure well considered and integrated, high quality development that responds to design constraints.

Condition 11

Each reserved matters application proposing new buildings pursuant to Condition 2 above shall be accompanied by details of all facing materials and detailing for that building (comprising of any facing brick and mortar, cladding, roofing material, stonework, window and door frames and reveals, rooflights, eaves, parapet walls, balconies (including a section drawing), rainwater goods, any vents, flues and meter boxes, provision for television services, and including scaled elevations showing their use across the building) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the materials are appropriate to their context.

Condition 12

Each reserved matters application proposing new hard surfacing pursuant to Condition 2 above shall be accompanied by details of all materials for hard surfacing for that phase (comprising of samples and scaled drawings showing their use across the phase) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the materials are appropriate to their context.

Condition 13

Each reserved matters application pursuant to Condition 2 above shall be accompanied by details of all boundary treatments and street furniture for that phase (comprising of scaled drawings of their location, form, appearance and materials) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the materials are appropriate to their context.

Condition 14

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

Reason

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

Condition 15

Development of any outline phase shall be undertaken in accordance with the tree protection measures set out in the Bosky Trees Arboricultural Method Statement dated 3rd October 2019 (received by the Local Planning Authority on 18th November 2019), and they shall be retained for the duration of the demolition and construction period for that phase.

Reason

To protect trees that are to be retained in the scheme.

Condition 16

The removal and installation of hard surfacing around trees that are to be retained in the development within any outline phase shall take place only in accordance with the methodology set out in the Bosky Trees Arboricultural Method Statement dated 3rd October 2019 (received by the Local Planning Authority on 18th November 2019).

Reason

To protect trees that are to be retained in the scheme.

Condition 17

Applications for Reserved Matters Approval pursuant to Condition 2 above shall be accompanied by a plan showing finished floor levels for all buildings within that application and an up to date report justifying a sufficient amount of freeboard to the buildings (minimum of 150

mm), or alternative mitigation, to ensure the surface water exceedance routes do not allow surface water ingress to buildings. The minimum design standard shall be a critical duration 1 in 100 year (plus 40 % climate change) rainfall event. The development shall then be completed in accordance with the approved finished floor levels.

Reason

To ensure that the development remains safe for its users over the lifetime of the development

Condition 18

No development shall commence within an outline phase other than site securing, demolition or remediation until details for the disposal of surface water (in accordance with principles of Sustainable Drainage Systems (SuDS)) from that phase have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the proposal set out in the applicant's plan ref. 60571780-ACM-ZZ-ZZ-DR-C-00001 Rev. P04 (received by the Local Planning Authority on 13th January 2020). The submission shall 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, 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 first occupied.

Reason

To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding and reducing pollution.

These details are required prior to commencement as the proposals will need to be laid out as approved as an early phase of work.

Condition 19

No outline phase development shall be occupied until a SuDS management and maintenance plan for the lifetime of the development within 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 in accordance with the agreed terms and conditions for the lifetime of the development within that phase.

Reason

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

Condition 20

Reserved Matters Applications pursuant to Condition 2 above shall include details of works required to manage exceedance flow paths that are associated with the drainage system within that outline phase. No occupation shall take place within that phase until the approved details have been implemented and they shall be retained in an operable condition for the lifetime of the development of that phase.

Reason

To deal with exceedance flows and mitigate flood risk impact.

Condition 21

No outline phase development shall be commenced other than site securing, demolition or remediation until details for the disposal of foul water within 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 any development within that phase.

Reason

To ensure the development is provided with a satisfactory means of drainage. These details are required pre-commencement as the proposals will need to be laid out as approved as an early phase of work.

Condition 22

Reserved matters applications for any land within the outline phase defined as Plot 4 on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries (received by the Local Planning Authority on the 12th December 2018) shall include detailed drawings of proposed works to the full extent of the existing culverted watercourse beneath the plot to enable maintenance access to the culverted watercourse, and set out the access points from ground level to it. This shall broadly accord with the draft scheme shown on plan ref. 60571780-ACM-ZZ-ZZ-DR-C-05001 Rev. P02 Proposed Culvert Protection Concept Scheme Details (within the AECOM Technical Note – Culvert Design Rationale received by the Local Planning Authority on 18th November 2019). 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.

Condition 23

Reserved Matters Applications for any land within the outline phase defined as Plot 3d (as shown on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018) shall include a design that sets back the building footprint and foundation level a minimum of 3 metres from the outside edge (where closest to Plot 3d) of the culvert that is parallel with northern and southern edges of Plot 3d.

Reason

To protect the safe operation of the watercourse and address flood risk.

Condition 24

No development other than demolition down to ground floor slab level or site securing shall commence within an outline phase until a written scheme of investigation of archaeological remains, including a timetable for the investigation, 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 mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of

the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 25

Each programme of archaeological work pursuant to the written scheme of investigation of archaeological remains approved under Condition 24 shall subsequently be implemented and development within that phase shall accord with it.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 26

Each reserved matters application submitted pursuant to Condition 2 above shall be accompanied by a report outlining the results of a programme of archaeological evaluation, for that phase.

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. This is in accordance with paragraphs 193 and 199 of the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 27

Each reserved matters application submitted pursuant to Condition 2 above shall be accompanied by 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). 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 appropriate, preserved in situ. This accords with paragraphs 192, 193, 194 and 195 of the NPPF and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 28

No ground contamination investigation works shall commence within an outline phase of the application site until a written scheme of investigation of archaeological remains, including a timetable for the investigation, for the ground contamination investigation works for that phase 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, in accordance with paragraph 199 of the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and

Condition 29

Each programme of archaeological work pursuant to the written scheme of investigation of archaeological remains approved under Condition 28 shall subsequently be implemented and the investigation works shall accord with it.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 30

No remediation shall commence within an outline phase of the application site until a written scheme of investigation of archaeological remains, including a timetable for the investigation, for the remediation works for that phase 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, in accordance with paragraph 199 of the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 31

Each programme of archaeological work pursuant to the written scheme of investigation of archaeological remains approved under Condition 30 shall subsequently be implemented and the remediation works shall accord with it.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 32

No demolition in respect of no. 8 Market Parade shall take place until a record (equivalent to Historic England Level 3 recording) has been made of that building. The record shall include a measured survey, written description and photographic record and shall be submitted to the Local Planning Authority prior to any above ground works being carried out on Plot 3c (as shown on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries (received by the Local Planning Authority on the 12th December 2018)

Reason

To record and advance understanding of heritage assets as the mitigation making the removal of this building acceptable.

Condition 33

Prior to the commencement of development of an outline phase details of façade and glazing

design of buildings within that phase that include residential use shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that internal noise level criteria from BS8233:2014 (or subsequent equivalent replacement standard) for residential use within that phase can be achieved.

No residential unit for which measures are identified as required within the approved details shall be occupied until those measures have been implemented in full in relation to that unit.

Reason

To ensure acceptable living conditions for future occupants.

Condition 34

The rating level of sound emitted from any fixed plant or machinery associated with an outline phase of 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 35

Construction and demolition work and the delivery of materials within any outline phase 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 36

Prior to commencement of any development within an outline phase a Construction 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 not be 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.

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

works.

Condition 37

No restaurant/café or drinking establishment use (use classes A3 or A4, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)) or hotel use if it includes a restaurant/café within an outline phase shall open to customers until ventilation and cooking fume control measures have been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter the equipment shall be maintained in accordance with the manufacturer's instructions.

Reason

In the interests of protecting the amenities of the area

Condition 38

All reserved matters applications pursuant to Condition 2 above shall include details of the proposed car parking spaces which shall be constructed so as to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. This shall include a minimum of 2% of non-residential spaces to be enabled for charging of plug-in and other ultra-low emission vehicles and 50% of residential spaces. The approved details shall be implemented prior to the occupation of any respective building within the phase in which that parking is located.

Reason

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

Condition 39

A Waste Minimisation Statement for the Demolition and Construction Period shall be submitted prior to commencement of development of any outline phase. 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. Development shall only be carried out in accordance with the agreed Waste Minimisation Statement.

Reason

In the interests of waste minimisation.

These details are required prior to commencement because the measures relate to controlling the first stages of activities on site.

Condition 40

All applications for the approval of Reserved Matters of outline phases pursuant to condition 2 above shall include a Waste Minimisation Statement for buildings within that phase/those phases. The Waste Minimisation Statement shall include;

- Provision within any residential development of on-site storage receptacles for recycling at identified locations appropriate in size and location to the number of residential units;
- Provision within any 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 carried out in accordance with the approved Waste Minimisation

Statement and all the approved measures shall thereafter be retained for the lifetime of the development

Reason

In the interests of waste minimisation.

Condition 41

Reserved matters applications shall include a scheme for biodiversity enhancement, including incorporation of permanent bat roosting feature(s) and other measures such as nesting opportunities for birds. The approved details shall thereafter be implemented, 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 42

All reserved matters applications for outline phases pursuant to condition 2 above shall include details of measures to discourage seagulls from nesting and roosting on each building proposed. The approved measures shall be implemented for that building in full prior to the occupation of the building.

Reason

In the interests of the appearance of the development and to avoid nuisance caused by nesting and roosting seagulls.

Condition 43

Each application for the approval of reserved matters for outline phases shall include details of cycle and bin storage facilities. No building within an outline phase shall be occupied until the cycle and bin storage facilities for that building 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 44

No development on an outline 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 45

No building on Plot 4 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 in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

Condition 46

The approved Travel Plan (Project no. 60571780 December 2018) shall be implemented 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 in accordance with paragraphs 108 and 111 of the National Planning Policy Framework.

Condition 47

Other than for the Kings Square phase (marked as 'KS' on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018), no development of a phase other than demolition, site securing, 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.

Condition 48

An information pack setting out the location and sensitivities of the Cotswold Beechwoods Special Area of Conservation and Severn Estuary Special Protection Area, Special Area of Conservation and Ramsar Site (and Alney Island Nature Reserve as the functionally linked area), how to avoid negatively affecting them, alternative locations for recreational activities and off road cycling, and recommendations to dog owners for the times of year that dogs should be kept on a lead when using sensitive sites (i.e. to avoid disturbance to nesting birds) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any residential dwelling within the development and thereafter two copies of the approved information pack shall be issued to each new residential occupier within that phase prior to the occupation of each respective new dwelling.

Reason

To mitigate adverse effects on the integrity of the Cotswold Beechwoods SAC and the Severn Estuary SPA, SAC and Ramsar Site as a result of the development.

Condition 49

No residential dwelling within the development shall be occupied until works have been undertaken at Alney Island to enhance the environment for wildfowl in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason

To secure the mitigation measures necessary to ensure no significance impact on biodiversity.

Condition 50

The development of the detailed phases of 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:

Demolition plan (received by the Local Planning Authority on 12th December 2018)

Masterplans

Kings Quarter Masterplan – Level 0 plan ref. KQG-AHR-ZZ-00-DR-A-20-000 Rev. P13
Kings Quarter Masterplan – Level 1 plan ref. KQG-AHR-ZZ-01-DR-A-20-000 Rev. P11
Kings Quarter Masterplan – Level 2 plan ref. KQG-AHR-ZZ-02-DR-A-20-000 Rev. P12
Kings Quarter Masterplan – Level 3 plan ref. KQG-AHR-ZZ-03-DR-A-20-000 Rev. P11
Kings Quarter Masterplan – Level 4 plan ref. KQG-AHR-ZZ-04-DR-A-20-000 Rev. P11
Kings Quarter Masterplan – Level 5 plan ref. KQG-AHR-ZZ-05-DR-A-20-000 Rev. P10
(all received by the Local Planning Authority on 29th November 2019)

Kings Quarter Masterplan – Level 6 plan ref. KQG-AHR-ZZ-06-DR-A-20-000 Rev. P08
(received by the Local Planning Authority on 17th January 2020)

KQ Site sections – plan ref. KQG-AHR-ZZ-ZZ-DR-A-20-200 Rev. P02
(all received by the Local Planning Authority on 18th November 2019)

Kings Square

Demolition plan (received by the Local Planning Authority on 12th December 2018)

Kings Square General Arrangement plan ref. 699 100 Rev. 02
Kings Square Landscape structures plan ref. 699 101 Rev. 01
Kings Square Bench schedule plan ref. 699 104 Rev. 00
Kings Square Trees lost and retained plan ref. 699 200 Revision 00
Kings Square Proposed trees plan ref. 699 201 Rev. 01
Kings Square Planting Strategy plan ref. 699 202 Rev. 03
Kings Square Tree pit detail plan ref. 699 203 Rev. 01
Kings Square Site sections plan ref. 699 400 Rev. 01
Kings Square Handrails plan ref. 699 502 Rev. 01
(all received by the Local Planning Authority on 18th November 2019)

Kings Square Sculptural edge site plan ref. 142-GKA-00-DR-A-002 Rev. P1
Kings Square Sculptural edge site sections plan ref. 115-GKA-00-DR-A-010 Rev. P1
Kings Square Sculptural edge section 1 & 2 plan ref. 115-GKA-00-DR-A-100 Rev. P1
Kings Square Sculptural edge section 3 & 4 plan ref. 115-GKA-00-DR-A-101 Rev. P1
Kings Square Sculptural edge section 5 plan ref. 115-GKA-00-DR-A-102 Rev. P1
Kings Square Sculptural edge typical details plan ref. 115-GKA-00-DR-A-200 Rev. P1
Kings Square Sculptural edge typical details plan ref. 115-GKA-00-DR-A-201 Rev. P1
(all received by the Local Planning Authority on 25th November 2019)

Plot 1

Proposed Block Plan – Plot 1 plan ref. KQG-AHR-P1-ZZ-DR-A-20-000 Rev. P02
Plot 1 Elevations plan ref. KQG-AHR-P1-ZZ-DR-A-20-101 Rev. P06
Plot 1 Elevations plan ref. KQG-AHR-P1-ZZ-DR-A-20-102 Rev. P06
Plot 1 Landscape plan ref. 00963-KQG-AHR-ZZ-ZZ-90-L-007 Rev. P02
Soft landscape Plan - Plot 1 plan ref. 00963-KQG-AHR-ZZ-ZZ-90-L-125 Rev. P01
(all received by the Local Planning Authority on 18th November 2019)

GA - Plot 1 – Level 0 plan ref. KQG-AHR-P1-00-DR-A-20-000 Rev. P08
GA – Plot 1 – Level 1 plan ref. KQG-AHR-P1-01-DR-A-20-000 Rev. P08
GA - Plot 1 – Level 2 plan ref. KQG-AHR-P1-02-DR-A-20-000 Rev. P08
GA – Plot 1 – Level 3 plan ref. KQG-AHR-P1-03-DR-A-20-000 Rev. P08
GA – Plot 1 – Level 4 plan ref. KQG-AHR-P1-04-DR-A-20-000 Rev. P08
GA – Plot 1 – Level 5 plan ref. KQG-AHR-P1-05-DR-A-20-000 Rev. P05
(all received by the Local Planning Authority on 5th December 2019)

Block 2

Proposed Block Plan – Plot 2 plan ref. KQG-AHR-P2-ZZ-DR-A-20-000 Rev. P02
(received by the Local Planning Authority on 18th November 2019)

GA – Plot 2 – Level 0 plan ref. KQG-AHR-P2-00-DR-AZ-20-000 Rev. P16
GA – Plot 2 – Level 1 plan ref. KQG-AHR-P2-01-DR-A-20-000 Rev. P15
GA – Plot 2 – Level 2 plan ref. KQG-AHR-P2-02-DR-A-20-000 Rev. 15
GA – Plot 2 – Level 3 plan ref. KQG-AHR-P2-03-DR-A-20-000 Rev. P15
GA – Plot 2 – Level 4 plan ref. KQG-AHR-P2-04-DR-A-20-000 Rev. P14
GA – Plot 2 – Level 5 plan ref. KQG-AHR-P2-05-DR-A-20-000 Rev. P14
(all received by the Local Planning Authority on 5th December 2019)

GA – Plot 2 – Level 6 plan ref. KQG-AHR-P2-06-DR-A-20-000 Rev. P13
(received by the Local Planning Authority on 17th January 2020)

Elevations – Plot 2 - Sheet 1 plan ref. KQG-AHR-P2-ZZ-DR-A-20-101 Rev. P7
Elevations – Plot 1 – Sheet 2 plan ref. KQG-AHR-P2-ZZ-DR-A-20-102 rev. P8
(both received by the Local Planning Authority on 18th November 2019)

Block 3a

Proposed Block Plan – Plot 3A plan ref. KQG-AHR-P3A-ZZ-DR-A-20-000 Rev. P02
(received by the Local Planning Authority on 19th November 2019)

GA – Plot 3A – Kings House - Level 0 plan ref. KQG-AHR-P3A-00-DR-A-20-000 Rev. P06
(received by the Local Planning Authority on 30th January 2020)

GA – Plot 3A – Kings House – Level 1 plan ref. KQG-AHR-P3A-01-DR-A-20-000 Rev. P05
GA – Plot 3A – Kings House – Level 2 plan ref. KQG-AHR-P3A-02-DR-A-20-000 Rev. P05
GA – Plot 3A – Kings House – Level 3 plan ref. KQG-AHR-P3A-03-DR-A-20-000 Rev. P05
(all received by the Local Planning Authority on 12th December 2018)

Proposed elevations plan ref. KQG-AHR-P3A-ZZ-DR-A-20-100 Rev. P09
(received by the Local Planning Authority on 18th November 2019)

Proposed elevations plan ref. KQG-AHR-P3A-ZZ-DR-A-20-101 Rev. P02
(received by the Local Planning Authority on 12th December 2018)

Block 3b

Proposed Block Plan – Plot 3B plan ref. KQG-AHR-P3B-ZZ-DR-A-20-000 Rev. P02
(received by the Local Planning Authority on 18th November 2019)

Floorplans

GA – Plot 3B – Level 0 plan ref. KQG-AHR-P3B-00-DR-A-20-000 Rev. P06
GA – Plot 3B – Level 1 plan ref. KQG-AHR-P3B-01-DR-A-20-000 Rev. P06
GA – Plot 3B – Level 2 plan ref. KQG-AHR-P3B-02-DR-A-20-000 Rev. P06
GA – Plot 3B – Level 3 plan ref. KQG-AHR-P3B-03-DR-A-20-000 Rev. P06
GA – Plot 3B – Level 4 plan ref. KQG-AHR-P3B-04-DR-A-20-000 Rev. P06
GA – Plot 3B – Level 5 plan ref. KQG-AHR-P3B-05-DR-A-20-000 Rev. P04
(received by the Local Planning Authority on 18th November 2019)

Elevations – Plot 3B plan ref. KQG-AHR-P3B-ZZ-DR-A-20-101 Rev. P05
(received by the Local Planning Authority on 18th November 2019)

Side Elevation – Plot 3B plan ref. KQG-AHR-P3B-ZZ-DR-A-20-102 Rev. P02

(received by the Local Planning Authority on 12th February 2020)

Public realm and landscaping

Kings Quarter Landscape site plan ref. 00963-KQG-AHR-ZZ-ZZ-90-L-002 Rev. P05

Kings Quarter Landscape Hard landscape GA plan ref. 00963-KQG-AHR-ZZ-ZZ-90-L-110 Rev. P04

(both received by the Local Planning Authority on 13th January 2020)

Kings Quarter Landscape Hard Landscape plan 1 of 8 ref. 00963-KQG-AHR-ZZ-ZZ-90-L-111 Rev. P03

Kings Quarter Landscape Hard Landscape plan 2 of 8 ref. 00963-KQG-AHR-ZZ-ZZ-90-L-112 Rev. P03

Kings Quarter Landscape Hard Landscape plan 3 of 8 ref. 00963-KQG-AHR-ZZ-ZZ-90-L-113 Rev. P03

Kings Quarter Landscape Hard Landscape plan 4 of 8 ref. 00963-KQG-AHR-ZZ-ZZ-90-L-114 Rev. P03

Kings Quarter Landscape Hard Landscape plan 5 of 8 ref. 00963-KQG-AHR-ZZ-ZZ-90-L-115 Rev. P03

Kings Quarter Landscape Hard Landscape plan 7 of 8 ref. 00963-KQG-AHR-ZZ-ZZ-90-L-117 Rev. P03

(all received by the Local Planning Authority on 18th November 2019)

Kings Quarter Landscape Hard landscape plan (6 of 8) ref. 00963-KQG-AHR-ZZ-ZZ-90-L-116 Rev. P04

Kings Quarter Landscape Hard landscape plan (8 of 8) ref. 00963-KQG-AHR-ZZ-ZZ-90-L-118 Rev. P04

(both received by the Local Planning Authority on 13th January 2020)

Kings Quarter Landscape Bruton Way Gateway plan ref. 00963-KQG-AHR-ZZ-ZZ-90-L-004 Rev. P02

Kings Quarter Landscape Cathedral View Gateway plan ref. 00963-KQG-AHR-ZZ-ZZ-90-L-005 Rev. P02

Kings Quarter Landscape Station Gateway plan ref. 00963-KQG-AHR-ZZ-ZZ-90-L-003 Rev. P02

Kings Quarter Landscape site sections 1 of 2 plan ref. 00963-KQG-AHR-ZZ-ZZ-90-L-130 Rev. P02

Kings Quarter Landscape site sections 2 of 2 plan ref. 00963-KQG-AHR-ZZ-ZZ-90-L-131 Rev. P02

(all received by the Local Planning Authority on 18th November 2019)

Kings Quarter Landscape Kings Square Gateway plan ref. 00963-KQG-AHR-ZZ-ZZ-90-L-006 Rev. P03

(received by the Local Planning Authority on 13th January 2020)

Tree removal plan ref. TR-1 Rev. A

(received by the Local Planning Authority on 18th November 2019)

Kings Quarter Landscape Tree Retention / Removals Plan ref. 00963-KQG-AHR-ZZ-ZZ-90-L-102 Rev. P02

(received by the Local Planning Authority on 18th November 2019)

Kings Quarter Landscape Soft Landscape Plan GA plan ref. 00963-KQG-AHR-ZZ-ZZ-90-L-120 Rev. P05

(received by the Local Planning Authority on 13th January 2020)

Kings Quarter Landscape Soft Landscape Plan – Market Parade Suds plan ref. 00963-KQG-AHR-ZZ-ZZ-90-L-123 Rev. P03

(received by the Local Planning Authority on 13th January 2020)

Kings Quarter Soft Landscape Plan – Bruton Way Gateway plan ref. 00963-KQG-AHR-ZZ-ZZ-90-L-121 Rev. P02

Kings Quarter Soft Landscape Plan – Cathedral View Suds plan ref. 00963-KQG-AHR-ZZ-ZZ-90-L-122 Rev. P02

Kings Quarter Soft Landscape Plan – Spread Eagle Road plan ref. 00963-KQG-AHR-ZZ-ZZ-90-L-124 Rev. P02

Kings Quarter Soft Landscape Plan – London Plane Gateway plan ref. 00963-KQG-AHR-ZZ-ZZ-90-L-126 Rev. P01

(all received by the Local Planning Authority on 18th November 2019)

Kings Quarter Landscape Tree Pit details plan ref. 00963-KQG-AHR-ZZ-ZZ-90-L-300 Rev. P03
(received by the Local Planning Authority on 18th November 2019)

Reason

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

Condition 51

Development of the detailed phases of the development shall proceed in accordance with the Phases set out on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries (received by the Local Planning Authority on the 12th December 2018).

Reason

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

Condition 52

No more than 50% of the aggregate ground floor floorspace of units within Plot 2 as shown on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries (received by the Local Planning Authority on the 12th December 2018) that have frontage onto a street shall be used at any one time for any purpose within Class A4 as defined in the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)).

Reason

To ensure a suitable mix of uses and to preserve the vitality and amenities of the area.

Condition 53

No demolition of buildings, tree removal or any other clearance works likely to impact upon nesting birds shall take place within a detailed phase between 1st March and 31st August inclusive within any year unless a survey (by a suitably qualified ecologist) to assess the nesting bird activity on the part of the site to be developed during this period and a scheme to protect the nesting bird interest on the site have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

Reason

In accordance with the submitted ecological survey, in the interests of the preservation of biodiversity.

Condition 54

No development other than demolition down to ground floor slab level or site securing shall commence within a detailed phase other than Kings Square (shown as 'KS' on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018) 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. This accords with paragraphs 192, 193, 194 and 195 of the NPPF and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 55

No development other than demolition down to ground floor slab level or site securing shall commence within a detailed phase until a written scheme of investigation of archaeological remains, including a timetable for the investigation, for that phase, 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, in accordance with paragraph 199 of the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 56

Each programme of archaeological work pursuant to the written scheme of investigation of archaeological remains approved under Condition 55 shall subsequently be implemented and development within that phase shall accord with it.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 57

No development other than demolition down to ground floor slab level or site securing shall take place within Phase 2 (as shown on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018) 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. This is in accordance with paragraphs 193 and 199 of the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 58

No development shall commence on any replacement of the culvert in front of Plot 3d (as shown on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018) until a detailed scheme showing the complete scope and arrangement of the ground works for the proposed culvert replacement (including the design of the new culvert and any ground contamination remediation) 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 appropriate, preserved in situ. This accords with paragraphs 192, 193, 194 and 195 of the NPPF and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 59

No development of the culvert in front of Plot 3d (as shown on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018) shall commence within the application site until a written scheme of investigation of archaeological remains, including a timetable for the investigation, for those works, has been submitted to 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, in accordance with paragraph 199 of the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 60

The programme of archaeological work pursuant to the written scheme of investigation of archaeological remains approved under Condition 59 shall subsequently be implemented and development of the culvert replacement shall accord with it.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 61

No ground contamination investigation works shall commence within a detailed phase until a written scheme of investigation of archaeological remains, including a timetable for the investigation, for the ground contamination investigation works for that phase 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, in accordance with paragraph 199 of the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 62

Each programme of archaeological work pursuant to the written scheme of investigation of archaeological remains approved under Condition 61 shall subsequently be implemented and the investigation works shall accord with it. This condition will not be discharged for a phase until the programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material for the ground investigation of 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, in accordance with paragraph 199 of the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 63

No remediation shall commence within a detailed phase until a written scheme of investigation of archaeological remains, including a timetable for the investigation, for the remediation works for that phase 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, in accordance with paragraph 199 of the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 64

Each programme of archaeological work pursuant to the written scheme of investigation of archaeological remains approved for each detailed phase under Condition 63 shall subsequently be implemented and the remediation works shall accord with it.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 199 of the National Planning Policy Framework and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 65

Notwithstanding the submitted plans, prior to the commencement of any above-ground construction of a building within a detailed phase, samples of all facing materials and detailing for that building (comprising of any facing brick and mortar, cladding, roofing material, stonework, window and door frames and reveals, rooflights, eaves, parapet walls, balconies (including a section drawing), rainwater goods, any vents, flues and meter boxes, 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 character and appearance of the Conservation Area and setting of listed buildings.

Condition 66

Notwithstanding the submitted plans, hard surfacing within a detailed 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 Area and setting of listed buildings.

Condition 67

Other than for the Kings Square phase (shown as 'KS' on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018), and notwithstanding the submitted plans, any boundary treatments within a detailed phase shall be implemented 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 68

Other than for the Kings Square phase (shown as 'KS' on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018), and notwithstanding the submitted plans, street furniture within a detailed phase shall be implemented 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 69

No development on Plot 1 (as shown on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018) shall take place other than site securing or remediation until a Method Statement setting out the method of construction of the building at Plot 1 (and any monitoring measures during the construction process to ensure ongoing protection of the adjacent listed building no. 102 Northgate Street) and specifying the detailing of any physical attachment to the listed building (on scaled drawings) including the arrangement of the roof and rainwater goods, has been submitted to and approved in writing by the Local Planning Authority. Works shall be undertaken only in accordance with the approved details.

Reason

To protect the special character of the adjacent listed building.

Condition 70

Prior to commencement of any above ground development within Plot 1 (as shown on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018) details of soft landscaping (comprising of a scaled layout plan and planting specification) 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 71

Prior to commencement of any above ground development within the public realm phase (shown as 'KQ' on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018) details of soft landscaping (comprising of a scaled layout plan and planting specification) 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 72

The approved soft landscaping details for each detailed 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.

Condition 73

Other than for the Kings Sq phase (marked as KS of plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018) all 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 74

Other than for the Kings Square phase (marked as 'KS' on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018) no development shall commence within a detailed phase other than demolition, remediation and 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.

Condition 75

Other than for Kings Square (marked as KS of plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018), no development shall commence within a detailed phase other than site securing, demolition or remediation until details for the disposal of surface water (in accordance with principles of Sustainable Drainage Systems (SuDS)) from that phase have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the proposal set out in the applicant's plan ref. 60571780-ACM-ZZ-ZZ-DR-C-00001 Rev. P04 (received by the Local Planning Authority on 13th January 2020). 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, 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.

Condition 76

No development within a detailed 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 77

No development shall take place within a detailed phase (other than the Kings Square phase marked as 'KS' on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018) other than site securing, demolition or remediation until details of works required to manage exceedance

flow paths associated with the drainage systems for all the detailed phases and including evidence that this provides for the drainage systems for the outline phases 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 78

The ground floor finished floor level of buildings within the detailed phases shall be set for each respective building at the levels shown for that building within Annex L of the Kings Quarter and Kings Square Flood Risk Assessment November 2019 (received by the Local Planning Authority on 18th November 2019).

Reason

To ensure that the development remains safe for its users over the lifetime of the development

Condition 79

No street furniture shall be installed within the Kings Square phase (marked as 'KS' on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018) and no above ground development shall take place within the public realm phase (defined as 'KQ' on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018) until details of permanent heritage interpretation media within the respective phase (comprising of scaled plans showing the location and appearance of the interpretation media, and details of the content/display material) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented concurrently with the construction of that phase.

Reason

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

Condition 80

Implementation of any detailed phase shall be undertaken in accordance with the tree protection measures set out in the Bosky Trees Arboricultural Method Statement dated 3rd October 2019, and those measures shall be retained for the duration of the demolition and construction period for that phase.

Reason

To protect trees that are to be retained in the scheme.

Condition 81

The removal and/or installation of hard surfacing around retained trees within any detailed phase shall take place only in accordance with the methodology set out in the Bosky Trees Arboricultural Method Statement dated 3rd October 2019

Reason

To protect trees that are to be retained in the scheme.

Condition 82

Prior to the commencement of above ground development of Plot 1, 2, or 3b respectively (as shown on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018), details of façade and glazing design for buildings on that Plot shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that internal noise level criteria from BS8233:2014 (or subsequent equivalent replacement standard) for residential use within that phase can be achieved.

No residential unit for which measures are identified as required within the approved details shall be occupied until those measures have been implemented in full.

Reason

To ensure acceptable living conditions.

Condition 83

The rating level of sound emitted from any fixed plant or machinery associated with the detailed phases of 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).

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 84

No restaurant/café or drinking establishment use (use classes A3 or A4 as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)) within the detailed phases shall commence until ventilation and cooking fume control measures have been installed in the respective unit in accordance with details which have first 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

Condition 85

Prior to commencement of any development within a detailed phase a Construction Environmental Management Plan (CEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. Development of that phase shall take place only in accordance with the approved details. The CEMP shall include (but not be 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

Reason

To protect the environment.

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

Condition 86

No development of a detailed 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 87

Other than for Kings Square (marked as 'KS' on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018), no building within a detailed phase shall be occupied until a Waste Minimisation Statement for each building within that phase has been submitted to and approved in writing by the Local Planning Authority. The Waste Minimisation Statement shall include;

- Provision within residential development of on-site storage receptacles for recycling at identified locations appropriate in size and location to the number of residential units;
- 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 strict accordance with the approved Waste Minimisation Statement.

Reason

In the interests of waste minimisation.

Condition 88

Notwithstanding the submitted details, prior to any above ground construction within a detailed phase other than Kings Square (shown as 'KS' on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018), a scheme for biodiversity enhancement within that phase, including incorporation of permanent bat roosting feature(s) 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 89

Prior to the first occupation of a building within a detailed phase, 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.

Condition 90

No public art installation as shown on the approved plans for the public realm phase ('KQ' on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018) shall be implemented until details of that public art installation (including scaled layout and elevations, visualisation, details of below ground foundations and utilities 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 91

Other than for the Kings Square phase (marked as KS on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018), no development within a detailed phase shall be occupied until the cycle and bin storage facilities for the buildings within 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 92

No development on a detailed 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 93

Prior to the removal of any existing allocated parking space within St Aldate Street or The Oxbode the additional parking shall be provided in accordance with the submitted drawing 60571780.011 Rev B.

Reason

In order to address the needs of people with disabilities and reduced mobility in accordance with paragraph 110 of the NPPF.

Condition 94

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 as shown on drawing 60571780.012 Rev A 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 95

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 provision on Bruton Way to the east of Plot 4 (shown on plan ref. 60571780.032 Rev. C received by the Local Planning Authority on 18th November 2019 within the AECOM Transport Addendum) shall be completed in full in accordance with details which shall first be submitted to and agreed in writing by the Local Planning Authority.

Reason

To ensure that the opportunities for sustainable transport have been taken up in accordance with paragraph 108 of the NPPF and Policy INF1 of the JCS.

Condition 96

Prior to the commencement of use of the multi storey car park a Car Park Management Plan shall be submitted to and agreed 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 in accordance with Policy INF6 of the Joint Core Strategy.

Condition 97

Prior to the first use of the multi storey car park hereby approved, at least 2% of commercial car parking spaces and at least 50% of residential car parking spaces shall be constructed so as to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations shall be installed to full working order 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 facilities for charging plug-in and other ultra-low emission vehicles.

Conditions for the Kings Square phase

Condition 98

Notwithstanding that shown on the approved plans, hard surfacing for the Kings Square phase (defined as 'KS' on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018) shall be implemented only in accordance with samples and a scaled layout setting out their location which shall first be submitted and approved in writing in advance by the Local Planning Authority.

Reason

To ensure an acceptable appearance to the development and to preserve the character and appearance of the Conservation Area.

Condition 99

Prior to any above ground works within the Kings Square phase (defined as 'KS' on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018) details of the treatment of the Via Sacra route within that phase (comprising or a scaled layout plan showing the treatment, a detailed plan of their appearance, and a materials specification) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason

To ensure an acceptable appearance to the development and to preserve the character and appearance of the Conservation Area.

Condition 100

Notwithstanding the approved plans, prior to any above ground works within the Kings Square phase (defined as 'KS' on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018)

details of the street furniture within that phase (refuse and recycling bins, bollards, benches, decking, cycle racks, railings/handrails, freestanding 'sculptural edge' seating, lighting fixtures, and comprising of a scaled layout plan showing their location, scaled elevations of their appearance or equivalent manufacturer details, materials specification, and in the case of any lighting - orientation of the fixtures and lux plans) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason

To ensure an acceptable appearance to the development and to preserve the character and appearance of the Conservation Area.

Condition 101

Drainage within the Kings Square phase (defined as KS on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018) shall be implemented in accordance with the Hydrock plan ref. KINGSQ-HYD-ZZ-00-DR-C-7000 Rev. P05 (received by the Local Planning Authority on 13th January 2020).

Reason

To provide a satisfactory means of draining the site and dealing with pollution, and addressing flood risk issues.

Condition 102

Prior to installation of the approved drainage system within the Kings Square phase (defined as 'KS' on defined as KS on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018) a maintenance strategy for the drainage system within that phase shall be submitted to and approved in writing by the Local Planning Authority. The system shall be operated in accordance with the approved maintenance strategy for the duration of its use.

Reason

To ensure the ongoing functioning of the drainage system to address pollution and flood risk issues.

Condition 103

No development of the Kings Square phase (marked as 'KS' on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018) other than demolition, site securing, or that required to be carried out as part of an approved scheme of remediation shall commence until parts 1 to 4 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, with the exception of the areas investigated and reported on in Wilson Associates Draft letter report: ref: TC/4565; dated 27th September 2019. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by

competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of 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,
- archeological 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 prepared, and is subject to the approval in writing of 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.

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 produced, and is subject to the approval in writing of 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, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with part 3.

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 must be prepared, both of which are subject to the approval in writing of 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 produced, and submitted to 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.

Condition 104

All ground works (including excavation and construction works) within the Kings Square phase (marked as 'KS' on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018) shall be undertaken strictly in accordance with paragraphs 2.2 to 2.20 of the Cotswold Archaeology Archaeological Impact and Mitigation Statement (CA Report 18337b Rev. G January 2020) (received by the Local Planning Authority on 17th January 2020).

Reason

The site contains 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. This accords with paragraphs 192, 193, 194 and 195 of the NPPF and Policy SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Adopted 2017.

Condition 105

Demolition, construction works and the delivery of materials within the Kings Square phase (marked as 'KS' on plan ref. KQG-AHR-MP-ZZ-DR-A-91-005 Rev. P08 Proposed application boundaries received by the Local Planning Authority on the 12th December 2018) 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, other than where undertaken in accordance with the times and the limitations set out within the Midas Environmental Management Plan for Kings Square (received by the Local Planning Authority on 10th February 2020).

Reason

To protect the amenities of the area.

Condition 106

The development hereby permitted shall not be occupied (other than residential dwellings) 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.

Note

The parameter plan should not be taken to indicate that the maximum heights shown would be acceptable across the whole plot footprint. This approval is subject to considerations of good design, and notably the parameter plan shows a reduced scale of building on Plot 3d adjacent to Spredagle Court.

Note

Works within the scheduled areas will require Scheduled Monument Consent under Section 2 of the Ancient Monuments and Archaeological Areas Act 1979.

Note

Severn Trent Water advises that there are public sewers located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact Severn Trent Water at the earliest opportunity to discuss the implications of its assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Note

The implementation of this permission will require the stopping up of established highway rights by separate Order before works can commence and the Applicant/Developer is advised to instigate that process as soon as possible.

Note

The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

Note

The parking restrictions and all other highway road markings and signage as shown on the submitted plans will require Traffic Regulation Orders and the applicant is advised to commencement these procedures as soon as practicable.

Note

For avoidance of doubt the submitted layout plan in relation to the Outline phase has been treated as being for illustrative purposes only.

Conditions for 19/01212/LBC

Condition 1

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

Reason

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

Condition 2

No works shall be undertaken to the listed building until a Method Statement setting out the method of construction of the adjacent Plot 1 (and any monitoring measures during the construction process to ensure ongoing protection of the listed building) and specifying the precise detailing of the physical attachment to the listed building (on scaled drawings) including the arrangement of the roof and rainwater goods, has been submitted to and approved in writing by the Local Planning Authority. Works shall be undertaken only in accordance with the approved details.

Reason

To protect the special character of the listed building.

Person to Contact: Adam Smith (396702)

Planning Application: | 18/01454/FUL

Address: | Kings Quarter Kings Square
| Gloucester

Committee Date: |

