

DOCUMENT 11

PLANNING OFFICER'S REPORT

APPLICATION NO.	18/0052/GLR3MJ	DISTRICT REFERENCE	18/01160/DCC
DATE VALID	13th August 2018	CASE OFFICER	Marcus Sparrow
AGENT	Gloucestershire County Council, Shire Hall, Gloucester.		
APPLICANT	Head of Property Services, Gloucestershire County Council, Shire Hall, Gloucester.		
SITE	Gloucester South West Bypass (GSWB), Llanthony Road, Gloucester, Gloucestershire.		
PROPOSAL	Widening/improvement of a section of Gloucester South West Bypass (GSWB) between Spinnaker junction and GSWB/Llanthony Road junction including the demolition of the City Business Centre, Hemmingsdale Road/Llanthony Road to facilitate widening.		

PLANNING HISTORY: Gloucestershire County Council

A search of the County Planning Authority's records shows no relevant planning history for the area edged red on Red Line Plan drawing L1-100-01a Rev.P1.

PLANNING HISTORY: Gloucester City Council

There are eight post codes covering the area edged red on Red Line Plan drawing L1-100-01a Rev.P1. The following planning history taken from Gloucester City Council's website is considered to be of most relevance to application 18/0052/GLR3MJ.

Address	Application No.	Proposal	Decision
Llanthony Priory, Llanthony Road, Gloucester	18/00831/FUL	Creation of new road access to Llanthony Secunda Priory site.	Granted – 09 Oct 2018
Unit 2 Hemmingsdale Road, Gloucester GL2 5HN	15/01350/FUL	The proposed change of use from Use Class B1 to D2 for use as a Weightlifting Club.	Granted – 07 Jan 2016
Llanthony Priory, Llanthony Road, Gloucester	15/01271/FUL	Re-use of two historic buildings for Class D1 use. Works to Medieval Range including attached Victorian Farmhouse to include removal of brick nogging, new windows, new disabled access, interior alterations, repair	Granted – 05 Feb 2016

of historic fabric. Works to Brick Range to include formation of new roof, new mezzanine structures, new ground floor slab, new windows, external cladding, internal partitioning, repair of historic fabric. Landscaping including new car parking provision, resurfacing of pathways, service provision, felling of trees, new planting including trees. Sub ground servicing provision. Alterations to vehicular access and site perimeter fencing. Architectural and amenity lighting.

Town & City Builders, Unit E Spinnaker Park, Hempsted Lane, Gloucester GL2 5JA	12/01201/FUL	External alterations to industrial unit, incorporating the replacement of existing fenestration and recladding.	Granted – 04 Feb 2013
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No. of Neighbours consulted	113	No. of Objectors	0	No. of Support	0	No. of Reps	3
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PUBLICITY

Site Notice	Date Posted	23rd August 2018	Expiry Date	13th September 2018
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A total of 17 site notices were displayed along the highway on both sides of Llanthony Road and Hempsted Lane from the junction with Castle Meads Way to the North and Secunda Way to the South.

Advert	Date Published	23rd August 2018	Expiry Date	13th September 2018
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CONSULTATIONS

Key: N/O (No Objection)
N/O STC (No Objection Subject to Condition(s))
NCR (No Comment Received)

CONSULTEE	OPINION
Gloucester City Council	N/O STC
Local Member	NCR
Highways Development Management	N/O
CPA Advisor on Noise (Atkins)	N/O STC
CPA Advisor on Air Quality (Atkins)	N/O STC
County Council's Principal Ecologist	N/O STC
County Archaeologist	N/O STC
Lead Local Flood Authority	N/O
Highways England	N/O
Historic England	Supports STC
Severn Trent Water	N/O STC
Western Power Distribution	NCR
Hempsted Residents Association	NCR
GCC Public Rights of Way	N/O
County Public Health	NCR
Public Health England	N/O
The Gloucestershire Association for Disability	NCR
Road Haulage Association	Supports
Freight Transport Association	NCR
South Western Ambulance Service	NCR
Stagecoach	NCR
The Driving Examiners	NCR
Guide Dogs for the Blind Association	N/O STC
Gloucester Chamber of Trade and Commerce	NCR
Marketing Gloucester	NCR
Canal and River Trust	N/O
Crime Prevention Design Advisor	NCR
Gloucestershire Fire Service	NCR
Gloucester Civic Trust	N/O
Gloucester City Centre Community Partnership	NCR

Where extracts of consultee comments have been provided below, copies of the full transcript of those comments can be found on Gloucestershire County Council's website using the following links:

<http://planning.gloucestershire.gov.uk/publicaccess/applicationDetails.do?activeTab=consulteeComments&keyVal=PD1R5CHNH7700>

http://caps.gloucestershire.gov.uk/gccdocs/gcc_docs_start.asp?action=show&appName=planning&appNumber=18/0052/GLR3MJ

Gloucester City Council

Comments received 10.10.2018:

"EIA Screening

The City Council does not wish to offer any comments on this matter.

Planning Application

The City Council's Environmental Protection, Heritage, Tree, and Planning Policy Officers have been consulted. Please note that only Officers employed by the Council have been consulted. In this regard it is noted that there may be contaminated land issues associated with the existing/former businesses that occupied plots within the application site boundary, and it is recommended that this is considered in the planning assessment. The Flood zone 2/3 designation is also noted although the City Council's Drainage Engineer has not been consulted in light of the Environment Agency and Lead Local Flood Authority advice available to the County Council.

Overall, proposed measures to improve traffic flows through the City are supported and no in principle objection is raised.

Environmental Health/Amenity Issues

The sensitive receptors close to the development site are likely to be disturbed for the duration of the works, in addition to the envisaged later rebuild of the former business centre.

The Road Traffic Noise Assessment Addendum dated August 2018 has confirmed the removal of a 3m high acoustic barrier as the height and location is not desirable as it would be visually intrusive and the vacant land from the demolition of the City Business Centre would be redeveloped in the near future. It does not appear however that this is part of the proposals and would be subject to the acceptability of a future planning application for the construction of a new building.

Nevertheless the report identifies a method of noise mitigation as outlined within BS5228-1:2009+A1:2014. Further that a construction mitigation scheme as outlined within section 3.4 shall be implemented from the outset of works taking place. It is recommended that consideration is given to securing appropriate measures by condition to preserve the amenities of nearby sensitive receptors.

With regard to the impact of dust generated by the demolition of the business centre and after assessment a criteria of 'medium risk' has been identified. As such it is recommend, as outlined within the Air Quality Assessment Document, that a Dust Management Plan should be compiled, or dust management included in any Construction Environmental Management Plan. This plan should include details of all measures in place to prevent the impacts of dust on the surrounding area, including details of water suppression and coverings relevant to the on-site demolition. Once this report has been generated it is requested that the City Council's Environmental Protection Officer be able to review it for completeness.

No objection is raised to the proposed development as a matter of principle in terms of amenity issues, although it is requested that along with securing the measures outlined

above a further condition be imposed so as to minimise the impact of noise for the duration of the development by requiring that for the duration of the demolition, groundworks and construction phases only vehicles/mobile plant with a "white noise" type reversing warning alarm system (or an alternative system approved in writing by the Local Planning Authority) shall be operated on the site.

Heritage and design

The reinstatement of the business centre site post demolition would affect the visual appearance of the area and, most likely, the setting of the heritage assets at Llanthony Priory and it is recommended that consideration is given to ensuring a suitable interim treatment to the site.

It is understood that the County Council has already been liaising with the City Council's Heritage Officers and with Historic England regarding the neighbouring heritage assets, which is welcomed. No additional comments are offered over and above this. If you are in any doubt about the City Council Heritage Officer's advice in this regard please contact the City Council again.

Trees

There would be a loss of 11 trees. While none of these are Grade A trees and no in-principle objection is raised, where there is capacity the City Council encourages the provision of replacement tree planting to mitigate the loss.

Employment land

The loss of employment land on the west side of the road is regrettable, and should be justified along with the demolition of the business centre. This loss should be factored into the planning balance.

Impact on existing businesses

Finally, the City Council has concerns about the impact on the businesses on the west side of the road, and what measures are being taken to ensure their continued viability. It is not clear what, if any, support is being provided by the County Council in terms of business relocation or consolidation."

On the 10th Oct 2018 the planning case office forwarded the above consultation response to the planning agent (Cc: Project Manager) highlighting the following key "material" points that the applicant needed to adequately demonstrate/address:

- a) Submission of Dust Management Plan and/or Construction Environmental Management Plan;
- b) Contaminated land;
- c) Imposition of a planning condition *'to minimise the impact of noise for the duration of the development by requiring that for the duration of the demolition, groundworks and construction phases only vehicles/mobile plant with a "white noise" type reversing warning alarm system (or an alternative system approved in writing by the Local Planning Authority) shall be operated on the site.'*;
- d) Consideration of a suitable interim treatment to the City Business Centre site post demolition;
- e) Replacement tree planting;

- f) Adequacy of reasoned justification for the loss of the City Business Centre/employment land.
- g) A clear understanding as to *'what, if any, support is being provided by the County Council in terms of business relocation or consolidation.'*

Within their response dated 24th Oct 2018, the Project Manager addressed point (a) above by suggesting that the provision of a Dust Management Plan and/or Construction Environmental Management Plan *'could be dealt with by a pre-commencement planning condition, if considered necessary.'*

In respect of point (b) above, Gloucester City Council stated in their consultation response dated 10th Oct 2018 that *"there may be contaminated land issues associated with the existing/former businesses that occupied plots within the application site boundary."* Within the submitted supporting information, the only historical reference to past employment uses on the site of the City Business centre can be found in Figure 9 and Figure 10 of the Heritage Desk-Based Assessment, which shows "Stephen's Glevum Incubator Works". In response, the Project Manager suggested that the issue of contaminated land on the site *"could be dealt with by a pre-commencement planning condition if considered necessary."* In response to these remarks the planning case officer liaised with the Project Manager and produced two suitably worded "Land Contamination" related conditions (condition 20 and 21), a copy of which can be found in the conditions section at the end of this report.

In response to point (c) above, the Project Manager considered the imposition of a planning condition requiring use of "white noise" type reversing warning alarm system to be an onerous restriction if applied to all vehicles and mobile plant. This matter was discussed in person with the Project Manager and it was resolved to apply a condition requiring *"only HGV vehicles and mobile heavy plant equipment"* to be fitted with "white noise" type reversing warning alarm system. A planning condition to that effect has been attached to the conditions list as condition 19 at the end of this report.

With regards to point (d) above, the CPA notes that no time period for the redevelopment of the City Business Centre (CBC) has been given. However, para.1.4.1 (page 11) of the Full Business Case states that the demolition of the CBC *"provides an additional business opportunity for the development of a new high quality employment site."* The site area of the CBC is approx. 6,000 square metres. The land required for the widening of the road would result in the permanent loss of approx. 1700 square metres (28%) of this employment site. Para. 3.31 of the Planning Statement states that *"72% of the site will be available for employment uses following demolition of the building and completion of the road scheme."* Post demolition the site will be used as a compound during the road widening scheme. To address, in part, Gloucester City Council's concerns regarding *"the visual appearance of the area and, most likely, the setting of the heritage assets at Llanthony Priory"* post demolition, a planning condition has been applied requiring the submission of details for any graphics or visual imagery on the external face of any hoarding or means of enclosure around any part of the area of demolition.

In respect of point (e) above, both the City Council and the County Council's Principal Ecologist have encouraged the provision of replacement tree planting for those that would be lost in order to facilitate the proposed road widening scheme. Para.3.49 of the Planning Statement states that *"there is sufficient room within the scheme extents to accommodate new tree planting to replace tree losses."* The Landscape and Townscape Appraisal Addendum (dated May 2018) states in para. 4.2 that *"replacement planting will utilise native species or species characteristic of the local landscape and townscape."* Within their email response dated 10th Oct 2018 the Project Manager confirmed to the planning case officer that *"mitigation planting will form part of the works."* To secure such provision and

safeguards, conditions have been applied requiring the submission of an Arboricultural Method Statement incorporating a Tree Protection Plan (condition 12) and a Landscape and Aftercare Scheme (condition 13).

The response from the Project Manager to point (f) above was to refer to paragraphs 3.26 to 3.35 of the Planning Statement.

In response to point (g), the planning case officer was advised verbally by the planning agent that the issue of *“what, if any, support is being provided by the County Council in terms of business relocation or consolidation”* would be addressed through the compulsory purchase order process, which is commented on further in the Planning Considerations section of this report.

Local Member

No comments received

GCC Highways Development Management (HDM)

Initial comments received from HDM on the 28.08.2018:

“I provide the following comments in light of the DfT’s current position RE shared space/surface areas and the Revised 2018 NPPF.

In order to address the needs of disabled/vulnerable people we would require a physically segregated foot/cycleway consisting of a 3m cycle way, to support two-way movement, and a 2.0m footway. A difference in level (approx. 60mm upstand) would create the segregation. To minimise the amount of additional land/road space required, it is recommended that the southern footway is retained at 2.0m for pedestrian use only. This maintains the principles of the facility that are already in place, with the cycleway provided on the northern footway only at the current time. Cycle user access to St Ann’s Way and to the Quays, Canal Tow Path or the cycle path running parallel to the Sainsbury’s Western boundary can be ensured by the Toucan crossing provided between Sudmeadow Rd and St Ann Way.”

On the 28th Aug 2018 the planning case officer forwarded the above comments to the planning agent (Cc: Project Manager) requesting a formal written response that addresses the issues raised by HDM.

Updated comments received from HDM on 09.11.2018:

“In October, I raised concerns regarding the proposed un-segregated footway/cycleway on the eastern side of the bypass, since this would introduce potential additional conflict between certain users. I requested a copy of the supporting Due Regard Statement and the options appraisal as recommended in the DfT Guidance ‘Shared Use Routes for Pedestrians and Cyclists’ (Local Transport Note LTN1/12). The GSWB (Llanthony Road) Widening Alternative Solutions for NMUs (Non-Motorised Users) was subsequently submitted. In terms of the hierarchy of provision set out in LTN1/12, the preference is to improve conditions for cyclists on the carriageway, followed by creating a completely new shared use route away from or alongside the carriageway. The least desirable option is to introduce shared use by converting a footpath away from the carriageway or a footway alongside the carriageway. It

is recognised that feasibility and desirability are matters for consideration determining the type of facility to be provided.

The core design principles are convenience, accessibility, safety, comfort and attractiveness. Whilst the number of vehicle movements a day are a consideration, LTN1/12 does confirm that on carriageway cycle lanes can be appropriate where flows are greater than 10,000 and where the 85%ile speed is below 40mph. Where the 85%ile speed exceeds 40mph, off carriageway facilities should be provided. No evidence was submitted regarding existing vehicle speeds but the current speed limit is 30mph and I am not aware of any intention to increase the speed limit.

It is worth noting that it is proposed that the existing shared facility on the western side of the bypass will be retained and widened to between 3.0m and 3.5m.

On the 29th October 2018 I confirmed that if the eastern footway was retained solely for the use of pedestrians and the western (improved) footway retained as a shared facility for pedestrians and cyclists HDM could support the development.

I am currently waiting for revised plans."

Revised General Arrangement drawing L1-100-06 Rev.P5 was submitted on the 4th Dec 2018 and followed over subsequent days and weeks with additional updates to the Drainage Report Appendix A; Transport Assessment and Transport Assessment Appendix B, which were uploaded to the County Council's website on the 3rd Jan 2019. Prior to this date a further revision was made to the General Arrangement drawing, which resulted in drawing L1-100-06 Rev.P5 being superseded by L1-100-06 Rev.P6.

Following receipt of the amended plan and supporting documents a formal re-consultation was carried out with Highways Development Management and The Guide Dogs For The Blind Association on the 3rd Jan 2019.

Comments received from HDM on 07.02.2019:

"I refer to the Amended Plan numbered L1-100-06 P6 and Revised Transport Assessment in respect of the above planning application received on 3 January 2019 to which no Highway objection is raised."

Comments received from HDM on 08.03.2019:

"I have considered the need for conditions and recommend that the following condition be attached to any permission granted:-

Throughout the construction period of the development hereby permitted provision shall be made to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;*
- ii. loading and unloading of plant and materials; and*

iii. storage of plant and materials used in constructing the development.

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.”

This condition has been applied as condition 5 in the schedule of conditions that can be found at the end of this report.

County Air Quality Advisor (CAQA)

Summary of comments received 21.08.2018. Their comments can be viewed in full on Gloucestershire County Council's website using the links on page 3 of this report:

Summary

“Notwithstanding the limitations of the air quality assessment, the characteristics, nature and potential impact of the proposed development is unlikely to be of concern to air quality, provided that dust from construction and demolition is appropriately mitigated during temporary activities. Given the nature of improvements to congestion and reduced traffic flow in the city centre, the proposed development is likely to have small beneficial impacts on local air quality once in operation. Consequently, significant adverse effects on air quality are not expected and therefore an ES is not required to be submitted with the planning application.”

In response to the initial comments made by the County Council's CAQA the Project Manager submitted the Air Quality and Greenhouse Gas Assessment (COGL43055295/Air Revision 3) dated September 2018. The CAQA was re-consulted and their review of the September 2018 report and summary are enclosed below:

Review of September 2018 report

“The September 2018 version of the Air Quality and Greenhouse Gas Assessment was reviewed to determine whether the matters identified in the August 2018 review have been addressed.

Tabular format traffic data has been included in the Appendix G. This appendix is referenced at an appropriate section of the main report (paragraph 3.6.1) but had not been included in the report table of contents. The data includes existing year, future year Do-minimum and Do-something traffic flows and speeds in accordance with the requirements of DMRB HA207/07.

A constraints map (Figure 5.1) now accompanies the report and is referenced at an appropriate section of the main report (paragraph 5.1.3). This map shows a 200 m buffer of roads affected by the scheme with properties sensitive to air quality identified.

Details of the local air quality model verification have been included in Appendix F. This appendix is referenced at an appropriate section of the main report (paragraph 3.5.9) but had

not been included in the report table of contents. While it appears that the numerical values included in the tables in Appendix F are correct, there are a number of typographical errors where incorrect a different scheme and location is referred to. These errors are summarised below, but the conclusions of the report would not change, in that the proposed scheme would not result in a significant adverse impact on air quality."

Summary

"Notwithstanding the typographical errors in Appendix F Model Verification, where an incorrect scheme and location is referenced, the conclusions of the report would not change, in that the proposed scheme would not result in a significant adverse impact on air quality."

County Noise Advisor

Comments received via email from the County Planning Authority's technical advisor on noise dated 20.03.2019:

"I've had a look at the Llanthony Road application from a noise point of view. I've looked at the drawings, the Amey noise report, and read some of the other specialist responses. From what I am able to see I don't have any noise related points to raise beyond what is already covered in the Amey report."

County Council's Principal Ecologist

Comments of screening opinion & planning application received 23/08/2018. These can be viewed in full on Gloucestershire County Council's website using the links on page 3 of this report:

"Environmental Impact Assessment Screening

The opinion, on the basis of information submitted and known, is that the proposed development is not considered likely to have significant effects on biodiversity (ecology) as set out by the EIA Regulations. This is based on the location and scope of the development and also taking into account the contents of the Preliminary Ecological Assessment and my own knowledge of the site."

SUMMARY OF RECOMMENDATION

- No objections, subject to conditions and/or informatives.
- Further information and/or clarification required.

The planning conditions suggested by the County Council's Principal Ecologist relate to the following matters:

- submission of a Tree Protection Plan & Arboricultural Method Statement (pre-commencement condition);
- submission of a Reptile, Amphibian & Mammal Method Statement (pre-commencement condition);
- carry out and submit a bat roost detection survey (prior to demolition condition):

- informative condition relating to works carried out during the bird nesting season;
- submission of a lighting scheme (prior to installation condition);
- submission of a detailed Soft Landscape and Aftercare Scheme within 3 months of the commencement of the development.

The two suggested advice notes relate to actions needed to prevent the spread of certain plants onto surrounding areas that could cause a nuisance and submission of all species and habitat records from the ecological work commissioned by the applicant is to be copied to the Gloucestershire Centre for Environmental Records (GCER).

On the 23rd Aug 2018 the planning case officer forwarded the Principal Ecologist's comments to the planning agent (Cc: Project Manager) drawing their attention to the "pre-determination" items and the two associated pre-commencement planning conditions.

To avoid introducing pre-commencement planning conditions to address the matters raised by the Principal Ecologist, the planning case officer requested that the Reptile, Amphibian & Mammal Method Statement and the Tree Protection Plan drawing and associated Arboricultural Method Statement be submitted to the County Planning Authority and evaluated by the County Council's Principal Ecologist prior to the determination of the planning application.

Discussions with the Project Manager resolved to deal with the required Reptile, Amphibian & Mammal Method Statement and the Tree Protection Plan drawing and associated Arboricultural Method Statement as planning conditions, which are set out as conditions 12 and 15 at the end of this report.

GCC Archaeologist

Comments received from County Archaeologist on 23.08.2018:

"Combined Screening Request and consultation on planning application

Gloucester South-West Bypass (GSWB), Llanthony Road, Gloucester

Widening improvement of section of Gloucester South West Bypass (GSWB) between Spinnaker junction and GSWB/Llanthony Road junction including the demolition of the City Business Centre, Hemmingsdale Road/Llanthony Road to facilitate widening.

Archaeology

Thank you for consulting me concerning the above development proposal. I wish to make the following observations regarding the archaeological implications of the proposed development.

I advise that this section of the South West Bypass directly adjoins Llanthony Priory, founded in 1136 and dissolved in 1538. Substantial structural remains of the priory are preserved. These include the western side of the precinct wall - designated a Grade I Listed Building, which is located directly alongside the scheme area. Llanthony Priory is also designated a

Scheduled Monument in recognition of the national archaeological importance of the site. In view of those designations I recommend that Historic England should be consulted for their views on this scheme.

I note that this development proposal is supported by a heritage desk-based assessment compiled by Cotswold Archaeology (report dated July 2018). This identifies low potential for any archaeological impacts within the footprint of the road, since the priory would have been contained within its precinct, and the external areas were probably prone to flooding (and have been raised by the deliberate dumping of material in the modern period).

The heritage desk-based assessment also discusses the impact of the proposed development on the setting of the adjacent priory, and appears to conclude that the monument's setting will primarily benefit from a reduction in the flow of traffic (para. 6.4). However, since this scheme is intended to improve capacity a reduced traffic flow seems very unlikely.

In my view this scheme will result in an improvement to the setting of Llanthony Priory, since the proposed widening of the footway adjacent to the precinct wall will move traffic away from the priory and so improve the appearance and setting of the monument. The footway widening will also help to reduce the weathering of the lower part of the precinct wall from traffic spray during wet weather.

As regards the Screening Request relating to this scheme, in my view sufficient information has been provided to confirm that this development will not result in any significant harm to Llanthony Priory, and that the priory and its setting will benefit from the widening of the adjacent footway. Therefore, I recommend that consideration of archaeology may be excluded from any Environmental Impact Assessment required for this scheme.

As regards the planning application made for this development I confirm that I have no objection in principle regarding this scheme.

However, I think it would be helpful if, prior to determination, the heritage desk-based assessment could be amended to provide a description of the proposed widening of the footway, together with a consideration of any benefits for the monument and its setting arising from the footway widening. Comments within the document regarding traffic flow might also be reconsidered and amended as necessary.

Notwithstanding the low potential for archaeology to be present below the proposed road, it would in my view be prudent to make provision for archaeological monitoring of this development, given the very close proximity of the Llanthony priory. In addition, the works to create the new footway will reveal portions of the priory's precinct wall, which should be recorded.

To facilitate the archaeological monitoring and recording I recommend that a condition based on model condition 55 from Appendix A of Circular 11/95 is attached to any planning permission which may be given for this development, ie;

'No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be revealed by development. The archaeological programme will advance understanding of heritage assets, in accordance with paragraph 199 of the National Planning Policy Framework.

I have no further observations."

On the 23rd Aug 2018 the planning case officer forwarded the above consultation response from the County Archaeologist to the planning agent (Cc: Project Manager) explaining the need for the suggested "pre-commencement" archaeological planning condition and how it would facilitate the archaeological monitoring and recording of the site, which has 'low potential for archaeology to be present' below the road but is of significance by virtue of the site's close proximity to Llanthony Priory.

During subsequent discussions with the Project Manager it was resolved to amend the wording for the suggested archaeological condition to enable the trigger point for the required "written scheme of investigation" to be prior to the submission of any "below ground works" rather than as a pre-commencement to any development taking place within the site. The planning case officer discussed this approach with the County Archaeologist and received their verbal agreement.

The recommendation of the County Archaeologist to consult Historic England was actioned by the County Planning Authority on the 14th August 2018.

GCC Lead Local Flood Authority

Comments received 04.09.2018:

"I refer to the notice received by the Lead Local Flood Authority (LLFA) requesting comments on the above proposal. The LLFA is a statutory consultee for surface water flood risk and management since April 2015, and has made the following observations and recommendation.

Surface water flood risk

The applicant has correctly identified the risk of flooding to the site from both fluvial and pluvial sources.

Surface water management

Discharge strategy

The applicant is maintaining the existing discharge strategy, the LLFA accepts this.

Discharge rates

The applicant has demonstrated that they are able to offer a 50% betterment to the site's discharge, as compared to existing. The LLFA accepts this.

Drainage strategy and indicative plan

The applicant will maintain the existing strategy of using gullies, however they will also introduce oversized pipes to attenuate flows. The LLFA accepts this.

Climate change

The applicant has used current climate change guidance.

LLFA Recommendation

The LLFA has no further comments or observations regarding this application."

In light of the above comments from the LLFA, the planning case officer is satisfied that no further information is required to be submitted in respect of the matters raised within the LLFA's consultation response.

Highways England (HE)

A summary of comments received from Highways England (HE) are set out below. Their submitted comments can be viewed in full on Gloucestershire County Council's website using the links on page 3 of this report:

Highways England Planning Response (HEPR)

Highways England recommended that Gloucestershire County Council not grant planning permission for the development proposals for a period of 3 months.

As of the 28th Aug 2018 the above response represents Highways England's formal recommendation, which Highways England copied to the Department for Transport as per the terms of their Licence.

The reasoned justification for the above recommendation is set out in Annex A of Highways England's consultation response.

In their conclusion Highways England stated that they had undertaken a review of the submitted Transport Assessment and Construction Management Plan (CMP), and whilst HE considers the CMP "to be suitable", HE sought clarification on the likelihood and impact of the traffic reassignment effects of the scheme at strategic road network junctions and requested further evidence on this issue.

On the 28th Aug 2018 the planning case officer forwarded the consultation response from Highways England to the planning agent (Cc: Project Manager) drawing the agent's attention to six key points made by Highways England and asking the agent to provide a formal written response that addresses the issues raised by Highways England. The planning case officer also highlighted to the planning agent the offer from Highways England to meet and discuss the scheme.

Following receipt of the planning case officer's request the Project Manager for the scheme liaised directly with Highways England to address their concerns.

On the 11th Sept 2018 the Project Manager for the scheme wrote to Highways England and proposed, inter alia, *"to review the SATURN outputs and if necessary, additional runs be undertaken to demonstrate that there will be minimal impact on the key junctions to the north (Over Roundabout) and south (Cross-Keys and M5 J12)."* The Project Manager also concurred with Highways England that the works associated with the proposed Llanthony Road widening scheme and the M5-J11 scheme need to be co-ordinated and that the project team were in contact with representatives from Highways England to facilitate this.

In an email from Highways England to the project Manager dated 17th Sept 2018, HE confirmed that the timescales for the proposed Saturn model review and potential requirement for additional model runs demonstrating the impact of traffic rerouting on the Highways England network was acceptable.

The culmination of the subsequent exchanges of information and correspondence between the Project Manager and Highways England was HE's submission of additional comments to the planning case officer on the 25th October 2018, key points from which are set out below:

"Highways England has previously provided formal advice in respect of the Gloucester South West Bypass planning application, most recently being 27 August 2018, recommending that the Local Planning Authority 'not to grant' planning permission for a period of 3 months. This was to allow the applicant time to address Highways England's outstanding concerns regarding SRN traffic impact.

Highways England requested that the GCC Central Severn Vale (CSV) model be used to assess the traffic reassignment effects of the scheme on SRN junctions, and the results be presented for review.

Highways England has received further information prepared by Amey Consulting on behalf of Gloucestershire County Council and has further considered the potential traffic implications of the scheme on the operation and safety of the SRN in accordance with policy requirements set out in DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" and the DCLG "National Planning Policy Framework" (NPPF).

The GCC's Central Severn Vale (CSV) model has been used to demonstrate the impact of the scheme on the SRN including the A40 and M5 J12.

This shows that in both the AM and PM peaks, the model forecasts a very low impact on both the A40 and M5 J12.

On this basis, our recommendation is set out below.

Recommendation

The proposal is not considered to have an adverse impact on the safe and efficient operation of the SRN. Highways England has no objection to the proposal."

Following receipt of the above comments the planning case officer is satisfied that the issues previously raised by Highways England have been adequately addressed and that no further information is required in respect of this particular matter.

Historic England

Screening opinion & application comments received 23/08/2018. These can be viewed in full on Gloucestershire County Council's website using the links on page 3 of this report:

Screening Opinion

"With regards to the screening opinion it is for the local authority to determine whether an EIA should be prepared for the proposed development. However, we consider that the historic environment information contained in the application provided is sufficient to enable the authority to determine whether or not an EIA is required in relation to this topic. The scheme will have a positive impact on the historic environment and improve the condition of designated heritage assets and their settings."

Historic England Advice

"The proposal is to widen the existing Llanthony Road, immediately west of the Designated Priory complex, as part of the improvements to the Gloucester South Western Bypass. This will include the widening of the existing footway alongside the road which is immediately adjacent to the designated site. The footway is bounded on its east side by the scheduled and Grade I listed brick boundary wall of the Priory dated to the early 16th Century and the remains of the western gatehouse, also scheduled and listed at Grade I.

The wall and gatehouse have been on the Heritage At Risk Register in the past, but were removed recently after we grant aided their conservation. Part of the issue with the wall was the proximity of the vehicles on the road to the wall, causing salt and water to splash on the bricks. The widening of the footway will provide a sufficient buffer between the wall and the vehicles which will remove this issue.

The wider pathway will allow visitors to better appreciate the wall and gatehouse and the decoration within the wall. The lampposts and signage has been designed to avoid the areas of significant decoration and to allow the wall to be seen more easily.

The widening of the footway will bring significant benefits to the designated heritage assets, in line with National Planning Policy Framework (NPPF) paragraphs 192 and 193.

The application is supported by drawings showing detail of the new arrangement and how the new footway will be finished next to the wall. There is however no information about the archaeological impacts of new drainage, lighting column bases or kerbing within the

application. The Desk-Based Heritage Assessment shows that there is a very small chance of any significant archaeology being found during the works and we support the recommendation of the Archaeological Officer that a suitable archaeological mitigation condition be placed on any planning application. This is sufficient information to comply with NPPF paragraph 189.

The new footway will impact on the face of the Priory Wall and the applicant is aware of the need for scheduled monument consent to ensure the works do not damage the wall and are fully reversible."

Recommendation

"Historic England supports the application on heritage grounds.

We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 189, 192 and 193.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course."

Severn Trent Water Ltd (STW)

Consultation response received via email on 16th August 2018:

"Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and*
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.*

Severn Trent Water advise 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."

On the 17th Aug 2018 the planning case officer forwarded the above consultation response from Severn Trent Water to the planning agent (Cc: Project Manager).

Appendix H of the submitted Surface Water Management Strategy (SWMS) dated June 2018 makes reference to the Proposed Drainage Layout. However, whilst reviewing the SWMS the planning case officer noted that Appendix items A-J of the SWMS had not been submitted through the Planning Portal as part of the original submission. To avoid the imposition of the pre-commencement drainage condition suggested by Severn Trent Water, the planning case officer emailed the Project Manager on the 17th Sept 2018 requesting the submission of Appendix items A-J. Upon receipt of these appendices Severn Trent Water were re-consulted on the 18th Sept 2018. In their reply, STW state that *'drainage has been agreed with STW under ref.2017101023737'* and that STW *'have no further comment to make'* and were *'happy for the discharge of the drainage related condition.'* In coming to an informed opinion on the appropriateness of the proposed drainage scheme, the CPA notes that both STW and the Lead Local Flood Authority have no objection to the proposed drainage scheme. Therefore, the CPA proposes that STW's "pre-commencement" drainage condition is re-worded to that of an "informative" condition.

Western Power Distribution

No comments received

Hempsted Residents Association

No comments received

Public Rights Of Way

Comments received on 04.10.2018 from Public Rights of Way Officer at Gloucestershire County Council:

"It would appear that no Public Rights of Way are affected by this proposal and therefore we have no comment to make."

Public Health - Gloucestershire County Council

No comments received

Public Health England

Consultation response from Public Health England received via email on 17th August 2018:

"We would not normally comment on this type of planning application unless there are specific chemical issues. Local air quality issues, noise and contaminated land fall under the remit of the local authority and they would be able to comment on these aspects of the planning application. If they have any specific queries relating to potential environmental exposures and public health, then they are welcome to contact us for advice."

The Gloucestershire Association for Disability

No comments received

Road Haulage Association

Comments received from Road Haulage Association on 21.09.2018:

"I am responding on behalf of the RHA and would like to thank you for consulting us.

"The section of road is very short, some 500 m and the application deals more with the aspect of building demolition.

On that basis the RHA supports the improvement that this application will bring to the local and wider area."

Freight Haulage Association

No comment received

South Western Ambulance Service

No comment received

Stagecoach

No comment received

The Driving Examiners (Green Farm Business Park)

No comment received

Guide Dogs For The Blind Association (GDBA)

Upon receipt of the initial consultation response from GDBA (dated 17th Aug 2018), the planning case officer forwarded those comments to the Project Manager requesting a response to the questions raised by GDBA. The Project Manager replied to that request on the 24th Oct 2018. Their response is enclosed under each point raised below by GDBA.

Initial consultation response from GDBA received via email on 17th Aug 2018:

"Thanks for the information below. I have forwarded the plans on to our subject matter expert and she would like to raise the following points:

- How many disabled people participated in the consultation survey? From some of the documents, it indicates that in the future this area is going to have a high pedestrian footfall especially as there is a college and more residential provision is to be included. It is very important that the pedestrian route (pavements) are not cluttered and considering this to be a major through route, it is more than likely that cyclists will take to the pavements. This is not ideal for pedestrians more especially vulnerable pedestrians (blind and partially sighted people in particular). Guide Dogs would suggest that including a cycle route into the carriageway would be more appropriate. We would also suggest taking on board the DfT's statement on a halt of shared space projects."

Response from the Project Manager

"GCC officers do not overtly enquire or make assumptions on disability. We do not therefore have records of how many disabled people participated in our open consultation exercises."

"It has been agreed that the combined cycleway/footway will not now be included. We propose that, during the first year after construction, cycle and pedestrian surveys be carried out along this section of carriageway to better understand how these users interact with the network. Funds are to be set aside for potential additional upgrades to cycle facilities at that time."

Comment from GDBA

"- Can you confirm that there is a kerb upstand between the carriageway and the pavements and if there is what the kerb height is?"

Response from the Project Manager

"The proposed kerb upstand between carriageway and footway is the standard 125mm."

Comment from GDBA

"- What sections are going to be shared pedestrian and cycle routes or is it the entire pavement?"

Response from the Project Manager

"It has been decided that the combined cycleway/footway will not now be included. We propose that, during the first year after construction, cycle and pedestrian surveys be carried out along this section of carriageway to better understand how these users interact with the network. Funds are to be set aside for potential additional upgrades to cycle facilities at that time."

Comment from GDBA

"- We would prefer to see segregated routes especially as one side of the road the pavement is approx. 3.5m?"

Response from the Project Manager

"There is insufficient space for a segregated cycle route without unacceptable levels of business relocation and land acquisition."

Comment from GDBA

"- There seems to be only one controlled crossing. We would recommend a minimum of at least 2 preferable 3. This will assist people who want to cross to the other side midway or

further down. As is, it will be significantly longer to get to the only controlled crossing to come back down the main road.”

Response from the Project Manager

“The design proposes one controlled crossing connecting East and West sides of Llanthony Road. However this is in addition to the existing controlled crossings at either end of the scheme, at the St. Ann’s Way/Hempsted Lane/Llanthony Road junction, and the Llanthony Road/Castle Meads Way junction. There is also a controlled crossing allowing one to cross from one side of St. Ann’s Way to the other.”

Comment from GDBA

“- At the junction of St Ann's and Spinnaker and the main carriage way, tactile paving indicating a controlled crossing has been provided on the side of St Ann's road but nothing opposite. Where does the crossing end?”

Response from the Project Manager

“We believe the crossing from north-south on St. Ann’s Way is being referred to here. The drawing provided only includes the works we are proposing. As the road is being widened on the south side of St. Ann’s Way, we need to remove the existing tactile paving on that side, and replace it on the widened section. Hence it is shown on the drawing. The existing tactile paving on the opposite side of carriageway, and on the intermediate traffic islands, is not shown as it is to remain as it is currently.”

Comment from GDBA

“- What is a half battered kerb? Can you confirm if there is a kerb upstand on the islands indicated with a purple line.”

Response from the Project Manager

“Half-Battered simply means that the kerb face is relatively upright (see image below). Kerbs of this type are recommended for separating carriageway from footway as they discourage and help prevent vehicles from mounting the kerb, thereby creating a safer road layout. This is as opposed to a splay kerb, for example (see image), which causes less damage if a vehicle was to connect with it, but also allows easier mounting. Half-Battered kerbs have therefore been specified throughout the scheme, except at the dropped crossing and access points.

We can confirm that all islands will have kerbs upstands and the purple lines do indeed indicate 125mm upstand half-battered kerbs, with the exception of at tactile crossings where the standard dropped kerbs and 6mm upstand will be provided.”

Comment from GDBA

“- On one of the islands, you have provided a staggered crossing (tactile paving indicates this) why are you not making it a straight line? It would be easier and less difficult to orientate on the island to prepare to go over the second leg of the crossing.”

Response from the Project Manager

“Controlled crossing design guidance stipulates that a staggered layout must be provided for road widths of 15m or higher. In our scenario, the width is nearly 20m. The reason for this restriction is to provide pedestrians with ample time to cross the carriageway. By staggering the crossing additional time can be provided as only one direction of traffic is affected at a time. We have provided guardrail on these traffic islands to further enhance safety.”

Comment from GDBA

“- Is the kerb and the drain flush?”

Response from the Project Manager

“It is not completely clear what the query is. Hopefully the below response provides the answer, but please get back in touch with an expanded question if it does not provide a satisfactory answer.

All drainage apparatus exposed at the surface is intended to be flush with all surrounding surfaces so as not to create trip hazards, water ponding or structural defects.”

Comment from GDBA

“- She also stated that Guide Dogs would like to see good use of colour and tonal contrast within the scheme and the materials used and good lighting especially with street furniture etc.”

Response from the Project Manager

“Affected crossings will have white lining to mark the crossing rather than steel studs. This is Gloucestershire County Council policy on the basis that it stands out better for the partially sighted. Tactile paving will be provided at controlled crossings and uncontrolled crossings, coloured red and buff respectively.

Pavement surfacing colouring was rejected due to increase complexity and cost in long term maintenance.

With the exception of the minor side roads, the scheme will receive excellent street lighting throughout the scheme extents, with complete replacement and redesign of the equipment and street furniture. This has includes maintaining a lighting column in front of the Secunda Priory Wall, where it had been requested that it be removed.

Additionally, Most of the signal equipment will be brand new, offering optimal visibility for the partially sighted, and with rotating tactiles on the base of all Push Button Units."

The Project Manager's responses were forwarded by the planning case officer to GDBA on the 26th Oct 2018. An acknowledgement email was received from GDBA on the 1st Nov 2018 confirming that the Project Manager's comments had been forwarded to GDBA's "subject matter expert".

Further comment from GDBA's subject matter expert received 09.11.2018:

The comments below were made by GDBA following a response from the Project Manager to questions raised by GDBA on the issue of shared space between pedestrians and cyclists:

"I just hope that this is not going to be an add-on after construction, imposing it on the pavement. This will mean that there will be no segregation as the recommended width for such layout would not be available. We would strongly suggest that this decision is made now so that if they do decide to include one on the pavement the recommended space is provided."

"We strongly recommend that it does not become a shared route for pedestrian and cyclists. As this is in the design stages, if it is to be considered in the future then provision should be put in place to ensure no specific road user is at a disadvantage. If this is the case, then it should be confirmed that cyclists will not be incorporated on the footway, insufficient space and safety issues should be a priority."

Further comments from GDBA's subject matter expert received 16.01.2019:

"Regarding the amended information on the above consultation, our subject matter expert would like to submit the following comments on behalf of Guide Dogs:

- 1. Notice that the pavement has been widened to 3.5m so hope that if in the future they decide to convert it to a shared route (following the surveys post construction), they will adhere to the guidance and implement a segregated route with all the recommended features. We would like this confirmed.*
- 2. We would strongly recommend another controlled crossing mid-way along the road as the only controlled crossings are either end of this stretch of road which does seem significantly a long way for someone with an impairment to go to get to the other side. I am aware that there are several informal crossing points but I doubt any person with a visual impairment would use it especially as it is staggered and a dual carriageway."*

Gloucester Chamber of Commerce

No comments received

Marketing Gloucester

No comments received

Canal & River Trust

Comments received 03.09.2018:

"The Trust has reviewed the planning application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Based upon the information available we have no comment to make."

The Trust will liaise directly with Gloucestershire County Council with regard to any impact of the associated CPO process on any Trust owned land."

Crime Prevention Design Advisor

No comments received

Gloucestershire Fire Service

No comments received

Gloucester Civic Trust

Comments received 24.08.2018:

"Gloucester Civic Trust's Planning Appraisal Panel welcomes the county council's proposals for the widening of Llanthony Road and the demolition of the City Business Centre. We believe this will vastly improve the setting of the refurbished Llanthony Secunda Priory by moving the road away from the mediaeval wall and gateway, widening the footpath and improving the drainage. We also support the city councils application to move the priory's vehicle entrance from Llanthony Road to the traffic light junction in St Ann Way, providing much improved access."

Gloucester City Centre Community Partnership

No comments received

REPRESENTATIONS

A summary of comments received from three contributors are set out below. Their submitted comments can be viewed in full on Gloucestershire County Council's website using the links on page 4 of this report. Upon receipt of the contributor comments from Mr Stevenson and Mr Crichard the planning case officer forwarded their comments to the planning agent (Cc: Project Manager) on the 5th Sept 2018 requesting a response to the questions and issues raised by those contributors. The Project Manager replied to that request on the 15th Sept 2018. Where the Project Manager has responded to a particular issue or matter, their response can be found under the corresponding point raised by the contributors.

Comment from contributor

"Summary

The plans as proposed do not appear to address the causes of congestion. The Business Case does not adequately discuss other options in any detail and its arguments appear to be there simply to support the chosen approach and appear biased towards the "preferred" option. The suggestion that £67.4 [million] savings are likely to arise is fanciful and parallels can be drawn with the now discredited £350m Brexit windfall for the NHS. The case for doing something is clear but the arguments for simple road widening remain unconvincing. The opportunity exist here for a wider appraisal of future needs and a detailed examination of how best to support the expansion of business in the west of Gloucester/Hempsted area - the current proposals fall well short in my view and should be delayed pending a more comprehensive review. In the meantime freeing up the flow of traffic using the left filter lane could ease the position for the present.

Business Case

In summary the BC is very detailed and complex and unhelpfully the conclusions, recommendations and next steps are on page 98 rather than on page one. Readers, particularly busy non-technical decision makers, do not have time to plough through what appears to be a plethora of statements many "situating the appreciation" using overtly biased language rather than factual information. It conflates the public's desire to see congestion reduced with the suggestion of the public's wholehearted support for the proposed scheme. In reality, very few members of the public will have the time or inclination to evaluate the detailed pros and cons. The financial savings and benefit calculations exaggerate the benefit to the local community, incredibly suggesting £67.4m however the calculations are based on total traffic movement and not just those involved in the local businesses/economy, this method skews and overstates the perceived benefit to the local community. Quantitative evaluation to separate and identify local and transient traffic numbers may be difficult to achieve but a qualitative measure using sample surveys could be applied so that benefits can be matched more accurately to the traffic generating them."

Response from the Project Manager

"The layout of the Full Business Case (FBC) follows a standardised format and was determined by the guidance and requirements of independent auditors. It includes an Executive Summary.

All evaluation of benefits had been carried out in accordance with the appropriate national standard guidance. The £67.4m benefit is a financial calculation over 60 years, and not money invested in to the local economy or what the scheme is expected to generate.

It is to be noted that the current planning application is separate from the FBC [Full Business Case], this was prepared to secure funding for the scheme and is included for information purposes only."

Comment from contributor

"The Problem

There are three major pinch points along Llanthony road:

- The Right hand turn into Hemmingsdale Rd;*
- The Right hand turn Sudmeadow Road; and*
- The left filter lane to cross St Ann Way Bridge.*

The two RH turns could and should be closed off and access to them provided via the traffic light controlled RH turn into Spinnaker road. This would entail providing a service road access which may require acquisition of land approximately 100 metres from the traffic light control along Spinnaker Road but any future expansion of the immediate area would benefit and congestion on the A430 reduced. The suggestion to add another set of traffic lights at Sud Meadow within 50 metres of the set at Spinnaker will not help improve the congestion.

The major cause of congestion is traffic using the left filter lane on the south west corner of the High Orchard Public House. Even small numbers of vehicles cause traffic to tail back into Llanthony road obstructing traffic heading south along Llanthony road. The filter lane has by far and away the most significant impact on traffic flows and is the least amenable to physical improvement due to its close proximity to the High Orchard Pub. If the traffic light control on the filter was removed or the priority increased, perhaps on a tidal basis, it would assist keeping the obstruction to a minimum.

Some widening of the A430 may be desirable but other actions/improvements could and should be considered as they have a greater potential impact on decreasing congestion."

Response from the Project Manager

"One of the fundamental aims of the scheme was to reduce congestion along this section of the Gloucester South west bypass by removing the major pinch points. Increasing the capacity by creating additional lanes will reduce queuing times along this section. The dedicated right turn lanes will allow vehicles to queue without blocking the straight through traffic.

The additional signals are required to allow for the dedicated right turn onto Sudmeadow Road, which will reduce congestion currently caused by vehicles queueing to turn into this road. The signals will platoon traffic creating gaps for pedestrians and reducing the potential for conflict. The signals will also create an orderly and controlled flow of traffic into St Ann Way signals.

The timings of the signals along the corridor will all be optimised and checked as part of the scheme, and will if possible will be improved before the scheme."

Comment from contributor

"1) A general comment first is that all the "Right Turns" are re-assessed starting with the right turns allowed currently at the north end of the "Frankfurter" roundabout. These remain a very high risk, in my view, for accidents. There is no need to keep these as there are already alternative routes to avoid this. E.g. going south it is only necessary to travel around the FF (Frankfurter) to get to the opposite carriage way. Going north the route is via St Ann way and around the Sainsbury route to the south carriageway. Armco barriers could be utilized to prevent crossovers"

Response from the Project Manager

"Various scheme options were considered, including closing the right turns into the major side roads adjacent to Llanthony Road, these suggestions received negative feedback from businesses and residents that would be directly affected and risked future congestion at the "Frankfurter" roundabout.

The proposed scheme includes for dedicated right turn lanes with increased queueing capacity. This will allow vehicles to queue to turn right onto the side roads, without blocking vehicles on Llanthony Road."

Comment from contributor

"2) There are number of right turns shown on your new sections which I believe should be eliminated or at least reduced in number. Traffic from the north and travelling south could easily use the FF route to get to their destinations. Travellers going north it is not easy to find a similar solution except if a new roundabout were to created near or including the current traffic light at the Llanthony road bridge junction. A suggestion I would make is for the traffic turning left from Hemmingsdale Road and from the access road to the small industrial state to the north have a filter lane (service road!) to the suggested new roundabout to reduce the number of connections to the GSWB which I would have thought to have a beneficial effect."

Response from the Project Manager

"A service road has not been proposed due to the emphasis being on capacity improvements, and with limited space available all provisions were given to increasing the amount of lanes for all vehicles to utilise.

Due to budgetary constraints and land ownership the access to these adjacent roads had to be maintained directly off the Bypass."

Comment from contributor

"3) The introduction of new traffic lights so close to those already established at the St Ann Way and the GSWB is surely going to create more of the existing problems. Perhaps

extending the suggestion i.e. the above suggested filter lane (service road) and to the new roundabout. This would then cater to the future traffic from Sudmeadow Road, whilst we all like to take the shortest route home sometimes it may be better to travel a small extra distance."

Response from the Project Manager

"The additional signals are required to allow for the dedicated right turn onto Sudmeadow Road, which will reduce congestion currently caused by vehicles queueing to turn into Sudmeadow Road. The signals will platoon traffic creating gaps for pedestrians and reducing the potential for conflict. The signals also create an orderly and controlled flow of traffic into St Ann Way signals."

Comment from contributor

"4) Some additional clarification is required for traffic to and from Llanthony Priory as they appear to have different ideas to that currently proposed. Is their main access to be via the road behind the High Orchard pub?"

Response from the Project Manager

"The Priory have submitted a planning application which includes for a new access from St Ann Way. That planning application is yet to be determined so final details are not yet available. We have been consulting with The Priory and will adjust the scheme design, if required, when details are confirmed."

Comment from contributor

"5) In the immediate future I would hope that further consideration is given to slight changes to the light changes at the St Ann Way to GSWB for traffic travelling south and wanting to turn left to St Ann Way. There is a period of time when traffic can safely turn left before the bulk of traffic continues along the GSWB which would relieve some build up at this point. These suggestions been made before (via Pam Tracey and with a design engineer involved at the time) but never implemented as far as I can tell, because of contractual difficulties....."

Response from the Project Manager

"This is a recognised issue, however, maintenance liability is not with the County Council. The developers responsible are finalising remedial works and this should enable improvements to signals operation."

Comment from contributor

"6) How is the traffic from the newly being built estates local to Sainsbury store expected to exit the area. Is most of this traffic anticipated to exit to the St San way or directly out to the GSWB?"

Response from the Project Manager

"The new housing development has a separate planning application. The plans show traffic exiting onto the GSWB via the elongated roundabout."

Comment from contributor

"7) The Design and Access Statement includes under the Bakers Quay section states that there is to be more car parking, 226 spaces, I have been unable to view this and wonder how this is incorporated in the scheme. Access to Merchants Road from Llanthony Road is not allowed (taxis only) and access for the other end, past the shed is local to the access to the Outlet Centre car park. I may have misunderstood the comment can you please clarify the situation."

Response from the Project Manager

"The Bakers Quay arrangements are not part of this planning application. For information, Bakers Quay now has an access open from the Quays Car Park arm, providing parking for the hotel, Beefeater, and Costa Coffee."

Mr D. Stockwell (comments received online on 14.09.2018)

"1. Several years ago, Hempsted Residents Association (HRA) invited a consultant who had worked on the GSWB at its design stage to talk to us about GSWB problems. We were worried about the hold-ups at the Llanthony Road/GSWB traffic lights. We asked if a box junction could be installed. After replying that was not possible he said that there was room enough for a round-about, instead of lights. That option must surely still be available.

2. You have considered a new set of traffic lights at Sudmeadow Road. In my opinion there are two options here.

a) As the proposed lights are so close the Spinnaker Road lights, make the lights into one system. The north set of lights at Sudmeadow Road, the south set at Spinnaker Road.

b) Compulsorily purchase the ransom strip of land between Sudmeadow Road and Spinnaker Road and close off the eastern end of Sudmeadow Road. In so doing, reducing the number of traffic light compared to 2(a).

3. The filter left of south bound traffic on the A38 at Coombe Hill going towards Cheltenham is not controlled by lights, just a give way. Could this type of control at the Spinnaker Road lights, for the south bound, left turning traffic, be used so reducing the queuing traffic.

4. I have always felt that two lanes at traffic lights which quickly reduce to one lane a short distance after the lights is a design waiting for an accident to happen. Reduce the north bound traffic to a single lane and move the island west ward so creating more lanes south bound.

5. If option 4 is implemented, then there would be enough space for a central barrier to be installed, stopping south bound traffic wanting to cross the north bound lane into the businesses on the western side. It would also stop traffic exiting the businesses wanting to go south and crossing the four lines of traffic.”

It should be noted that the contributor comments from Mr Stockwell did not receive a specific response from the Project Manager.

OFFICER’S REPORT

1.0 SITE DESCRIPTION

- 1.1 The application site as shown on Red Line Plan L1-100-01a Rev.P1 covers an area of approx. 2.03 hectares and consists of a section of the Gloucester South West Bypass (directly adjoining Llanthony Priory) and the City Business Centre, which lies to the west of the City Centre. This is an urban area of Gloucester, and whilst there are some residential dwellings in close proximity to the boundary of the application site along Sudmeadow Road and Hemmingsdale Road, the surrounding area is characterised predominantly by commercial buildings of varying size, design, construction and appearance, along with a number of designated heritage assets.
- 1.2 Substantial structural remains of the priory are preserved. These include the western side of the precinct wall – designated a Grade I Listed structure, which immediately adjoins the application site along part of the eastern boundary of the application site. Llanthony Priory is also a designated Scheduled Monument in recognition of the national archaeological importance of the site.
- 1.3 The nearest dwellings to the development include No’s.1 to 13 Sudmeadow Road and No’s 1 to 22 Hemmingsdale Road.

Constraints

- 1.4 The following observations have been made in respect of natural and historic designations within the local area:
- Listed buildings: Llanthony Priory (Grade 1); Llanthony Priory, remains of precinct wall south of outer gatehouse (Grade 1); Llanthony Priory, remains of outer gatehouse (Grade 1); Llanthony Priory, remains of precinct wall north of inner gatehouse (Grade 1); Llanthony Priory, remains of tythe barn on north side of inner court (Grade 1); Llanthony Priory, range between outer and inner court (Grade 1); Llanthony Road, remains of range on south side of inner court (Grade 1); Llanthony Priory Farmhouse (Grade II);
 - Scheduled Ancient Monument: Llanthony Secunda Priory, the curtilage of which adjoins the eastern boundary of the application site;
 - Within Flood Zone 2 and 3;
 - There are no Public Rights of Way within the immediate vicinity;

- The application site is not within any national or local ecological designations;
- Not within a conservation area.

Topography of the area

- 1.5 The topography of the area is predominantly flat.

2.0 THE PROPOSAL

- 2.1 The proposal involving the widening of a length of the A430 from the Spinnaker Road junction to Llanthony Industrial Estate. To facilitate the highway works, the proposal includes the demolition of the City Business Centre on land between Hemmingsdale Road and Sudmeadow Road.
- 2.2 The proposals represent the final phase of the Gloucester South West Bypass (GSWB) and are considered necessary to reduce congestion at peak periods, improve journey time and support economic growth. Within the Executive Summary of the Full Business Case (dated Dec 2017), it states that the proposal would improve productivity by *“reducing travel time for the users of this corridor by up to 5 and 10 minutes for the peak periods.”*
- 2.3 The Full Business Case (FBC), prepared by Gloucestershire County Council, submitted alongside this application, describes the scheme as follows:
- “involves widening on the A430 Llanthony Road from north of the Spinnaker Road Junction to Llanthony Industrial Estate. This option allows the two northbound lanes further north, from the two lane merge at the junction at Spinnaker Road to the existing two lanes merge north of the Llanthony Road Junction. It also extends the two southbound lanes further north to the junction with Hemmingsdale Road. The westbound approach from St Ann Way is widened to three lanes to accommodate two right turn lanes into Llanthony Road, and new traffic signals at Sudmeadow Road improve access to and from the side road. To optimise the signals, the staggered pedestrian crossing has been relocated from the south arm of Spinnaker Road signalised junction to the south arm of the newly signalised Sudmeadow Road.”
- 2.4 Additionally, the FBC (as amended by revised plans) also notes the following elements of the scheme:
- Inclusion of additional dedicated turning lanes to maximise traffic flows and improve accessibility for residents and businesses on side roads. The widening of the road increases the carriageway area resulting in up to 5 lanes in places. The proposal would generate 2 full northbound lanes for the whole of the site and 2 south bound lanes from the Llanthony Business Park onwards. All side road junctions and major private accesses (such as the business parks and industrial estates) have their own separate right turn lanes;
 - Increased width of footways to west side of scheme;

- Creation of a pedestrian central reserve area at a new crossing point, to improve pedestrian facilities and safety, whilst also maximising traffic flows; and
- Demolition of the City Business Centre (approx. 4525m²) required to enable the scheme. The building is a brick clad, steel frame multi bay warehouse and office facility. It has a steel truss roof covered by asbestos sheeting.

2.5 Para.3.2 of the Transport Statement dated 02/01/2019 states that the total cost of the scheme to be £7,300,000, with a completion date in 2022. Para.1.3 of the Sustainability Statement states that the present value benefit of the proposal to the local economy over a 60 year appraisal period would be £64,270,000, with a Benefit Cost Ratio of 12.

Environmental Impact Assessment Screening

- 2.6 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (hereinafter referred to as the EIA Regulations or Regs.) provide that the local planning authority shall adopt a screening opinion as to whether or not proposals are 'Environmental Impact Assessment (EIA) development', either before an application is made, if requested or if not, in appropriate cases on submission of the application. An application or submission for EIA development cannot be determined unless an Environmental Statement (ES) has been submitted by the applicant and considered by the local planning authority.
- 2.7 In this instance the application was submitted without first requesting a screening opinion from Gloucestershire County Council (GCC) as the County Planning Authority (CPA) and it was not accompanied by an ES. By virtue of the scale and nature of the works to the highway, GCC is the determining authority for this Regulation 3 proposal, which is facilitated by the demolition of the City Business Centre.
- 2.8 The proposal would be EIA development if, in the opinion of the CPA, it were likely to have '*significant effects on the environment by virtue of factors such as its nature, size or location*'.
- 2.9 In evaluating the extent of 'development' for the purpose of the EIA screening process, section 55 (2)(b) of the Town and Country Planning Act 1990 provides that carrying out on land within the boundaries of a road by a highway authority of any works required for the maintenance and improvement of the road is not 'development' for the purpose of the Act.
- 2.10 In respect of the proposed demolition of the City Business Centre section 55(1A) of the Town and Country Planning Act 1990 provides that demolition of such a building constitutes 'building operations' and therefore comes within the definition of 'development'. At approx. 4525m² the City Business Centre is of a scale that would not be exempted from the definition of development.

- 2.11 The development proposal is a type which falls within those listed in Schedule 2 of the Regulations, under Column 1 of Section 10(f) - '*Construction of roads (unless included in Schedule 1)*'. However, paragraph 5.4 of the Full Business Case (dated December 2017) states that the '*scheme will construct additional carriageway area of 2360m²*', which does not exceed the 1 hectare (10,000m²) threshold described in Column 2 of Section 10(f). Therefore, the proposal is not required to be screened under this part of the EIA Regulations.
- 2.12 In addition to the above, the development proposal is also of a type that falls within Schedule 2 Column 1 Section 10(b) – '*Urban development projects*', the threshold criteria for which is set out in Column 2 Section 10(b) and includes: (i) *The development includes more than 1 hectare of urban development which is not dwellinghouse development; or (ii) the development includes more than 150 dwellings; or (iii) the overall area of the development exceeds 5 hectares.* As the additional carriageway created is 2360m² and the area of built form to be demolished at the City Business Centre covers an area of approx. 4525m², the proposal does not include more than 1 hectare of '*urban development*' and therefore does not meet the threshold for criteria (i). The proposal does not involve dwellings, as such the proposal does not meet the threshold for criteria (ii). The overall site area for the development as shown by the red line on Red Line Plan drawing L1-100-01a Rev.P1 is approx. 2.03 hectares, therefore the proposal is less than the 5 hectares of development set out in criteria (iii).
- 2.13 Whilst the CPA adopts the view that the development proposal falls outside the criteria for it to be screened under the EIA Regulations (2017), the CPA notes within the consultation responses received from consultees the following remarks in respect of EIA screening:

Biodiversity

- 2.14 The County Council's Principal Ecologist (CCPE) is of the opinion that on the basis of information submitted and known, '*The proposed development is not considered likely to have significant effects on biodiversity (ecology) as set out in the EIA Regulations.*'
- 2.15 The CCPE's assessment of the submitted ecological information is that it is '*Sufficient to assess and inform a decision of the development.*'
- 2.16 The nearest Special Area of Conservation (SAC)/Special Protection Area (SPA)/Ramsar site is the Severn Estuary, which is over 12km away. Given the distances involved and the type and scale of the proposed development, the CCPE is of the opinion that '*there is unlikely to be a significant effect on this European/International Site.*'
- 2.17 In assessing the potential environmental impact of the proposal upon other designated sites in the area, the CCPE states that the following sites are unlikely to be significantly affected by the proposed development: Site of Special Scientific Interest (SSSI) at Innsworth Meadow, Robinswood Hill Quarry and Hucclecote Meadows; Key

Wildlife Sites (KWS) at Alney Island and Sud Meadow; Local or National Nature Reserve (LNR or NNR) at Alney Island; Regionally Important Geological Site (RIGS) at Robinswood Hill.

Trees

- 2.18 Whilst some tree loss has been avoided, paragraph 5.2.1 of the Arboricultural Impact Assessment states that the proposal will result in the removal of 11 trees. These include a buddleia/willow grouping, rowan, field maple and cherry. None of the trees identified for removal are considered likely to harbour bat roosts.

European Protected Species (EPS)

- 2.19 Although SLR's bat report considers the City Business Centre building to have low potential for bat roosting, the CPA notes the CCPE's opinion that bat roosting cannot be completely ruled out.

As bats have been discovered within buildings in this part of Gloucester close to the River Severn and Alney Island, the CPA notes the CCPE's recommendation for a precautionary approach.

Air Quality

- 2.20 The County Planning Authority's technical advisor on air quality is of the opinion that *"notwithstanding the limitations of the air quality assessment, the characteristics, nature and potential impact of the proposed development is unlikely to be of concern to air quality, provided that dust from construction and demolition is appropriately mitigated during temporary activities. Given the nature of improvements to congestion and reduced traffic flow in the city centre, the proposed development is likely to have small beneficial impacts on local air quality once in operation. Consequently, significant adverse effects on air quality are not expected and therefore an ES is not required to be submitted with the planning application."*

Noise

- 2.21 As a matter of principle the City Council raised no objection in terms of amenity issues. However, the Environmental Health Officer at Gloucester City Council identifies that sensitive receptors close to the development site are likely to be disturbed for the duration of the proposed works and the later rebuild of the City Business Centre site. Section 3.4 of the Road Traffic Noise Addendum dated August 2018 identifies a method of noise mitigation which the City Council recommends be secured through the imposition of a suitably worded planning condition, which can be found in the conditions list at the end of this report. In carrying out the mitigation measures secured by condition the proposal would not in the opinion of the CPA have such an adverse effect upon the environment as to warrant the submission of an ES.

- 2.22 In coming to this view the CPA's opinion is reflective of the advice from the CPA's technical advisor on noise who advises that they *"don't have any noise related points to raise beyond what is already covered in the Amey report."*

Historic Environment

- 2.23 In terms of any potential adverse impact upon the historic environment the CPA notes the following comment from Historic England (dated 23.08.2018): *"With regards to the screening opinion it is for the local authority to determine whether an EIA should be prepared for the proposed development. However, we consider that the historic environment information contained in the application provided is sufficient to enable the authority to determine whether or not an EIA is required in relation to this topic. The scheme will have a positive impact on the historic environment and improve the condition of designated heritage assets and their settings."*
- 2.24 In addition to the above remarks, the CPA notes that *"the City Council does not wish to offer any comments"* on the matter of EIA screening.
- 2.25 For the reasons given above, the CPA adopts the opinion that the development proposal described in para.2.1 to 2.4 of this report falls outside the criteria for it to be screened under the EIA Regulations (2017). Even in the event that the proposed development were required to be screened under the EIA Regulations (2017), it would not, in the opinion of this Authority, be likely that the development would have a significant effect on the environment to require the formal submission of the proposals as EIA development.

3.0 PLANNING POLICY

National Planning Policy Framework

- 3.1 The National Planning Policy Framework (NPPF), dated Feb 2019 constitutes national policy for Local Planning Authorities and is a material consideration in determining the application. In assessing and determining planning proposals, Planning Authorities should apply the presumption in favour of sustainable development, which is the main focus of the NPPF in relation to both the plan-making and decision making process. However, the presumption in favour of sustainable development does not apply where development requires an appropriate assessment under the Conservation of Birds Directive and the Habitats Directive.
- 3.2 The following chapters and paragraphs within the NPPF (2019) are considered the most relevant to the application.

Planning conditions and obligations

- 3.3 As part of the CPA's evaluation of the appropriateness of the development, the CPA is mindful of paragraphs 54 to 56 which state that *"Local planning authorities should*

consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.”*

Chapter 6: Building a strong, competitive economy

- 3.4 In helping to bring about the conditions for a strong and competitive economy, paragraph 80 of the NPPF (2019) states that *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”* Such aims and objectives are further reinforced in paragraph 82 where, inter alia, *“Planning policies and decisions should recognise and address the specific locational requirements of different sectors.”*

Chapter 9: Promoting sustainable transport

- 3.5 Paragraph 102 states that *“Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*
- a) the potential impacts of development on transport networks can be addressed;*
 - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
 - c) opportunities to promote walking, cycling and public transport use are identified and pursued;*

d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and

e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.”

3.6 With regard to preventing or refusing development on highway grounds, paragraph 109 of the NPPF (2019) states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

3.7 Within this context, paragraph 110 states that *“applications for development should:*

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”

Chapter 11: Making effective use of land

3.8 Whilst decisions should promote an effective use of land, para.117 reminds the decision maker that this should be done *“while safeguarding and improving the environment and ensuring safe and healthy living conditions.”*

3.9 To help facilitate those developments that require more land to be brought forward, para.119 encourages planning authorities to *“take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.”*

- 3.10 The area of proposed demolition would be sited within an established industrial site. The provision of such an enclosed structure would secure operational benefits for both the historic environment and local economy that accords with paragraph 120 of the revised NPPF, which states that *“decisions need to reflect changes in the demand for land”*.
- 3.11 In achieving appropriate densities for multiple forms of development, para.122 states that decisions should take into account, inter alia, the availability and capacity of infrastructure and services (both existing and proposed) *“as well as their potential for further improvement”*.
- 3.12 The economic gains and enhancement to the setting of heritage assets arising from the provision of the highway improvements would make more effective use of the land. The proposal is therefore considered by the County Planning Authority (CPA) to be in accordance with the aims and objectives of chapter 11, which the NPPF seeks to protect and promote.

Chapter 12: Achieving well-designed places

- 3.13 In creating high quality places, para. 128 states that *“design quality should be considered throughout the evolution and assessment of individual proposals”*, and that *“applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.”*

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

- 3.14 *“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
 - b) the development is appropriately flood resistant and resilient;*
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
 - d) any residual risk can be safely managed; and*
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”*

Chapter 15: Conserving and enhancing the natural environment

- 3.15 In regard to ground conditions and pollution, para.179 states that *“where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”*
- 3.16 Within para.180 reference is made to the need for local planning authorities to ensure that decisions in respect of new development is appropriate for its location, *“taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.”*
- 3.17 Within para.183 local planning authorities are reminded that *“the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.”*

Chapter 16: Conserving and enhancing the historic environment

- 3.18 Paragraph 190 states that *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”*
- 3.19 The City Business Centre is a non-designated heritage asset, the demolition of which would require the CPA to have regard for para.197 which states that *“the significance of a non-designated heritage asset should be taken into account in determining the application.”* In weighing applications that directly or indirectly affect non-designated heritage assets, para.197 refers to *“a balanced judgement”* being required *“having regard to the scale of any harm or loss and the significance of the heritage asset.”*
- 3.20 Furthermore, where there is new development within the setting of heritage assets, paragraph 200 of the revised NPPF states that *“Local planning authorities should look for opportunitiesto enhance or better reveal their significance.”* For those proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance), the NPPF states that such proposals *“should be treated favourably.”*

Development Plan

- 3.21 Under Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan relevant to this

planning application will be the Gloucester, Cheltenham & Tewkesbury Joint Core Strategy 2011-2031 (adopted 11th Dec 2017), the Gloucester Local Plan (1983) and the Gloucestershire Waste Core Strategy (Adopted 21st November 2012).

Joint Core Strategy (JCS)

3.22 The following policies are relevant to the proposed development:

Policy SD1 – Employment – except retail development

Policy SD3 – Sustainable Design and Construction

Policy SD4 – Design Requirements

Policy SD8 – Historic Environment

Policy SD9 – Biodiversity and Geodiversity

Policy SD14 – Health and Environmental Quality

Policy INF1 – Transport Network

Policy INF2 – Flood Risk Management

Policy INF6 – Infrastructure Delivery

Gloucester Local Plan (1983)

3.23 In light of the adoption of the JCS, and a review of the NPPF, Gloucester City Council has only retained policies A1a (Heights of buildings and protection of views) and C1e (Site identified at Abbeydale to provide two Primary Schools) of the 1983 Local Plan, neither of which are of relevance to this planning application.

Gloucester City Council Revised Deposit Local Plan (2002)

3.24 For development control purposes and although it does not form part of the statutory development plan, the following policy in the Gloucester City Council Revised Deposit Local Plan 2002 is considered to be a material consideration in the determination of this planning application:

Policy E.4 – Protecting Employment Land

“Planning permission will not be granted for new development that involves the loss of employment land unless the following criteria are met:

- 1. The land has limited potential for employment, and*
- 2. The developer is able to demonstrate that an alternative use, or mix of uses, offers greater potential benefit to the community.”*

Gloucestershire Waste Core Strategy (Adopted 21st November 2012)

3.25 Policy WCS2 – Waste Reduction

Waste planning within a development project is an important consideration when assessing proposals, particularly those involving demolition.

All development will be expected to incorporate the principles of waste minimisation and re-use. Planning applications for 'major' development must set out how waste arising during the demolition and construction phases of a development will be minimised and managed.

Neighbourhood Development Plan

- 3.26 On the 8th January 2014 Gloucester City Council's Planning Committee resolved to approve the geographical boundary edged red on the Hempsted Neighbourhood Planning Area map proposed by Hempsted Community Forum.
- 3.27 The CPA notes that while the whole of the application site edged red on planning application 18/0052/GLR3MJ falls within the approved boundary of the Hempsted Neighbourhood Planning Area, the City Council have confirmed verbally that there is no corresponding Neighbourhood Development Plan either adopted or emerging. Therefore, no regard is required to be given by the CPA to this matter as part of the CPA's assessment of the development proposal against relevant national and development plan policies.

Highways & Biodiversity Guidance for Gloucestershire

- 3.28 Gloucestershire's Highways & Biodiversity Guidance (HBG) version 1.2 (dated November 2017) contains advice to help the County Council implement its statutory duty to conserve biodiversity (Natural Environment & Rural Communities Act 2006) whilst carrying out its highways functions. The HBG for Gloucestershire is relevant to the planning, construction and maintenance of all roads, cycle ways and Public Rights of Way (PRoW).

4.0 PLANNING CONSIDERATIONS

- 4.1 Permission is sought for widening a length of the A430 from the Spinnaker Road junction to Llanthony Industrial Estate. It is considered that the main issues arising from the proposal are the need for the road improvements; justification for the demolition of the City Business Centre; environmental health/amenity issues (air quality and noise); impact upon archaeology; impact upon the character and setting of Llanthony Priory and associated designated heritage structures; loss of trees; loss of employment land; impact upon existing businesses; the management of surface water and whether the design of the scheme is positively integrated for different users, including cyclists and pedestrians, especially those with a visual and/or physical impairment.

Need for the road improvement

- 4.2 The Gloucester South West Bypass (GSWB) was first allocated under Policy TR.5 of the Gloucester Deposit Local Plan (2002). Since this time the majority of the GSWB

has been upgraded in line with this policy, although the application site is the only section along the entire route that has not benefitted from any improvements to date.

- 4.3 Due to the narrow nature of the road at this point, it has created a bottleneck and congestion and travel times are a significant issue. The issues have been exacerbated by the number of completed developments in the locality in recent years. The issues will continue to grow in severity, as a result of further planned developments through the Joint Core Strategy and the emerging Gloucester City Plan.
- 4.4 The latest Infrastructure Delivery Plan (IDP) was submitted as part of the evidence base for the Joint Core Strategy (JCS) and is dated August 2014. Within this document the final phase of the GSWB is mentioned under paragraph 4.9.8.4 (Gloucester Urban Areas), as a transport project that the new residential developments allocated through the JCS could contribute towards. The IDP followed the acknowledgement of the GSWB as a "Congestion Pinchpoint" within the Gloucestershire Strategic Economic Plan (SEP) prepared by GFirst LEP in March 2014.
- 4.5 Within para.1.2.2 of the Full Business Case (FBC) it states that *"approximately 25,000 vehicles a day" use the GSWB, and that "between 40,000 and 50,000 people would benefit from improvements to this section of road every day."*
- 4.6 The A430 is classified by Gloucestershire County Council as a primary link. The proposed scheme would directly link to the priorities identified in Gloucestershire's Strategic Economic Plan (2015) by providing strategic linkages between the M5 Growth Zone at Junction 12 and the A40. Improvements to the A430 Llanthony Road section are vital to support both planned and potential future residential and commercial development in the west of Gloucester, and across the county. There are areas immediately to the west of this section of Llanthony Road, which according to the FBC produced by Amey, *"could be ideally located for future development if the traffic congestion was not perceived as a limiting factor"*.
- 4.7 Once completed, the planned redevelopment of Gloucester City Football Club's ground would increase traffic flows at certain times along Sudmeadow Road and other parts of the local highway network. Therefore, the planned improvements to this section of highway would be a significant betterment for access and future of the redeveloped Gloucester City Ground, as well as benefits for other businesses and residents in the vicinity.
- 4.8 If the proposed scheme was not to be taken through to construction then the applicant states (FBC p6) that *"access to planned and potential future development would be significantly hindered and impeded, and in addition air quality would also decline."*
- 4.9 The CPA is satisfied that the "need" argument for the proposed highway improvements has been adequately evidenced within the submission documents.

Justification for demolition

- 4.10 It is not until the publication of the Third Edition OS map of 1924 that we see the first significant development within the “demolition area” shown on General Arrangements drawing L1-100-06 Rev.P8, which consisted of Stephen’s Glevum Incubator Works. By 1932 the larger incubator works had been constructed over their former footprint. The north/south aligned sheds were in place by 1947. Another change that occurred between 1932 and 1947 was the roofline of the sheds, which were rounded in 1932 and pitched by 1947.
- 4.11 The building to be demolished is constructed from brick cladding and blockwork, with steel frame and multiple bays and a steel truss roof clad in asbestos sheeting. The building is not listed, nor is it locally listed. Para.4.13 of the Heritage Desk-Based Assessment (dated July 2018) states that the former incubator works *“might be considered to be of some very low heritage interest on the basis of communal value, i.e. to those who worked in, or have family connections to the former works. However, this level of heritage value is not sufficient to neither warrant preservation in-situ nor otherwise constrain the redevelopment of the Site, including the part/full demolition of the works.”* The CPA notes that Historic England makes no reference to the loss of buildings on the former incubator works site known as the City Business Centre. The demolition of this building and widening of Llanthony Road is welcomed by Gloucester Civic Trust’s Planning Appraisal Panel, as they believe this *“will vastly improve the setting of the refurbished Llanthony Secunda Priory”*.
- 4.12 To deliver the proposed highway scheme, para.1.4.1 of the FBC states that *“full demolition of Gloucester Business Centre could not be avoided.”*
- 4.13 Within para.3.28 of the Planning Statement (dated August 2018) it informs us that a structural engineer was instructed by the applicant to review the impact of the proposed road widening on the building to be demolished. The structural engineer’s review outlined that 50% of the floor area of the City Business Centre would need to be demolished in order to facilitate the road widening scheme. By virtue of its design and construction the remaining 50% of the building would be rendered structurally unsound and *“not result in a commercially viable building.”* Furthermore, *“if the remaining structure was sound, demolition in part would still require all of the existing businesses to vacate the building.”*
- 4.14 Demolition of the City Business Centre would, in the short term, open up views for residents of properties on the north side of Hemmingsdale Road, which is considered by the applicant to *“be a small beneficial impact”*.
- 4.15 The roof of the building to be demolished is covered with corrugated asbestos sheeting and the Asbestos Survey report produced by CWE Services Limited (dated 8th Aug 2017) highlights multiple instances where the fabric of the building and associated fixtures contain asbestos products. In the interest of safeguarding the environment and public health, a planning condition would be applied to any approval requiring an asbestos management report (AMR) relating to the demolition of the on-

site buildings to be submitted to and approved in writing by the County Planning Authority prior to any demolition works. The AMR shall include a remediation scheme to deal with any asbestos contaminant identified, including an implementation timetable, monitoring proposals and a remediation verification methodology. The verification methodology would include a sampling and analysis programme to confirm the adequacy of decontamination and an appropriately qualified person would be required to oversee the implementation of all remediation.

- 4.16 The AMR would need to include results of the verification programme of post-remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met, together with a discovery strategy for dealing with any unexpected contamination which might be found.
- 4.17 With such precautionary measures in place the CPA is satisfied that compliance with such safeguards would ensure that the development accorded with Policy SD14 of the JCS and the aims and interests that the NPPF seeks to protect and promote in respect of safeguards to the environment and human health.
- 4.18 Based upon the information submitted and comments from consultees, the CPA is satisfied that the City Business Centre building is of limited architectural and historical significance and that its demolition would have a positive impact upon the character and setting of the neighbouring Scheduled Ancient Monument, Grade 1 listed Priory and associated listed structures on the east side of Llanthony Road by further separating the built form from the boundary with the Priory. As such the CPA considers the proposal to be in accordance with Policy SD8 of the JCS, which seeks, inter alia, to ensure that development makes a *“positive contribution to local character and distinctiveness”* and that proposals *“secure the future conservation and maintenance of heritage assets and their settings that are at risk through neglect, decay or other threats will be encouraged.”*

Environmental Health/Amenity Issues – Air Quality

- 4.19 The need to adequately safeguard the amenity of neighbouring residents and occupiers during each of the three phases of the development has been carefully considered to ensure there is minimal adverse impact upon the amenity of local residents and occupiers of neighbouring industrial premises.
- 4.20 Whilst the assessment of impacts at ecological receptors was not required because no designated sites are located within 200m of affected roads, the number of potential sensitive receptors (*dwelling, hospitals, schools, community facilities, designated areas (e.g. SAC, SPA, SSSI, pSPA and Ramsar) and public rights of way*) within 350m of the application site is stated at para.5.2.3 of the AQaGGA Revision 3 report as being 397. The CPA acknowledges that new developments have been completed within the Affected Links Buffers shown on the Air Quality Permanent Effects Assessment drawing (Figure 5.1) since the publication of the Air Quality and Greenhouse Gas Assessment report (COGL43055295/Air Revision 3) dated

September 2018 and that an unquantified number of additional sensitive receptors (i.e. residents at Provender, Bakers Quay) now occupy those properties.

- 4.21 In respect of air quality the application is supported by an Air Quality and Greenhouse Gas Assessment (AQaGGA)(Revision 3) produced by Amey and dated September 2018. This report has been reviewed by the County Council's air quality advisor (CAQA) who concludes in his consultation response (dated 28.03.2019) that *"the proposed scheme would not result in a significant adverse impact on air quality."* This advice is consistent with that received from the County Planning Authority's CAQA on the 21.08.2018 in respect of their review of the AQaGGA Revision 2 report dated August 2018.
- 4.22 However, the CPA is mindful that within the CAQA's consultation response (dated 22.08.2018) it mentions that *"it is very unlikely that the sensitivity of the surrounding area would be considered "Low" for dust soiling for each activity."* *"There are more than ten highly sensitive residential dwellings within 20 m of the City Business Centre which is to be demolished. Therefore, the sensitivity is at least Medium if not High."* *"There are also additional business uses within 20m of the red line boundary, and therefore the sensitivity of the area to dust is at least Medium."*
- 4.23 With this in mind, the CPA notes the CAQA's opinion that it is unlikely that the proposal would generate a PM₁₀ [particulate matter 10 micrometers or less in diameter] concentration >24µg/m³ [concentration of an air pollutant is given in micrograms (one-millionth of a gram) per cubic meter air] and therefore *"the sensitivity of the area to human health impacts will remain the same."*
- 4.24 Post completion of the proposed highway works, the CPA acknowledges that there are economic benefits in terms of facilitating improvements in the efficiencies on the local highway network that could potentially result in marginal improvements in air quality in the area. In their assessment the County Council's CAQA concludes that *"given the nature of improvements to congestion and reduced traffic flow in the city centre, the proposed development is likely to have small beneficial impacts on local air quality once in operation."* In addition to improved traffic flow, a contributing factor to the overall predicted concentrations of NO₂ and PM₁₀ being lower in assessment year 2031 are the lower vehicle emissions resulting from advances in vehicular technologies.
- 4.25 In having regard for undertaking further assessment *"to determine the level of mitigation required to minimise and control any emissions once further construction methodology details are available"* [para.5.2.11 of the AQGGA report Revision 3], the CAQA recommends that the mitigation measures are revised to account for a "high risk" of dust deposition.
- 4.26 To ensure that the development accords with Policy SD14 part 2 of the JCS and the advice from the CPA's CAQA, the CPA considers that the environmental impacts upon air quality that would be brought about during each phase of the development can be

adequately controlled through the imposition of planning condition 20 (Dust Management Plan), a copy of which can be found at the end of this report.

- 4.27 Provided that appropriate dust control measures are implemented for the duration of each phase of the development in accordance with those details to be approved under condition 20, it is the opinion of the CPA that the environmental quality of the area and the amenity of those sensitive receptors in and around the vicinity of Hemmingsdale Road, Sudmeadow Road and Provender (Bakers Quay) would not be unacceptably affected by the proposed development in respect of air quality.
- 4.28 Based upon the technical advice received on air quality, the CPA are satisfied that, subject to conditions, the proposal would accord with the aims and objectives of Policy SD14 of the Gloucester, Cheltenham & Tewkesbury Joint Core Strategy 2011-2031 and para.180 of the NPPF, which seeks to ensure that new development is appropriate for its location, *"taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment."*

Environmental Health/Amenity Issues – Noise

- 4.29 The works associated with each of the three phases of proposed development would generate noise that has the potential to significantly impact the amenity of neighbouring residents and the occupiers of commercial premises within the vicinity of the application site.

Phase 1: Demolition

- 4.30 By virtue of their proximity to the application site and the nature of the works associated with the demolition process, it is highly likely that the demolition of the City Business Centre would involve noise generating activities that would have a significant adverse impact upon the amenity of neighbouring residents and the occupiers of commercial premises within the immediate vicinity of the "demolition area" shown on the General Arrangements drawing L1-100-06 Rev.P8.
- 4.31 Associated with the demolition phase, para.3.5 of the Sustainability Statement makes reference to the *"intention to crush brick and concrete emanating from the demolition for recycling as sub base materials both within the proposed works or re-used elsewhere."* In the absence of any acoustic attenuation, the on-site processing of inert material has the potential to severely impact the amenity of neighbouring residents and occupiers, especially when such plant equipment is being operated at the same time as other noise generating activities inside or outside the demolition area. Unless adequate safeguards can be achieved through the imposition of suitably worded planning conditions, the CPA is of the opinion that the cumulative effect of unfettered noise generating activities such as those associated with the demolition process and crushing of inert material would make the proposal unacceptable in policy terms as the proposal would be contrary to part 2ii of policy SD14 of the JCS, which states that new development must *'result in no unacceptable levels of air, noise, water, light or soil*

pollution or odour, either alone or cumulatively, with respect to relevant national and EU limit values.'

- 4.32 Demolition of the City Business Centre would remove a significant physical noise screen, resulting in the rear gardens and rear facades of the houses along Hemmingsdale Road and Sudmeadow Road being exposed to significant increases in noise levels. As a consequence of demolishing the City Business Centre para.3.4.1 of the FBC states that its removal would increase environmental noise for these sensitive receptors by up to 8db in the short term and 8.4db in the long term. To mitigate this matter the Traffic Noise Assessment produced by White Young Green (WYG) (dated August 2017) recommended the provision of a 3m high noise barrier/fence against the south-eastern edge of the rear gardens of the properties on Hemmingsdale Road and Sudmeadow Road. With the noise barrier/fence in situ the predicted noise levels would be 5dB in the short term and 5.4dB in the long term (post completion of the road widening scheme).
- 4.33 Whilst it is acknowledged by the CPA that activities such as those described in para.4.31 are temporary and operated during normal daytime hours (07:30hrs to 17:30hrs Mon to Fri and 08:00hrs to 13:00hrs on Sat), the projected increase in noise levels during the operation of plant equipment such as that required to crush inert waste material could be severe and require additional mitigation to be in place over and above that referred to in para.3.4.1 (Construction Mitigation) of the RTNAA produced by Amey. To ensure that adequate safeguards are in place to protect local amenity from excessive noise as much as practicable, planning conditions have been applied requiring the submission of a noise management scheme prior to the commencement of any phase of the development that involves noise generating activities/works arising from the use of plant and machinery. Such a scheme would have to be submitted to and approved in writing by the County Planning Authority. The approved scheme would have to be implemented and maintained for the duration of the noise generating activities/works associated with the development. A copy of the suggested noise related planning conditions can be found at the end of this report.

Phase 2: Utility Diversions

- 4.34 The multiple providers involved in the diversion of utility infrastructure within the application site will have their own working practices, guidance and policies, which may or may not accord with or achieve the level of mitigation that would be sought by the CPA to make the noise generated by the utility diversions acceptable.
- 4.35 Notwithstanding the permitted development rights afforded to utility companies in carrying out their statutory duties and functions, the CPA are of the opinion that the imposition of the suggested noise related planning conditions have been written in such a way as to be applicable to each phase of the development, including the phase for "utility diversion". In the interest of safeguarding local amenity the CPA considers the provision of such conditions necessary to make the development acceptable.

Phase 3: Highway Improvements

- 4.36 Within paragraph 1.1.1 of the Road Traffic Noise Assessment Addendum (RTNAA) produced by Amey, it states that the WYG report concluded that post construction the revised road alignment would result in a negligible (<1dB) adverse impact for the surrounding noise sensitive receptors on Hemmingsdale Road and Sudmeadow Road. However, WYG's conclusion is based upon the City Business Centre being in situ. As mentioned in para.4.31 above, the demolition of the CBC would result in a significant increase in noise levels for those sensitive receptors.

Noise Mitigation Measures

- 4.37 The introduction of a 3m high acoustic barrier as recommend by WYG was removed from the scheme by the applicant (prior to the submission of the planning application) on the grounds that such a fence would be visually intrusive and only serve to reduce noise levels in rear gardens and at *"ground floor rear facades of the adjacent properties."* At para.3.2.3 of the Amey report (RTNAA) it states that *"a significant adverse noise impact will remain until such time as the former Business Centre site is re-developed"*. No timeframe has been given by the applicant in respect of the re-development of the demolition site, other than to say that following the completion of the highway improvement works the residual area of employment land within the demolition area would be retained for employment use. Given the timescales involved in the CPO process, the predicted completion date of the proposed works in 2022 and the as yet undetermined remediation work for any contamination found within the demolition area, it is entirely reasonable to conclude that the residual area of the demolition site could remain undeveloped for a number of years.
- 4.38 The relevant development plan policy in respect of noise and the safeguarding of local amenity is Policy SD14 of the Joint Core Strategy, in particular part 2ii, which states that new development must: *"Result in no unacceptable levels of air, noise, water, light or soil pollution or odour, either alone or cumulatively, with respect to relevant national and EU limit values."* Such aims and objectives are reinforced in para.180 of the NPPF (2019) with the requirement of new development to *"mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life."*
- 4.39 To ensure that the amenity of the local area is adequately safeguarded from the adverse effects of noise during the demolition and construction phases of the development, para.3.4.1 (Construction Mitigation) of the RTNAA produced by Amey has proposed the following set of mitigation measures:
- *'The use of "Best practicable means" as defined in Section 72 of the Control of Pollution Act 1974 (Ref 6) and compliance with the recommendations given in BS5288-1:2009+A1:2014.'*

- *All plant equipment will be adequately maintained to minimise noise emission. Ensure all plant has been silenced where appropriate, no vehicles left idling on site and no vehicles parked close to residential receptors.*
- *Specific noise control practices shall be agreed between the contractor and the local authority if appropriate. Haul routes within the site should be planned, maintained and avoid steep gradients where practicable.*
- *Any noisy works including demolition should take place during the day time, including Saturday mornings, if necessary, with no noisy works on Sundays or bank holidays. Any deviation from these working times should be discussed with the Local Authority.*
- *During the demolition of the building ensure temporary screening is in place for the surround sensitive receptors in order to reduce the impacts on noise and vibration and to minimise the views of the construction site. Barriers should be a uniform panel, with no holes or gaps on even ground at a height and width more than enough to cut off the sight of the source from the receiver.*
- *Ensure that no site compounds are located near to any receptors. This includes generators and compressors positioned as far from noise sensitive receptors as possible.*
- *Ensure that all staff and operatives are briefed on the equipment to minimise nuisance from site activities.*
- *The contractor shall ensure that all residents and surrounding businesses are kept informed about any disturbance such as unavoidable noise and vibration disruption. Information shall be provided well in advance by media and by letter drop to properties directly adjacent to the works.*
- *The site shall have a procedure in place in the event of complaint being made. The site manager should make their details (telephone number) known to the residents who can take immediate action to rectified the complaint.*
- *All complaints concerning the works/activities must be recorded within a register and made available to the Local Authority, if requested. The register shall provide all information from details of the complaint, date, times to measures put in place to ensure the complaint has been dealt with.'*

4.40 The requirement to carry out the development in accordance with the noise mitigation measures set out in para.4.39 above can be found in planning condition 23 at the end of this report. By implementing the requirements of this and other noise related planning condition the CPA are of the opinion that the proposed development would be acceptable.

Impact on archaeology

- 4.41 Substantial structural remains of the priory are preserved. Designated a Grade I Listed Building, it is also a Scheduled Ancient Monument in recognition of the national archaeological importance of the site. A detailed heritage desk-based assessment compiled by Cotswold Archaeology (report dated July 2018) has been submitted in support of the development proposal, and is considered by the County Archaeologist to provide sufficient information to confirm that *“this development will not result in any significant harm to Llanthony Priory.”*
- 4.42 Notwithstanding the low potential for archaeology to be present below the proposed road, it would in the opinion of the County Archaeologist be prudent to make provision for archaeological monitoring of this development, given the very close proximity of the Llanthony Priory. This view is supported by Historic England and would be met through the discharge of the requirements of planning condition 18, which is based on model condition 55 from Appendix A of Circular 11/95, a copy of which can be found in the conditions list at the end of this report.
- 4.43 In consulting Historic England, the CPA has acted upon the advice of the County Archaeologist. In their response to the consultation, Historic England concurred with the County Archaeologist’s view and support the application on heritage grounds as they consider that the application meets the requirements of the NPPF, in particular paragraph numbers 189, 192 and 193. The comments from Historic England support the CPA’s assessment that the proposal accords with Policy SD8 (Historic Environment) of the JCS, which seeks, inter alia, to ensure that proposals *“secure the future conservation and maintenance of heritage assets”*.

Character and setting of Llanthony Priory

- 4.44 The CPA concurs with the County Archaeologist’s view that this scheme will result in an improvement to the setting of Llanthony Priory, as the proposed widening of the footway adjacent to the precinct wall will move traffic away from the priory and so improve the appearance and setting of the monument.
- 4.45 The widening of the footway adjoining the western side of the precinct wall of the priory to 4 metres will help to reduce the weathering of the lower part of the precinct wall from traffic spray during wet weather.
- 4.46 Condition 28 (as set out at the end of this report) is required in the event that any graphics/advertising/imagery is proposed to be applied to the external face of any means of enclosure associated with the area of demolition. This condition is considered necessary to ensure that the character and setting of the neighbouring designated heritage assets at or associated with Llanthony Priory are not adversely affected by indiscriminate advertising or imagery that is deemed by the County Planning Authority to be unsuitable for such a prominent and sensitive location.

Loss of trees

- 4.47 The submitted Tree Survey & Arboricultural Impact Assessment shows the trees affected by the proposal to be mainly ornamental plantings of lime, cherry and Norway maple.
- 4.48 Whilst the removal of the 11 trees is regrettable, their loss is necessary to facilitate the road widening scheme. Policy SD9 (Biodiversity and Geodiversity) of the JCS is of particular relevance, as is the Highways & Biodiversity Guidance for Gloucestershire (HBG), which aims to assist in conserving biodiversity associated with the county highways. As a member of the Gloucestershire Local Nature Partnership, the County Council encourages and facilitates a county approach to nature conservation. This incorporates the more strategic elements of the refreshed 2010 Gloucestershire Biodiversity Plan or Framework.
- 4.49 Ecological issues associated with highways and their construction, operation or maintenance include the loss, modification, fragmentation and creation of habitats, hydrological change and species disturbance. The HBG advises that if short-term impact is unavoidable then adverse affects need to be appropriately mitigated or compensated.
- 4.50 Some tree loss has been avoided but paragraph 5.2.1 of the Arboricultural Impact Assessment states that the proposals will mean the removal of 11 trees. These include a buddleia/willow grouping, rowan, field maple and cherry. Some retained trees will have root loss but it has been deemed they will still be viable not least as most are young trees. Although the County Council's Principal Ecologist (CCPE) has no objection to the highway development, the CCPE has sought mitigation planting by means of condition as part of a landscape scheme. This is entirely consistent with principle (a) in para.175 of the NPPF (2019), which seeks mitigation or compensation where significant harm to biodiversity cannot be avoided in a development.
- 4.51 An Arboricultural Method Statement is proposed at para.7.1 of the Arboricultural Impact Assessment, the provision for which would be secured through the imposition by planning condition 15, along with a Tree Protection Plan.
- 4.52 With the imposition of such a planning condition and those conditions relating to a landscape scheme and planting maintenance, the CPA are satisfied that the highway scheme is acceptable and in accordance with Policy SD9 (Biodiversity and Geodiversity) of the JCS, along with the Highways & Biodiversity Guidance for Gloucestershire and para.175 of the NPPF (2019).

Loss of employment land

- 4.53 Demolition of the City Business Centre would result in the loss of approx. 0.45 hectares of employment land and be contrary to part 1 of Policy E.4 (Protecting Employment Land) of the Gloucester City Council Revised Deposit Local Plan (2002), which states that *"planning permission will not be granted for new development that*

involves the loss of employment land unless..... the land has limited potential for employment, and the developer is able to demonstrate that an alternative use, or mix of uses, offers greater potential benefit to the community.”

- 4.54 Consideration of Development Plan policies is not a legalistic forensic exercise. Often policies will pull in different directions. Decision makers need to consider whether the proposal broadly accords with those policies as confirmed in the case of R. on the application of Laura Cummins and London Borough of Camden, SSETR and Barrett Homes Limited [2001] in which Ouseley J. cited R. v Rochdale MBC ex parte Milne [2000]. As Sullivan J. said in the Milne case:

“It is not at all unusual for development plan policies to pull in different directions. A proposed development may be in accord with development plan policies which, for example, encourage development for employment purposes, and yet be contrary to policies which seek to protect open countryside. In such cases there may be no clear cut answer to the question: “is this proposal in accordance with the plan?”

The local authority has to make a judgement bearing in mind such factors as the importance of the policies which complied with or infringed, and the extent of compliance or breach.”

- 4.55 More recently, in Dignity Funerals Ltd v Breckland District Council [2017] EWHC 1492 (Admin) Mr Justice Holgate rejected the claimant’s argument that because the council had found that the proposal conflicted with certain policies, and only accorded with others, it was legally impossible for it to conclude that the scheme accorded with the development plan as a whole, unless it identified compliance with one or more policies providing positive support for the scheme, finding that:

“Conflict with one particular policy may be treated as having an adverse impact and yet of relatively little weight. At the same time, the decision-maker may consider that compliance with other policies designed to secure that development in general takes place without causing significant harm to a range of environmental factors, does involve a greater degree of compliance with the development plan than the non-compliance. The decision-maker is entitled to regard compliance with those policy considerations (even in the sense of simply avoiding harm) as having a greater priority or importance than the noncompliance with a policy designed to protect one other aspect, such as the landscape.”

- 4.56 Whilst mindful of the proposal’s conflict with Policy E.4 (Protecting Employment Land) of the Gloucester City Council Revised Deposit Local Plan (2002), the CPA has considered the planning balance of the temporary loss and diminished area of employment land against the *“significant economic, social and environmental benefits”* stated within the Planning Statement and set out as follows:

- Reduction in congestion and waiting times by between 5-10 minutes at peak times on the GSWB corridor;

- Reduction in economic disadvantages on the GSWB corridor and the provision of up to £65m to the local economy over a 60-year period (considered “Very High Value for Money”);
 - Improve access between the west of Gloucester and the identified strategic employment growth site at Innsworth;
 - Improve access to skills, jobs, goods and services, including Gloucestershire College adjacent to the site;
 - Improvements in local air quality and regional air quality will be “slight beneficial”;
 - Improvements to pedestrian permeability;
 - Improvements to the landscape and heritage setting of Llanthony Secunda Priory through the widening of the road and demolition of a large industrial building.
- 4.57 As mentioned in para.4.37 above, the loss of employment land is temporary and a future scheme to re-develop the residual area of employment land will be brought forward in the future to provide opportunities for potential improvements in terms of working environment and aesthetics in built form that would be more sympathetic to the character and setting of the neighbouring Scheduled Monument, listed building and associated structures.
- 4.58 In assessing the planning balance in respect of the loss of employment land, the CPA noted that Gloucester Chamber of Commerce made no comment, and whilst Gloucester City Council considered the loss of the City Business Centre to be “regrettable”, the City Council has “*no in principle objection*” to the proposal. Having considered the comments received and the supporting information submitted, the CPA are satisfied that the planning gains outweigh the temporary loss of employment land and reduction in site area.
- Impact upon existing businesses
- 4.59 One of the concerns raised by Gloucester City Council in their consultation response dated 10.10.2018 is the impact of the proposal upon the businesses on the west side of Llanthony road, and what measures are being taken to ensure their continued viability, as *‘it is not clear what, if any, support is being provided by the County Council in terms of business relocation or consolidation.’*
- 4.60 Upon receipt of the above comments from Gloucester City Council the planning case officer wrote to the planning agent requesting a written response that provided ‘*a clear understanding as to “what, if any, support is being provided by the County Council in terms of business relocation or consolidation.”*’

- 4.61 Whilst no formal written response has been received in connection with the planning case officer's request, verbal discussions with the planning agent indicate that a package of measures, including financial assistance with relocation costs would form part of the compulsory purchase process (CPO), the details of which would be considered confidential. Given that this issue would be considered through the CPO, which is subject to inquiry, that process is outside the scope for consideration now. The CPA can only assume that these matters would be fully taken into account during the CPO process. That does to some extent leave the CPA partly in a dilemma, as it means this issue is not resolved at the point of planning determination. However, in that regard this application is not unique as to any other planning application whether CPO mechanisms are likely. However, accepting that this is an unrelated issue at point of determination means that it requires to be considered in the planning balance.

Surface water management

- 4.62 The Lead Local Flood Authority (LLFA) is a statutory consultee for surface water flood risk and management. The LLFA accepts that the applicant would be maintaining the existing discharge strategy and that the proposed drainage scheme would offer a 50% betterment to the site's discharge, as compared to the existing drainage provision. This will be achieved in part through the introduction of oversized pipes to attenuate flows.
- 4.63 The LLFA has raised no objection or concerns in respect of flood risk and it is the opinion of the CPA that the proposal accords with Policy INF2 (Flood Risk Management) of the Gloucester, Cheltenham & Tewkesbury Joint Core Strategy 2011-2031.

Positive integration

- 4.64 Dangerous roads damage social wellbeing and in a bid to create healthy, safe and engaged communities, proposals need to avoid discouragement of walking and cycling, which leads to inactive lifestyles with subsequent impacts on public health.
- 4.65 By virtue of the efficiencies in traffic flow and enhancements to the footways and crossings, the CPA is of the opinion that the proposal provides a positive contribution to sustainable traffic management within Gloucestershire. This view is supported by Highways England who advise that *'the proposal is not considered to have an adverse impact on the safe and efficient operation of the SRN [Strategic Road Network].'*

Other considerations:

Human Rights

- 4.66 From 2nd October 2000 the Human Rights Act 1998 has the effect of enshrining much of the European Convention on Human Rights in UK law. Under 6(1) of the Act, it is unlawful for a public authority to act in a way, which is incompatible with a convention right. A person who claims that a public authority has acted (or proposes to act) in a

way which is made unlawful by Section 6(1), and that he is (or would be) a victim of the unlawful act, may bring proceedings against the authority under the Act in the appropriate court or tribunal, or may rely on the convention right or rights concerned in any legal proceedings.

- 4.67 The main Convention rights relevant when considering planning proposals are Article 1 of the First Protocol (the peaceful enjoyment of property) and Article 8 (the right to a private and family life). Article 1 of the First Protocol guarantees the right to peaceful enjoyment of possessions and Article 8 of the Human Rights Act 1998 guarantees a right to respect for private and family life. Article 8 also provides that there shall be no interference by a public authority with the exercise of this right except in the interests of national security, public safety, or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the freedom of others.
- 4.68 No objections have been received from neighbouring residents or the statutory consultees. For the reasons set out in 'Planning Considerations', it is not thought there would be any breach of the convention rights. Even if there was to be an interference with convention rights then, in this case, it is thought that the interference would be justified in the interests of public safety and the economic well-being of the country. Accordingly, it would not be unlawful to grant planning permission for this development.

Public Sector Equality Duty

- 4.69 Poor transport links to communities, particularly those without access to a car, can be a cause of social inequality, by acting as a geographical barrier to accessing services, goods and employment that others can. Without adequate transport services, sections of the elderly population may face issues of social exclusion.
- 4.70 As shown in the Consultations section of this report, the CPA actively considered the concerns raised by the Guide Dogs for the Blind Association (GDBA) in their consultation responses by working with the scheme's Project Manager and Gloucestershire Highways to address, as much as practicable, the concerns raised by the GDBA in respect of the 2.5 metre wide footway, which fell below the minimum required for a shared space. The key outcome from the exchanges in correspondence between those parties was to remove the shared pedestrian/cycle track from the eastern footway between the Spinnaker Junction with St. Ann Way and Gloucestershire College, thereby removing the potential conflict between cyclists and pedestrians, especially those who are blind or visually impaired.
- 4.71 Consideration has been given as to whether any inequality and community impact will be created by the demolition of the City Business Centre and the transport and highway impacts of the proposed development. The CPA considers that no inequality would be caused to those people who occupy the City Business Centre or had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

- 4.72 The CPA considers that the following protected groups will not be adversely affected by the demolition of the City Business Centre or the transport impacts of the proposed highway improvement: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Summary Reasons for the grant of planning permission and relevant development plan policies

- 4.73 The proposal involves much needed highway improvements to a section of Llanthony Road (A430) that includes road widening, new traffic signals and reconfigured pedestrian crossings. The proposal represents the final phase of the Gloucester South West Bypass. The proposed highway works are considered necessary to reduce congestion at peak periods, improve journey times and support economic growth.
- 4.74 To facilitate the proposed road widening scheme requires the complete demolition of the City Business Centre, to which no objections were raised by Historic England, Gloucester City Council or Gloucester Civic Trust. Whilst there are some residential properties adjoining or in close proximity to the City Business Centre, the area surrounding the application site is characterised predominantly by commercial buildings of varying size, design, construction and appearance, along with a number of significant designated heritage assets. Though regrettable, the loss of employment land is considered by the County Planning Authority to be necessary and temporary, as the majority of the "demolition area" shown on General Arrangement drawing L1-100-06 Rev.P8 would be retained and re-developed for employment use. This could give rise to opportunities for potential improvements in the future, including the aesthetics in built form that could enhance the character and setting of the street scene, neighbouring Scheduled Ancient Monument, Grade I listed building (Priory) and associated designated heritage assets.
- 4.75 The County Planning Authority are satisfied that adequate mitigation measures and safeguards to heritage assets and the amenity of neighbouring residents and occupiers of commercial premises can be secured through the imposition of conditions, which are considered relevant and necessary to the acceptability of the proposal in planning terms.
- 4.76 The application has been determined in accordance with the Town and Country Planning Acts, and in the context of the Government's current planning policy guidance and the relevant circulars, together with the relevant Development Plan Policies:

Joint Core Strategy (2017)

Policy SD1 –Employment – except retail development
Policy SD3 – Sustainable Design and Construction

Policy SD4 – Design Requirements
Policy SD8 – Historic Environment
Policy SD9 – Biodiversity and Geodiversity
Policy SD14 – Health and Environmental Quality
Policy INF1 – Transport Network
Policy INF2 – Flood Risk Management
Policy INF6 – Infrastructure Delivery

Gloucester City Council Revised Deposit Local Plan (2002)

Policy E.4 – Protecting Employment Land

Gloucestershire Waste Core Strategy (Adopted 21st November 2012)

Policy WCS2 – Waste Reduction

National Planning Policy Framework

Chapters 6, 9, 11 and 16

Positive and Proactive Statement

- 4.77 In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application and planning conditions by liaising with consultees, respondents and the agent, and by discussing changes to the proposal and suggested planning conditions where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

RECOMMENDATION Planning permission is **GRANTED** in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, and subject to the following conditions:

CONDITIONS

Commencement

1. The development hereby approved shall begin not later than 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Prior Notification

2. The main contractor for each of the three phases of the development (demolition, utility diversions and highway works) shall ensure that at least 7 days prior notification of the date of commencement for each phase of the development detailed in this application shall be given in writing to the County Planning Authority.

Reason: To enable the County Planning Authority to monitor the operations and to ensure compliance with this permission.

Scope of development

3. Unless otherwise required by conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the submitted planning application 18/0052/GLR3MJ, together with the following approved drawings:

- Red Line Plan: Ref. L1-100-01A P1
- General Arrangement Plan: drawing L1-100-06 Rev.P8
- Drainage Layout Catchment Areas: drawing COGL43041066-E5-100
- Proposed Drainage Layout (1 of 3): drawing COGL43055295_500_002
- Proposed Drainage Layout (2 of 3): drawing COGL43055295_500_003
- Proposed Drainage Layout (3 of 3): drawing COGL43055295_500_004
- Perspective colour visual looking North (with line)
- Perspective colour visual looking South (with line)
- Perspective Aerial View
- Proposed Footways and Kerbs (Sheet 1 of 3): Ref.L1-1100-01 P2
- Proposed Footways and Kerbs (Sheet 2 of 3): Ref.L1-1100-02 P2
- Proposed Footways and Kerbs (Sheet 3 of 3): Ref.L1-1100-03 P2
- Proposed Footway to Llanthony Priory Interface: Ref.L1-1100-04 P4

And in accordance with the following approved documents:

- Transport Assessment: Ref.No.COGL43055295 dated 02.01.2019
- Transport Assessment Appendix C: Journey Time Comparisons
- Transport Assessment Appendix D: Model Validation, Traffic and Economics Technical Note Ref. COGL43041066-TN 001 Revision 1 dated 02 March 2017
- Drainage Report Appendix E & F
- Drainage Report Appendix I: Water Quality Assessment Results
- Drainage Report Appendix J: Asbestos Survey Report Ref.J000760 dated 08.08.2017
- Heritage Desk-Based Assessment: CA Report 6475 dated July 2018
- Supporting Statement dated 1st August 2018
- Planning Statement dated August 2018
- Design & Access Statement: Ref.COGL43055295 dated 06.08.2018
- Sustainability Statement produced by Amey Consulting dated June 2018
- Tree Survey & Arboricultural Impact Assessment: COGL43055295 /Arb01 Revision v0.1 dated May 2018
- Surface Water Management Strategy: Ref. COGL43055295/6.1/001 Revision 0 dated June 2018

- Road Traffic Noise Assessment Addendum: Ref. COGL43055295 /Noise Revision 1 dated August 2018
- Full Business Case: Ref. COGL43048679 /FBC dated December 2017
- Air Quality and Greenhouse Gas Assessment: Ref. COGL43055295 /Air Revision 3 dated September 2018
- Preliminary Ecological Appraisal Report dated August 2018
- Landscape and Townscape Appraisal Addendum: Ref. COGL43055295 /L/01 Revision 0 dated May 2018

Reason: In order to define the scope of this permission and to ensure that the impact on the surrounding built and historic environment is mitigated in accordance with Policy SD1, SD3, SD4, SD8, SD9, SD14, INF1, INF2 and INF6 of the Gloucester, Cheltenham & Tewkesbury Joint Core Strategy 2011-2031 (adopted 11th Dec 2017), Policy WCS2 of the Gloucestershire Waste Core Strategy (Adopted 21st November 2012), along with the aims and objectives that the National Planning Policy Framework seeks to protect and promote in respect of safeguarding local amenity, the historic environment and provisions for improvements to infrastructure.

Hours of Demolition and Construction

4. The hours of working on site during the demolition and construction phase of the development shall be restricted to 07:30 to 17:30 hours Mondays to Fridays, 08:00 to 13:00 hours on Saturdays and no working shall take place on Sundays, Bank or Public Holidays. The term 'working' shall, for purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery, deliveries to and from the site and the movement of construction vehicles within the curtilage of the site.

Reason: To safeguard the residential amenity of the area in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted 11-Dec-2017), along with the aims and interests that the National Planning Policy Framework seeks to protect and promote in respect of safeguarding local amenity.

Highways

5. Throughout the demolition and construction period of the development hereby permitted provision shall be made to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials; and
- iii. storage of plant and materials used in constructing the development.

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.

6. No mud, debris and materials shall be deposited on the highway from vehicles leaving the site.

Reason: In the interests of highway safety and to prevent mud, debris and materials getting on the highway, in accordance with the aims and objectives that the National Planning Policy Framework seeks to protect and promote.

Site Compound

7. Any works relating to the provision of a site compound and/or means of enclosure for the area of proposed demolition shall not commence until details of such matters have been submitted to and approved in writing by the County Planning Authority. The submitted information should provide the following details:

1. the extent and layout of any site compound, including the size, type and height of any welfare units/offices;

The approved details shall be implemented in full and shall be retained or applied until completion of the phase of development to which they relate.

Reason: To safeguard the amenities of local residents and occupiers and to protect the character and setting of Llanthony Priory and associated designated heritage assets in accordance with Policy SD8 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted 11-Dec-2017), along with the aims and interests that the National Planning Policy Framework seeks to protect and promote in respect of safeguarding local amenity and the setting of the historic environment.

Site access and egress

8. Notwithstanding the position of the two sets of vehicular access gates set within the indicative fencing around the demolition area shown on the General Arrangement drawing L1-100-06 Rev.P8 dated 04.03.2019, the following details shall be submitted to and approved in writing by the County Planning Authority prior to the use or creation of any vehicular access into the demolition area or installation of any associated gates to secure such vehicular access:

- Large-scale plan detailing the width and location of any vehicular access points and associated gates;
- Height of any gates;
- Hours within which the vehicular access gates would be operated;
- Measures to secure vehicular access gates;
- Contact details for out of hours key holder to access gates.

Reason: To safeguard the amenities of local residents and occupiers and to reduce the potential impact on the public highway and accommodate the efficient movement of vehicles in accordance with Policy SD14 and Policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted 11-Dec-2017), along with the aims and interests that paragraph 110 and 170(e) of the National Planning Policy Framework seeks to protect and promote in respect of safeguarding local amenity and highway safety.

Waste Minimisation Statement

9. No demolition or construction works shall commence until a Waste Minimisation Statement based upon the provisions within paragraph 3.6 of the Sustainability Statement (COGL43055295/Revision 0) produced by Amey Consulting has been submitted to and approved in writing by the County Planning Authority. The Waste Minimisation Statement should set out how waste arising during demolition and construction is to be minimised, managed and recycled in order to ensure that the waste hierarchy is respected. The Waste Minimisation Statement shall be fully implemented as approved and maintained for the duration of the development hereby approved.

Reason: To ensure the principles of waste minimisation and re-use, whilst having regard to the provisions of Policy WCS2 of the Gloucestershire Waste Core Strategy (Adopted 21st November 2012) and Policy SD3 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2011-2031).

Drainage

10. The approved drainage scheme set out in the plans list in condition 3 of this permission shall be implemented before the development hereby approved is brought into use and shall be maintained in good order thereafter for the life of the development hereby approved.

Reason: To ensure satisfactory drainage arrangements are provided in accordance with sustainable objectives of Policy INF1 and INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted 11-Dec-2017) and the aims and interests that the National Planning Policy Framework seeks to protect and promote in respect of highway safety and flood risk management.

Asbestos Removal and Disposal

11. Prior to any demolition works an asbestos management report relating to the demolition of the on-site buildings shall be submitted to and approved in writing by the County Planning Authority. The report shall include a remediation scheme to deal with any asbestos contaminant identified, including an implementation timetable, monitoring proposals and a remediation verification methodology. The verification methodology shall include a sampling and analysis programme to confirm the adequacy of decontamination and an appropriately qualified person shall oversee the implementation of all remediation.

The report shall also include results of the verification programme of post-remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met, together with a discovery strategy for dealing with any unexpected contamination which might be found.

Reason: To protect the environment and prevent harm to human health by ensuring that where necessary, the land is remediated to an appropriate standard in order to comply with paragraphs 178 and 180 of the National Planning Policy Framework.

Reptile, Amphibian & Mammal Methods Statement

12. Prior to the commencement of any works to the highway, a Reptile, Amphibian & Mammal (such as hedgehog and badger) Method Statement based on a range of Reasonable Avoidance Measures (RAMs) shall be submitted to and approved in writing by the County Planning Authority. The approved details shall be carried out for the duration of the highway works phase of the development hereby approved.

Reason: To ensure that legally protected species are conserved and in accordance with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted 11-Dec-2017), ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 170 and 175 plus additionally Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.

Bird Nesting Season

13. No demolition of buildings or removal of hedgerows, trees, shrubs, brambles or ivy shall take place between 1st March and 31st August inclusive unless an ecologist has undertaken a careful, detailed check of the vicinity concerned for active birds' nests. No such woody vegetation should be cleared unless the ecologist has given confirmation that no birds will be harmed or that there are appropriate measures in place to protect any identified nesting birds on the site. If any such measures are required these should be copied in writing in advance to the County Planning Authority for information and then implemented as approved.

Reason: To ensure that breeding birds are protected as required by law and in accordance with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted 11-Dec-2017), ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 170 and 175. This is also in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.

Bat Roost Detection Survey

14. Prior to the demolition of part or all of the City Business Centre building a bat roost detection survey shall take place using a suitably qualified and experienced ecologist. The results of the survey and any measures to be taken to ensure the conservation of bats shall be submitted to and approved in writing by the County Planning Authority. The measures approved shall be implemented subject to any modifications as a result of the requirements of a protected species license that may be issued by Natural England.

Reason: To ensure that legally protected species are conserved and in accordance with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted 11-Dec-2017), ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 170 and 175 plus additionally Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.

Trees

15. Prior to the commencement of any above or below ground works that have the potential to adversely affect any of the trees to be retained, an Arboricultural Method Statement incorporating a Tree Protection Plan shall be submitted to and approved in writing by the County Planning Authority. The Statement and Plan shall be implemented in accordance with the approved details. All protective structures installed shall be maintained until those works have been completed. No materials, soils, or equipment shall be stored under the canopy of any retained tree within the application site.

Reason: In the interests of the visual amenity and biodiversity within the setting of designated heritage assets in accordance with Policy SD9 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted 11-Dec-2017), along with paragraph 170 of the National Planning Policy Framework.

Landscape and Aftercare Scheme

16. Within three months of the commencement of the highway related works a detailed Soft Landscape and Aftercare Scheme shall be submitted to the County Planning Authority. The scheme shall include:
- (a) An annotated drawing of the soft landscape to be retained, created, enhanced and managed;
 - (b) Details of species, number, density, and size of shrubs/trees to be planted as compensation and composition of any wildflower or grass seeding mix or turfing. Shrubs/trees/herbaceous species should be rich in nectar, fruit and/or berries that will attract wildlife. All plants that fail to thrive or which die within the first five years after completion should be replaced with species of, as a minimum, the same size as those planted;
 - (c) Design, type and location of biodiversity structures to comprise of a few bird and/or bat roosting boxes on trees or buildings within the scheme area or close to any other nearby highway in Gloucester where they may reasonably become occupied by wildlife;
 - (d) Methods of establishment plus short-term and long-term after-care of all plants and biodiversity structures to be installed;
 - (e) Organisation or personnel responsible for implementation of the scheme.

Thereafter the approved soft landscaping and aftercare scheme shall be fully implemented as approved by the County Planning Authority within six months of the completion of the highways works or the first planting season, whichever is sooner.

Reason: To conserve and enhance the landscape and biodiversity value of the land and in accordance with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted 11-Dec-2017), ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 8, 170 and 175. This is also in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.

Planting Maintenance

17. If at any time within a period of 5 years of the completion of the development any trees or plants from the approved planting scheme die, are removed or become seriously damaged or diseased, they shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a satisfactory and well planned development and to ensure the designed scheme is managed and grows successfully to achieve the mitigation aims in accordance with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and the aims and interests that the revised NPPF (2019) seeks to protect and promote in respect of landscape and biodiversity.

Archaeology

18. No below ground works shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the County Planning Authority.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be revealed by development. The archaeological programme will advance understanding of heritage assets, in accordance with paragraph 199 of the National Planning Policy Framework.

Lighting Scheme

19. No lighting shall be replaced or new lighting installed until a Lighting Scheme is submitted to the County Planning Authority for approval. The Scheme is to be based on guidance on page 21 of the Preliminary Ecological Appraisal. The scheme shall include the following details:

- (a) the position, height and type of all new and existing lighting;
- (b) the intensity of lighting and predicted spread of light as a lux contour plan;
- (c) the measures proposed must demonstrate no significant effect of the light levels on the environment including disturbance to bats. Light falling on vegetated areas and features used by bats must be below or not greatly exceeding 1.0 lux;
- (d) the periods of day and night throughout the year when lighting will be used and controlled for construction, operational, maintenance and emergency needs.

The approved scheme shall be implemented for the duration of the development and maintained thereafter in accordance with the manufacturer's recommendations and scheme details.

Reason: To ensure that foraging and commuting of bats is not discouraged at this location and in accordance with Policy SD9 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted 11-Dec-2017), ODPM Circular 06/2005 plus National Planning Policy Framework paragraphs 170, 175 and 180 and Section 40 of the Natural Environment and Rural Communities Act 2006 which confers a general biodiversity duty upon Local Authorities whilst exercising their functions.

Dust Management Plan

20. Prior to the commencement of any phase of the development that involves dust generating activities/works, a scheme for the management of those dust generating activities/works shall be submitted to and approved in writing by the County Planning Authority. The approved scheme shall be implemented and maintained for the duration of those dust generating activities/works associated with the development hereby approved.

Reason: In order to ensure that materials are handled and properly discharged in the interests of the amenities of residential property in the locality in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted 11th Dec 2017).

Noise

21. Prior to commencement of any phase of the development that involves noise generating activities/works arising from the use of plant and machinery, a scheme for the management of those noise generating activities/works shall be submitted to and approved in writing by the County Planning Authority. The approved scheme shall be implemented and maintained for the duration of those noise generating activities/works associated with the development hereby approved.

Reason: In order to ensure that materials are handled and properly discharged in the interests of the amenities of residential property in the locality in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted 11th Dec 2017) and the aims and interests that paragraphs 170(e) and 180(a) of the revised NPPF (Feb 2019) seeks to protect and promote.

22. Only HGV vehicles and mobile heavy plant equipment fitted with a "white noise" type reversing warning alarm system shall be operated on the site.

Reason: To safeguard the residential amenity of the area in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted 11th Dec 2017) and the aims and interests that paragraphs 170(e) and 180(a) of the revised NPPF (Feb 2019) seeks to protect and promote.

Environmental Protection

- 23 Each phase of the development hereby approved shall be carried out in accordance with the mitigation measures set out in paragraph 3.4.1 of the Road Traffic Noise Assessment Addendum COGL43055295/Noise Revision 1 produced by Amey and dated August 2018. Such mitigation measures shall be maintained for the duration of each phase of the development.

Reason: To safeguard the residential amenity of the area in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted 11th Dec 2017) and the aims and interests that paragraphs 170(e) and 180(a) of the revised NPPF (Feb 2019) seeks to protect and promote.

Land Contamination

24. Upon completion of the demolition works the following components of a scheme to deal with the risks associated with contamination of the area of demolition shall be submitted to and approved in writing by the County Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy, if necessary, of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. This should include any proposed phasing of demolition or commencement of other works.

5) Prior to occupation or use of any part of the development (unless in accordance with agreed phasing under part 4 above) a verification (validation) report demonstrating completion of the works set out in the approved remediation strategy (3 and 4). The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the County Planning Authority.

Any changes to these components require the express written consent of the County Planning Authority. The scheme shall be implemented as approved.

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991) and human health in accordance with Policy SD3 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted 11th Dec 2017) and paragraphs 170(e) and 180 of the revised NPPF (Feb 2019).

25. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the County Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the County Planning Authority, a Method Statement for remediation. The Method Statement must detail how this unsuspected contamination shall be dealt with. A verification (validation) report demonstrating completion of the works set out in the method statement shall be submitted to and approved in writing by the County Planning Authority.

The report shall include results of any sampling and monitoring. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the County Planning Authority.

Reason: To ensure that any unexpected contamination is dealt with and the development complies with approved details in the interests of protection of ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991) and human health, in accordance with Policy SD3 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted 11th Dec 2017) and paragraphs 170(e) and 180 of the revised NPPF (Feb 2019).

Hoardings and Fencing

26. Notwithstanding the indicative fence lines shown green on the General Arrangement drawing L1-100-06 Rev.P8 dated 04.03.2019, the following details shall be submitted to and approved in writing by the County Planning Authority prior to the installation of any hoardings or fencing associated with the development hereby approved:

- Large-scale plan showing the location of any hoarding or fencing;
- Height of any hoarding or fencing;
- Method of construction for any hoarding or fencing, including materials and colour finish to external face.

The approved details shall be implemented and maintained for the duration of the phase of development to which the hoardings/fencing relates.

Reason: To safeguard the amenity of local residents and occupiers of neighbouring properties in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031, along with safeguarding the character and setting of Llanthony Priory and associated historical features in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy SD8 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted 11th Dec 2017) and the aims and interests that paragraphs 192, 193 and 194 of the National Planning Policy Framework seeks to protect and promote.

27. With the exception of the hoarding/fencing around the "Demolition Area" shown on General Arrangements drawing L1-100-06 Rev.P8, all other hoardings/fencing (including posts and fixings) associated with the development hereby approved shall be removed within 1 month of the completion of the phase of works to which the hoardings/fencing relates.

Reason: To safeguard the amenity of local residents and occupiers of neighbouring properties in accordance with Policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031, along with safeguarding the character and setting of Llanthony Priory and associated historical features in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy SD8 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted 11th Dec 2017) and the aims and interests that paragraphs 192, 193 and 194 of the National Planning Policy Framework seeks to protect and promote.

28. Prior to the display of any graphics or visual imagery on the external face of any hoarding or means of enclosure around any part of the area of demolition, a design layout shall be submitted to and approved in writing by the County Planning Authority. The design layout will need to be of a high standard and include:

- site interpretation and relevant historic photographs;
- scaled layout drawings;
- schedule of materials to be used.

Reason: To safeguard the character and setting of Llanthony Priory and associated historical features in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, along with Policy SD8 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted 11th Dec 2017) and the aims and interests that paragraphs 192, 193 and 194 of the National Planning Policy Framework seeks to protect and promote.

Advice Notes

Ecology

1. Under the Wildlife & Countryside Act 1981 (as amended), the Weeds Act 1959 (as amended) and Ragwort Control Act 2003 (as amended) you may need to take action to prevent the spread of certain plants onto surrounding areas that could cause a nuisance. These plants include non-native invasive species and also harmful or injurious weeds. Further information is available on Defra's section of the government website currently at <https://www.gov.uk/prevent-the-spread-of-harmful-invasive-and-non-native-plants>.
2. In relation to the County Council's Service Level Agreement with the Local Biological Records Centre and to assist in the strategic conservation of countywide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be copied [if not already] to the Gloucestershire Centre for Environmental Records (GCER).