

Application Number	22/00169/VARCO
Site Address	Lowesmoor Trading Estate, WORCESTER, WR1 2SF
Description of Development	Application to vary conditions (2, 3, 7, 14, 23) and delete condition (24) attached to permission (P19D0005).
Expiry Date	14 June 2022
Applicant	Worcester Developments Ltd
Agent	Robert Barnes
Case Officer	Andrew Thompson
	andrew.thompson@worcester.gov.uk
Ward	Cathedral Ward
Reason for Referral to Committee	Major application
Key Issues	The principle of development and whether the proposal would be sustainable form of development having regard to the 3 dimensions of sustainable development in terms of its economic role, social role and environmental role.
Web link to application	https://plan.worcester.gov.uk/Planning/Display/22/00169/VARC
Recommendation	The Corporate Director - Planning and Governance recommends that the Planning Committee grants planning permission subject to the conditions set out in Section 9 of this report.

1. **Background**

- 1.1 The application was registered on 15 March 2022 and is due for a decision by 14 June 2022.

- 1.2 The application has been referred to the Planning Committee in accordance with the adopted Scheme of Delegation.

2. The site and surrounding area

- 2.1 The site is rectangular in shape, orientated east-west with its long side fronting St Martin's Gate. It currently accommodates a complex of single storey brick buildings, mostly with pitched roofs; these occupy much of the frontage, and the eastern half, of the site. They are used for car parking, car repair, and car wash / valet activities. The western part of the rear of the site is hard surfaced and used for car parking; this area is secured on its western and northern sides by metal palisade and panel fencing.
- 2.2 The site falls within the Lowesmoor Conservation Area and is designated as an Archaeologically Sensitive Area in the adopted South Worcestershire Development Plan. None of the buildings within the site can be regarded as having any architectural or historic interest in their own right. However, the adjacent former Granary building is a locally listed building and is defined as a non-designated heritage asset.
- 2.3 To the west of the site, City Walls Road separates Lowesmoor Trading Estate from the Corn Market and City Centre beyond. There is a public car park to the northwest of the site, between Silver Street and City Walls Road. Both sides of Lowesmoor, to the north of the site, contain predominantly retail uses, along with some commercial and residential uses at upper floor levels. To the east of the site, on the opposite side of Pheasant Street, is an Aldi supermarket, bus company depot, and Staples stationery store. To the southeast of the site is an area of residential development. The northern side of St. Martin's Gate contains predominantly two storey buildings, with the exception of the single storey building that forms the frontage to the application site. On the opposite side of St. Martin's Gate is the modern six storey St. Martin's Gate multi-storey car park.
- 2.4 Access to the site is achieved off St Martin's Gate at two points. The main access to the open car park and rear of the buildings is at the southwestern corner of the site. A further access, towards the southeastern corner of the site, provides the entrance to a small yard behind railings, used by the car repair business. A pedestrian route through the site to The Granary and wider St Martin's Quarter is present, albeit currently discouraged by fencing.
- 2.5 The area surrounding the site is characterised by its City Centre setting. Land to the north and east of the site has recently been developed as the St Martin's Quarter, a retail led scheme anchored by Asda. This is bordered to the north by Lowesmoor, which is a traditional shopping street characterised by small units along either side. The St Martin's Quarter is served by a multi-storey car park accessed off Pheasant Street to the east. A further multi-storey car park is situated directly opposite the site on the south side of St Martin's Gate.
- 2.6 The plot immediately to the west of the site is occupied by a former car dealership which is now used as a salvation army charity shop; planning permission has been granted for its redevelopment. The plot immediately to the east of the site is occupied by St Martin's House, which offers two storey office accommodation and a pedestrian route through to the heart of the St Martin's Quarter.

2.7 The city centre with its extensive retail, service, leisure, employment and civic function is just to the west of the site, beyond City Walls Road. The Shrub Hill area extends eastwards beyond Pheasant Street, and also accommodates a wide range of uses, including for example a retail park and industrial estate, leading up to the railway; the application site is roughly equidistant between Shrub Hill and Foregate Street stations. A mainly residential area extends south eastwards away from the site, beyond the junction between St Martin's Gate and St Paul's Street.

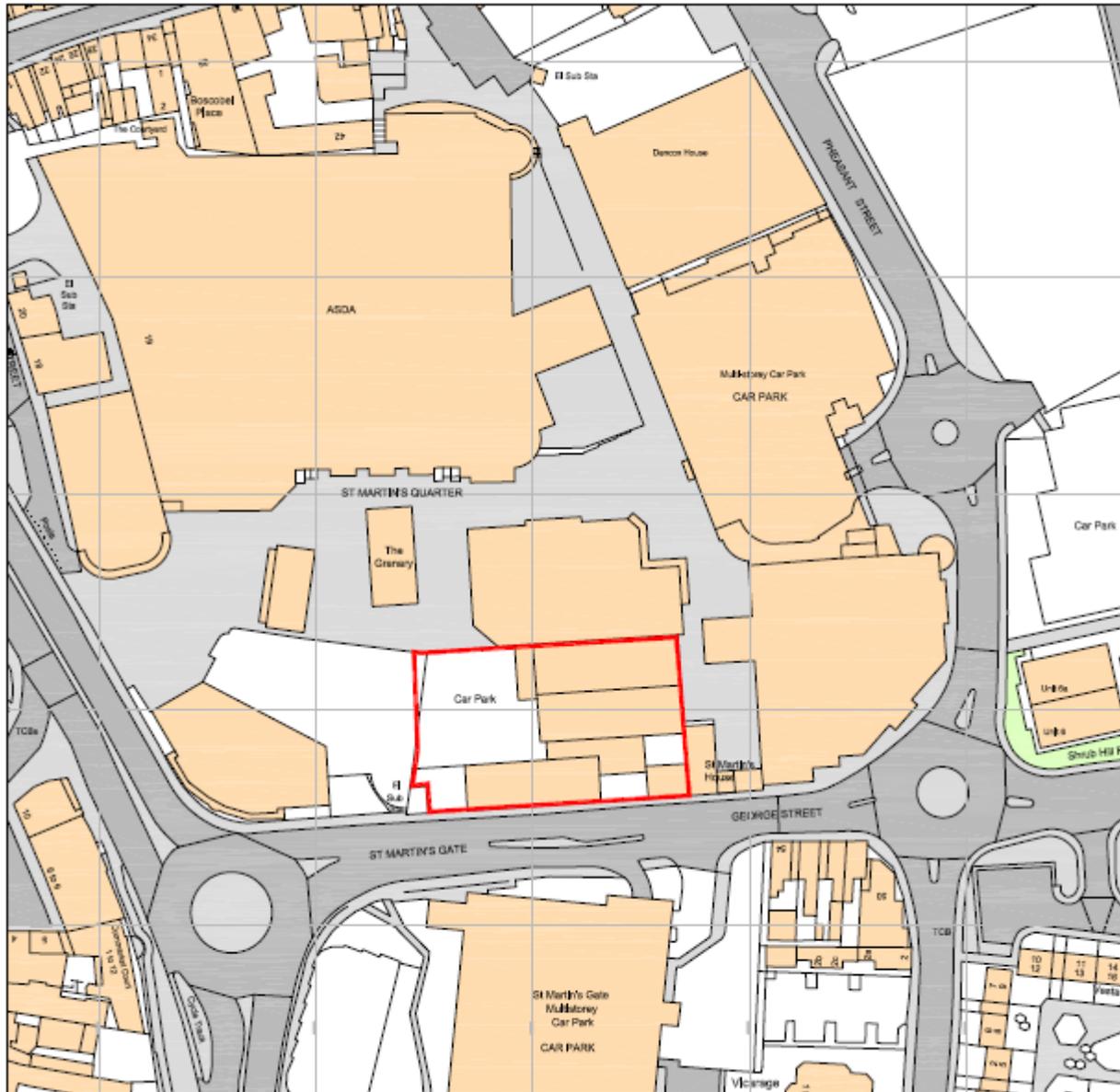


Figure 1 – Location Plan

3. The proposals

- 3.1 Planning permission is sought to vary the plans and details associated with the approved development for 98 units on the above application site which was originally approved in 2018 under reference P15D0510 and amended under planning permission P19D0005 in 2019. The application now seeks further to vary the design and layout of the proposals and as a result of proposed amendments this would also amend conditions 2, 3, 7, 14, 23. The application also seeks to delete condition (24) attached to permission (P19D0005).
- 3.2 The applicant highlights that the scheme will still deliver 98 units within a six-storey building above a largely open ground floor. As with the currently approved scheme the ground floor will be taken up by parking, lobby and storage space. The six storeys

above will continue to provide the same level of apartments (i.e.98 in total), albeit with a modified distribution of apartment types.

- 3.3 It is highlighted that the floorarea of the scheme will reduce slightly from about 7,200sqm to 7,097sqm. This is principally the result of the western elevation of the scheme being brought in slightly in the current proposals. In the approved scheme the building extends up to the boundary on the western side of the site. In the current proposals a stair well remains in this location but otherwise this elevation is now set back slightly. There would be an alteration to the housing mix with 67 one-bed flats and 31 two-bed flats now proposed as opposed to 40 one-bed and 58 two-bed previously approved.
- 3.4 The proposed materials remain, as approved, dominated by red facing brickwork with elements of contrasting coloured brickwork. Metallic, grey and aluminium finishes remain proposed for other features such as fascia, soffits, window frames and screens, and the use of glazed balustrades is also retained. The vertical emphasis of the glazing is similarly retained, although there is some adjustment to the alignment of openings to reflect the adjusted mass of the building and modified apartment types.
- 3.5 The application is accompanied by a full set of plans together with a suite of supporting documents that include:
Site Location Plan – Drawing 1501 PA01
Ground Floor Plan – Drawing 2141 PA03
First Floor Plan – Drawing 2141 PA04 Rev A
Second Floor Plan – Drawing 2141 PA05
Third Floor Plan – Drawing 2141 PA06
Fourth Floor Plan – Drawing 2141 PA07
Fifth Floor Plan – Drawing 2141 PA08
Sixth Floor Plan – Drawing 2141 PA09
Roof Plan – Drawing 2141 PA010
Floor Plan Comparison Sheet – Drawing 2141 PA11
Elevations Comparison Sheet – Drawing 2141 PA15
Contextual Site Plan – Drawing 2141/PA/18
Elevations as Proposed – Drawing 2141/PA/37
Elevations as Proposed Sheet 1 of 3 – Drawing 2141/PA/38
Elevations as Proposed Sheet 2 of 3 – Drawing 2141/PA/39
Elevations as Proposed Sheet 3 of 3 – Drawing 2141/PA/40
Design and Access Statement/Supporting Statement
- 3.6 In accordance with Article 15 (7) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), full details of the application have been published on the Council’s website. As such, Members will have had the opportunity to review the submitted plans and documents in order to familiarise themselves with the proposals prior to consideration and determination of the application accordingly.

4. Planning Policy

- 4.1 The Town and Country Planning Act 1990 (‘the Act’) establishes the legislative framework for consideration of this application. Section 70(2) of the Act requires the decision-maker in determining planning applications/appeals to have regard to the Development Plan, insofar as it is material to the application/appeal, and to any other material consideration. Where the Development Plan is material to the development proposal it must therefore be taken into account. Section 38(6) of the Planning and

Compulsory Purchase Act 2004 requires the application/appeal to be determined in accordance with the Plan, unless material considerations indicate otherwise.

- 4.2 The application is submitted under Section 73 of the Town and Country Planning Act 1990 that allows an application to be made to vary conditions associated with a planning permission. Section 73 of the Town and Country Planning Act confirms that on such applications the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and:
- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
 - (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application
- 4.3 In terms of decision making a Section 73 application should be treated just like any other application, and in making their decisions Local Planning Authorities should focus their attention on national and development plan policies, conditions attached to the existing permission and other material considerations which may have changed significantly since the original grant of permission. A successful application to amend conditions results in the issue of what is in effect a new planning permission, but does not cancel the old permission.
- 4.4 Guidance for determining s73 applications is set out in the NPPG which states that a minor material amendment is one "whose scale and nature results in a development which is not substantially different from the one which has been approved". It is further stated that the development which the application under s.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date. Consequently, the extent of the material planning considerations are somewhat restricted and only the amendments being applied for should be considered at this stage in light of current policy. In terms of decision making a Local Planning Authority therefore has to make a decision on the amendments being applied for with regard to relevant national or local policies which may have changed significantly since the original grant of planning permission as well as the merits of the changes sought.
- 4.5 The key legal provisions relating to the consideration of heritage assets in the planning system are s72 (1) and s66 (1) of the Planning Listed Buildings and Conservation Areas Act 1990 which state that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" and "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 4.6 The Development Plan for Worcester now comprises:
- The South Worcestershire Development Plan (SWDP) which was adopted February 2016, and;
 - The Worcestershire Waste Core Strategy, which was adopted in December 2012.

South Worcestershire Development Plan

- 4.7 The following policies of the SWDP are considered to be relevant to the proposal:

SWDP 4: Moving Around South Worcestershire
SWDP 6: Historic Environment
SWDP 14: Market Housing Mix
SWDP 21: Design

SWDP 22: Biodiversity and Geodiversity
SWDP 24: Management of the Historic Environment
SWDP 25: Landscape Character
SWDP 26: Telecommunications and Broadband
SWDP 27: Renewable and Low Carbon Energy
SWDP 28: Management of Flood Risk
SWDP 29: Sustainable Drainage Systems
SWDP 30: Water Resources, Efficiency and Treatment
SWDP 31: Pollution and Land Instability
SWDP 33: Waste
SWDP 38: Green Space

The Waste Core Strategy for Worcestershire - Adopted Waste Local Plan 2012-2027

4.8 The Waste Local Plan was adopted by Worcestershire County Council on 15 November 2012 and is a plan outlining how to manage all the waste produced in Worcestershire up to 2027. The following policies are relevant to this application:

WCS1 (Presumption in favour of sustainable development)
WCS3 (Re-use and recycle)
WCS17 (Making provision for waste in new development)

Material Considerations

1. National Planning Policy Framework

2. National Planning Practice Guidance

3. Supplementary Planning Documents

4.9 The following Supplementary Planning Documents (SPD) are relevant to the application proposals: -

- South Worcestershire Design SPD
- Planning for Health in South Worcestershire SPD
- Developer Contributions SPD
- Affordable Housing SPD
- Renewable and Low Carbon Energy SPD

4. Other material considerations

- Worcestershire's Local Transport Plan (LTP4) 2018 – 2030
- Worcestershire County Council Streetscape Design Guide (2020)
- Worcester City Masterplan (2019)

5. Relevant Planning History

5.1 The site has been the subject of the following planning applications:

P15D0510 - Demolition and clearance of existing structures to facilitate the development of 110 apartments with access, cycle and car parking, landscaping and associated works. Approved 11 January 2018

P19D0005 - Application for the variation of conditions 1, 6, 7, 9, 18, 22, 23, 28 and 29 and removal of condition 3 of planning application P15D0510. Approved 21 March 2019

20/00301/NMA - Amendment to condition 3 of application P19D0005 to change the period within which construction must be begun from not later than 10th January 2021 to not later than 10th April 2022. Approved 3 July 2020

21/00384/NMA - Amendment to condition 2 of planning application P19D0005 to change the list approved drawings and condition 3 of planning application P19D0005 to change the period within which construction must be begun from 10th April 2022 to 10th January 2023. Approved 18 August 2021

21/01149/NMA - Application for a non-material minor amendment to planning permission P19D0005 for Demolition and clearance of existing structures to facilitate development of 98 apartments with access, cycle and car parking, landscaping and associated works to include changes to elevations and floorplans including changes to housing mix to 67 one-bed flats and 31 two-bed flats (from 40 one-bed and 58 two-bed) including a reduction in floor space, and associated changes to elevations including new glass balustrades, materials distribution and fenestration detail. Withdrawn 7 March 2022. The amendments proposed are the same as now submitted.

6. **Consultations**

- 6.1 Formal consultation, including display of site notices, has been undertaken in respect of the application. The following comments from statutory and non-statutory consultees and interested third parties have been received in relation to the original and amended proposals and are summarised as follows:

Neighbours and other third-party comments: 1 comment has been received from a local resident stating that they have No adverse comments. They note that consideration has been given to the design - depth is provided by setback of windows to soften the massing, varying roof heights, materials also sympathetic.

Worcester City Council – Conservation Officer – No objection – having been involved from the earliest preapplication stages with this application and I am pleased to see the main design changes sought - setting down at either end and setting back at top floor level - retained; also the use of contrasting materials and the inset panels on the otherwise bland brick elevation. I have looked at the proposed amendments and have no objections to them. The revocation of Condition 3 is a given, the date stipulated having passed.

It is noted that to the withdrawn Non-Material Amendment (21/01149/NMA) the following comments were received:

Worcester City Council - Landscape and Biodiversity: No objections. Prefer the new elevations which reduce impact of the top floor and the massing effect to the west.

Worcester City Council – Archaeology Advisor: The application area has been subject to an archaeological evaluation. A programme of archaeological mitigation was conditioned which remains outstanding. Given that the revised scheme may require an alteration to the mitigation programme the applicant should be advised that the Written Scheme of Investigation and subsequent mitigation may need to take the amended scheme into consideration.

- 6.2 Members have been given the opportunity to read all representations that have been received in full. At the time of writing this report no other consultation responses have been received. Any additional responses received will be reported to members verbally or in the form of a late paper, subject to the date of receipt.

- 6.3 In assessing the proposal due regard has been given to local residents' comments as material planning considerations. Decisions should not be made solely on the basis of the number of representations, whether they are for or against a proposal. The Localism Act has not changed this, nor has it changed the advice that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it is founded on valid planning reasons.

7. Planning Assessment

- 7.1 Policy SWDP1 of the South Worcestershire Development Plan sets out overarching sustainable development principles and these are consistent with the Framework. The various impacts of the development have to be assessed and the benefit and adverse impacts considered, to establish whether what is proposed is sustainable development. Taking the above matters into account I consider the main issues raised by the proposal relate to the principle of development and whether the development would be sustainable, having regard to the 3 dimensions of sustainability set out in the Framework.

The Principle of Development

- 7.2 In the consideration of the proposed amendments there has been no material change in the Development Plan since the determination of either the original application (P15D0510 - Approved 11 January 2018 or the amended scheme P19D0005 - Approved 21 March 2019). There has been an update to the National Planning Policy Framework in July 2021 however this does not significantly amend the consideration or merits of the submission.
- 7.3 The application continues to support the delivery of housing in a sustainable and accessible location and deliver the regeneration and economic benefits and as such there is no objection in principle to amendments or the development.

Design

- 7.4 The principal amendments relate to the front (Southern elevation) whilst there are also changes to other elevations. The proposed changes would alter some of the relationship to neighbouring properties however in many instances, this is a positive amendment.



South Elevation : PLANNING APPROVED



South Elevation : PROPOSED NMA SCHEME

Figure 2 – Alterations to the Southern Elevation (front elevation)

N.B. References to NMA on the proposed plans are due to the resubmission of previously submitted plans as part of the previous NMA submission.

- 7.5 Proposed alterations to the internal layout and the housing mix are also in accordance with Policy with the focus of policy being on the delivery of smaller units.
- 7.6 The re-orientation of the ground floor allows for a continued access and in the internal core a squarer shape allows for better rationalisation of the central space and access without potential awkward spaces.
- 7.7 The upper floor is also more symmetrical and therefore creates a better and more rationalised internal layout.



Figure 3 – Ground Floor and First Floor Comparison

7.8 Overall, the proposed designs and layouts would be considered an acceptable amendment and would in a number of areas improve the external planning appearance of the development. As such the proposals are considered to be in accordance with Policy SWDP 21 of the Development Plan and the aims and objectives of the National Planning Policy Framework.

Residential amenity for existing and future occupiers

7.9 Policy SWDP 21 requires that new development does not have a significant adverse effect on neighbouring amenity and provides an appropriate environment for future residential occupiers. The proposals result in an improved relationship to the west elevation in particular.

7.10 The introduction of the proposed development could give rise to potential noise and disturbance for the occupiers of the surrounding properties as a result of demolition works, the movement of construction and related traffic, construction works. This would be managed through construction management.

Historic Environment

7.11 The key legal provisions relating to the consideration of heritage assets in the planning system are s72 (1) and s66 (1) of the Planning Listed Buildings and Conservation Areas Act 1990 which state that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" and "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

Policy SWDP 6 is the relevant policy of the Development Plan and the requirements of Paragraph 200-204 of the NPPF are also relevant.

- 7.12 Having regard to the proposed changes and the overall enhancement to the area from the regeneration and the comments of the Council's Conservation Officer the proposed changes would not alter the consideration or impacts of the development on built heritage assets.
- 7.13 Archaeological work is due to be carried out on the site. The applicant has submitted a Written Scheme of Investigation.

Access and Highway Safety

- 7.14 The application site continues to be accessible by alternative modes of transport. The proposed internal layout is more rational and considered with the location of the bin store located closer to collection points. The proposals would provide 60 car parking spaces (61% provision), 90 cycle spaces and 6 motorcycle spaces. There would be no alteration to the principal access point. The site is well located to take advantage of shops, services, public transport and all the other facilities within the City and links to the wider area.
- 7.15 The proposals would be consistent with the requirements of Policy SWDP 4 (in particular parts A and B) and the aims and objectives of the National Planning Policy Framework and would not cause harm to highway safety.

Flooding and Drainage

- 7.16 The application proposals would not alter the considerations of flooding or drainage and the application site is located in Flood Zone 1 at the lowest risk of flooding.

Planning Conditions

- 7.17 Since the granting of planning permission, a number of planning conditions have been discharged to P19D0005 which include the discharge of details for Conditions 6 and 23 on 22 April 2020. This included the submission of Geo-environmental Appraisal Ref E12810/1B dated July 2015 prepared by DTS Raeburn Ltd and confirmation that no method statement is required for the demolition phase. Condition 7 was approved in part on 21 March 2019. Further there has been further amendments granted under the previous non-material amendment.
- 7.18 The conditions are therefore updated in accordance with agreement with the applicant and previous discharge information.

Developer Contributions

- 7.19 It is recognised that new development can create the need for new or improved infrastructure and community facilities. Planning obligations mitigate the impact of development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2012 and as policy tests in the National Planning Policy Framework.
- 7.20 In accordance with Community Infrastructure Levy Regulations 2012, the applicants are willing to enter into a legally binding agreement to deliver contributions to provide improvements to the infrastructure that the development will impact upon. This legal agreement will be made under Section 106 of the Town and Country Planning Act 1990 (as amended).

7.21 The existing planning permission is supported by a s106 Agreement dated 10 January 2018 which contains a clause binding any permission issued pursuant to Section 73 of the Town and Country Planning Act. Accordingly if the application is approved the obligations in the S106 Agreement will relate to the new permission. The terms of the s106 suggest that if development is delayed that a review of the viability evidence supporting the original application would be necessary.

Human Rights Issues

7.22 Article 8 of the Human Rights Act 1998 (as amended) states that everyone has the right to respect for his private and family life. A public authority cannot interfere with the exercise of this right except where it is in accordance with the law and is necessary (amongst other reasons) for the protection of the rights and freedoms of others. Article 1 of Protocol 1 of the Act entitles every natural and legal person to the peaceful enjoyment of his possessions.

7.23 The law provides a right to deny planning permission where the reason for doing so is related to the public interest. Alternatively, having given due consideration to the rights of others, the local planning authority can grant planning permission in accordance with adopted policies in the development plan.

7.24 As part of the consideration of this application, human rights issues have been considered in so far as they are relevant. It is considered that an appropriate balance between the interests and rights of the applicants (to enjoy their land subject only to reasonable and proportionate controls by a public authority in the public interest) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties) has been achieved with conditions controlling the development where necessary

Public Sector Equality Duty

7.25 In making this decision, the council has had due regard to the requirements of Section 149 of the Public Sector Equality Act 2010, which introduced a public sector equality duty that public bodies must, in the exercise of their functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.26 These considerations are relevant to the duties that decision makers have under s149(1) of the Equality Act 2010.

8. Conclusion and planning balance

8.1 The NPPF identifies a series of the components that are considered critical to achieving sustainable development. In my opinion, the above assessment of the planning application proposals against the planning policy framework demonstrates that the application responds to, and is in accordance with, the requirements of the adopted planning policy within the development plan and material considerations relevant to the determination of the application.

8.2 This development would assist in delivering the objectively assessed housing need for South Worcestershire over the plan period to 2030 ensuring that there is an adequate supply of land for housing. These are factors in support of the development to which substantial weight should be attached.

- 8.3 The proposed development would result in a number of economic benefits; employment during construction and thereafter upon the occupation of the dwellings it is likely that the occupants would contribute towards maintaining the vitality of local services and facilities. For this role of sustainable development, the balance would clearly be in favour of granting planning permission.
- 8.4 With regard to the social role, the delivery of homes in this location would contribute to the continued economic and social sustainability of the city. This is a factor to attach significant weight.
- 8.5 In respect of potential adverse impacts these focus around the less than substantial harm to Heritage Assets. These are significant concerns which are to be given appropriate weighting in the determination of this application.
- 8.6 On balance, the submitted scheme is well designed and an enhancement to the previously approved schemes. The proposals would utilise the full potential of the site and create regeneration value to the city Centre.
- 8.7 All comments received as part of the consultation process and consider all material planning issues have been considered in the determination of this application. Having regard to the totality of the policies in the Framework and Development Plan. The adverse impacts of the development do not significantly and demonstrably outweigh the benefits. Overall, it is considered that the proposals constitute an environmentally, socially and economically sustainable form of development that accords with the Framework and the Development Plan as a whole.

9. Recommended Planning Conditions

1. The development must be begun not later than 10th January 2023.

For the following reason: -

To conform with the requirements of Sections 73 and 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall be carried out in complete accordance with the submitted plans and supporting documents, including all recommendations and specifications contained therein, except where otherwise stipulated by conditions attached to this permission. The plans hereby approved are:

Site Location Plan – Drawing 1501 PA01

Ground Floor Plan – Drawing 2141 PA03

First Floor Plan – Drawing 2141 PA04 Rev A

Second Floor Plan – Drawing 2141 PA05

Third Floor Plan – Drawing 2141 PA06

Fourth Floor Plan – Drawing 2141 PA07

Fifth Floor Plan – Drawing 2141 PA08

Sixth Floor Plan – Drawing 2141 PA09

Roof Plan – Drawing 2141 PA010

Contextual Site Plan – Drawing 2141/PA/18

Elevations as Proposed – Drawing 2141/PA/37

Elevations as Proposed Sheet 1 of 3 – Drawing 2141/PA/38

Elevations as Proposed Sheet 2 of 3 – Drawing 2141/PA/39

Elevations as Proposed Sheet 3 of 3 – Drawing 2141/PA/40

For the following reason: -

For the avoidance of doubt and to secure a satisfactory form of development in accordance with policy SWDP 21 of the South Worcestershire Development Plan 2016 and the aims and interests that the National Planning Policy Framework seeks to protect and promote.

3. Following demolition of the existing buildings on the site construction works must be begun not later than 10th January 2024.

For the following reason: -

To ensure that a suitable building to replace the existing buildings within the Lowesmoor Conservation Area is erected to avoid the creation of an unsightly vacant site within this the conservation area in accordance with policies SWDP 6, SWDP 21 and SWDP 24 of the South Worcestershire Development Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote. Further extensions would require review of the viability and the capability to the delivery of affordable housing.

4. Samples of facing, roofing and surfacing materials shall be submitted to and approved by the local planning authority in writing prior to implementation as part of the development hereby approved. The development shall not be undertaken other than in full accordance with such approved details.

For the following reason: -

To maintain the character of the property and the quality of the street scene in accordance with policy SWDP 21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

5. During the construction and demolition works hereby approved no external operations shall be carried out on the site other than between the hours of 07.30 to 18.00 Mondays to Fridays inclusive and 09.00 to 13.00 on Saturdays and no operations shall be carried out at all on Sundays or on statutory Bank Holidays.

For the following reason: -

To protect the amenities of the occupants of neighbouring properties in accordance with policy SWDP 21 of the South Worcestershire Development Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote.

6. No above ground works shall take place within any phase of development, until a Construction Method Statement for that phase has been submitted to and approved in writing by the local planning authority. Demolition shall be carried out in accordance with the approved Method Statement and Risk Assessment approved under P19D0005 on 22 April 2020. The approved Statements shall be adhered to throughout the demolition and construction period The Statement shall provide for:

- a. hours of construction, including deliveries
- b. the parking of vehicles of site operatives and visitors
- c. loading and unloading of plant and materials
- d. storage of plant and materials used in constructing the development
- e. the erection and maintenance of security hoarding/fencing
- f. wheel washing facilities
- g. measures to control the emission of dust and dirt during construction
- h. a scheme for recycling/disposing of waste resulting from construction works

For the following reason: -

To ensure appropriate construction methods are undertaken in order to maintain levels of amenity of surrounding land uses in accordance with policy SWDP 21 and the aims and interests that the National Planning Policy Framework seeks to protect and promote in this regard.

7. Land that is included within the agreed WSI submitted under P19D0005 (reference CC/25779), no development shall take place other than in accordance with the agreed WSI under the supervision of the nominated competent person(s) or organisation to undertake the agreed works.

The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

For the following reason: -

To allow the historical and archaeological interest of the site to be recorded in accordance with policies SWDP 6 and SWDP 24 and the aims and interests that the National Planning Policy Framework seeks to protect and promote with regard to heritage assets.

8. If during the course of the works hereby approved any of the following features of interest are uncovered, the local planning authority shall be notified immediately and no works affecting such features shall take place until they have been inspected by persons authorised by the local planning authority and a scheme for their retention and/or treatment agreed in writing.

Schedule of features of interest:

- i. Below ground structural or other archaeological remains associated with bell founding;
- ii. Below ground structural or other archaeological remains associated with tile making;
- iii. Below ground structural or other archaeological remains associated with porcelain manufacture;
- iv. Roman structures and/or burials, and;
- v. Medieval masonry structures.

For the following reason: -

To allow the historical and archaeological potential of the site to be realised in accordance with policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote with regard to heritage assets.

9. Notwithstanding any details shown on the submitted plans groundworks and foundations shall be constructed in accordance with details to be agreed in writing by the local planning authority before works (excluding demolition) commence.

For the following reason: -

To preserve the archaeological interest of the site in accordance with policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote with regard to heritage assets.

10. Notwithstanding any details shown on the submitted plans full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority before any such landscaping works are commenced. These details shall include specifications of all trees and shrubs, ground preparation works, all hard paving works, steps and ramps, including walkways, proposed finished levels; means of enclosure; car parking layouts; vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. gates, bollards, railings, cycle hoops, steps, balustrades, street furniture, bins, bollards, storage units, signs, and lighting); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, and pipelines indicating lines, manholes, and supports); retained historic landscape features and proposals for restoration, where relevant. The landscape works shall not take place other than in accordance with such approved details.

For the following reason: -

To maintain the visual and environmental quality of the site and surrounding area in accordance with policies SWDP 5 and SWDP 21 of the South Worcestershire Development Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote.

11. Full details of all external plant, including extract ventilation facilities, air conditioning equipment, ventilation, flues and other extraction systems, their noise generation levels, and any noise attenuation measures shall be submitted to the local planning authority for approval prior to the implementation of these works as part of the development hereby permitted. The development shall not be carried out otherwise than in full accordance with such approved details.

For the following reason: -

To ensure that the appearance of any external plant is compatible with the appearance of the building, the character and appearance of the Lowesmoor Conservation Area and to ensure that residential amenities are protected, in accordance with policy SWDP 21 of the South Worcestershire Development Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote in this regard.

12. A scheme for the provision of a shared system for satellite television using one satellite dish only on the whole building shall be submitted to and approved in writing by the local planning authority for approval prior to implementation as part of the development hereby permitted. The approved scheme, which shall include the siting, size and colour of the satellite dish shall be implemented prior to the first occupation of any apartment hereby approved.

For the following reason: -

To ensure a satisfactory standard of design and appearance for the development and the character and appearance of the Lowesmoor Conservation Area, in accordance with policy SWDP 21 of the South Worcestershire Development Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote in this regard.

13. Details of any external lighting shall be submitted to and approved in writing by the local planning authority before implementation as part of the development hereby approved. Development shall be carried out in accordance with the approved details.

For the following reason: -

Insufficient details were submitted for these matters to be fully and properly considered in respect of the approval hereby granted and policy SWDP 21 and the aims and interests that the National Planning Policy Framework seeks to protect and promote in this regard.

14. If any lighting at the development approved in accordance with condition 13 above causes glare or light spillage which, in the opinion of the local planning authority would harm the living conditions of the occupiers of nearby properties, details for the elimination of such glare or light spillage shall be submitted to the local planning authority within 14 days of a written request. The approved scheme shall thereafter be retained in accordance with the approved details.

For the following reason: -

To maintain the amenities of the surrounding properties in accordance with policy SWDP 21 of the South Worcestershire Development Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote.

15. Full details of the following matters including any details shown on the submitted plans shall be submitted to the local planning authority for approval at a scale of 1:5 prior to the implementation of the works referred to below as part of the development hereby permitted. The development shall not be undertaken other than in full accordance with such approved details.

Schedule: -

- i. entrance canopies and entrance surrounds;
- ii. doors, windows (including a section showing the window reveal, heads and cill details);
- iii. glazing systems and joint details;
- iv. roof features, eaves, verges and rainwater goods and/or rainwater dispatch system/s;
- v. railings, gates, balustrades, balconies and handrails and all metalwork for these items shall be of painted solid mild steel, and;
- vi. all new external signage, name plaques, bollards, street name plaques, and

The development shall not be undertaken other than in full accordance with such approved details.

For the following reason: -

To ensure a satisfactory standard of design and appearance for the development and the character and appearance of the Lowesmoor Conservation Area, in accordance with policy SWDP 21 of the South Worcestershire Development Plan and the aims and interests that the

National Planning Policy Framework seeks to protect and promote.

16. Full details of the following matters including any details shown on the submitted plans shall be submitted to and approved by the local planning authority in writing prior to implementation as part of the development hereby approved.

Schedule: -

- water resource management which demonstrates that the daily non-recycled water use per occupier will not exceed 110 litres per day.

The development shall not be undertaken other than in full accordance with such approved details.

For the following reason: -

To ensure a sustainable and resource efficient development in accordance with the requirements of policy SWDP 30 and the aims and objectives that the National Planning Policy Framework seeks to protect and promote in this regard.

17. Full details of the following matters including any details shown on the submitted plans shall be submitted to and approved by the local planning authority in writing prior to implementation as part of the development hereby approved.

Schedule: -

- renewable and sustainable measures which incorporates the generation of energy from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements.

The development shall not be undertaken other than in full accordance with such approved details.

For the following reason: -

To ensure a sustainable and resource efficient development in accordance with the policy SWDP 27 and the aims and objectives that the National Planning Policy Framework seeks to protect and promote in this regard.

18. Full details of the following matters including any details shown on the submitted plans shall be submitted to and approved by the local planning authority in writing before the development (excluding demolition) is commenced.

Schedule: -

- finished floor levels of buildings, altered land levels, roads and footpaths assessed against a fixed datum point. This shall include cross sections, or a computer generated pre and post development landform model across the site identifying the existing and proposed levels, to show the relationship of the proposed grading to the surrounding landform and adjoining properties.

The development shall not be undertaken other than in full accordance with such approved details.

For the following reason: -

Insufficient details were submitted for these matters to be fully and properly considered in respect of the approval hereby granted and policy SWDP21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

19. Full details of the following matters including any details shown on the submitted plans shall be submitted to and approved by the local planning authority in writing prior to implementation as part of the development hereby approved. The development shall not be undertaken other than in full accordance with such approved details and shall be retained as such thereafter.

Schedule: -

- details of scheme to mitigate impacts of poor air quality on future site users in accordance with the recommendations of the air quality assessment (Wardell Armstrong, Aug 2015) s8.2.7.

For the following reason: -

To reduce the potential impact of local poor air quality on the health of future site users in accordance with policy SWDP 31 of the South Worcestershire Development Plan 2016 and the aims and interests that the National Planning Policy Framework seeks to protect and promote.

20. Provision shall be made before any dwelling is occupied for the storage and collection of refuse in relation to that dwelling in accordance with details to be submitted and approved in writing by the local planning authority.

The development shall not be undertaken other than in full accordance with such approved details.

For the following reason: -

To ensure the satisfactory provision of this necessary residential facility in accordance with policy SWDP 21 and the aims and interests that the National Planning Policy Framework seeks to protect and promote in this regard.

21. All roadways, footpaths, driveways and other hard surfaced areas of the development hereby approved shall be constructed and surfaced using construction techniques and materials that allow the permeable drainage of surface waters from those areas, or in accordance with such other sustainable drainage scheme as shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be retained as such at all times thereafter, unless otherwise agreed in writing by the local planning authority.

For the following reason:

To reduce flood risk through the implementation of a surface water management system in accordance with policy SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

22. Excluding demolition, the development hereby approved shall not commence until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the approved use is first operational.

For the following reason: -

To prevent pollution of the water environment and increased flooding risk in accordance with policy SWDP 21 and the aims and objectives that the National Planning Policy Framework seeks to protect and promote in this regard.

23. No development within any phase (excluding demolition) shall take place until for that phase:

- a) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model), which shall be submitted to and approved in writing by the local planning authority prior to that investigation being carried out on the site. The investigation must enable:
 - a quantitative risk assessment to be undertaken relating to human health, ecological systems, property, groundwater and surface waters associated on and off the site that may be affected, and refinement of the Conceptual Model, and;
 - the development of a Method Statement detailing the remediation requirements.
- b) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
- c) A Method Statement detailing the remediation requirements, including measures to minimise the impact on human health, ecological systems, property, ground and surface waters, using the information obtained from the Site Investigation has been submitted to and approved in writing by the local planning authority.
- d) Demolition shall be carried out in accordance with the approved Method Statement and Risk Assessment approved under P19D0005 on 22 April 2020.

The approved scheme shall be fully implemented within the relevant phase prior to development within that phase first commencing.

For the following reason: -

To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous uses of the site in accordance with policy SWDP 31 of the South Worcestershire Development Plan 2016 and aims and interests that the National Planning Policy Framework seeks to protect and promote in this regard.

24. Upon the completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement. Post-remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

For the following reason: -

To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous uses of the site in accordance with policy SWDP 31 of the South Worcestershire Development Plan 2016 and aims and interests that the National Planning Policy Framework seeks to protect and promote in this regard.

25. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

For the following reason: -

In the interests of highway safety and to ensure the safety and free flow of traffic using the adjoining highway in accordance with policies SWDP 10 and SWDP 21 of the South Worcestershire Development Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote in this regard.

26. Prior to the first occupation of any dwelling hereby permitted engineering details of the proposed access indicatively shown on drawing 2141 PA18 shall be approved, and the access shall be constructed in accordance with the approved details.

For the following reason: -

To ensure the safe and free flow of traffic onto the highway in accordance with policies SWDP 10 and SWDP 21 of the South Worcestershire Development Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote in this regard.

27. Refuse collection for the development hereby approved shall take place within the undercroft car park using a collection vehicle sized within dimensions that shall previously have been submitted to and approved in writing by the Local Planning Authority.

For the following reason: -

To ensure the safe and free flow of traffic onto the highway in accordance with policies SWDP 10 and SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

28. The development (excluding demolition) shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision be retained and kept available during the construction of the development.

For the following reason: -

To prevent indiscriminate parking in the interests of highway safety in accordance with policies SWDP 10 and SWDP 21 of the South Worcestershire Development Plan and aims and interests that the National Planning Policy Framework seeks to protect and promote in this regard.

29. No work on the site (excluding demolition) shall be commenced until engineering details of the improvements to the Public Highway have been submitted to and approved by the Highway Authority.

For the following reason: -

To ensure the safe and free flow of traffic on the highway and in accordance with policies SWDP21 and SWDP10 of the South Worcestershire Development Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote in this regard.

30. The development hereby permitted shall not be occupied until the applicant has submitted to and have approved in writing a travel plan that promotes sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator.

For the following reason: -

To reduce vehicle movements and promote sustainable transport in accordance with policy SWDP 21 and the aims and interests that the National Planning Policy Framework seeks to protect and promote in this regard.

31. No dwelling hereby permitted shall be occupied until the applicant has submitted to and have approved in writing a welcome pack that promotes sustainable travel for future residents with the Local Planning Authority.

For the following reason: -

To reduce vehicle movements and promote sustainable transport in accordance with policy SWDP 21 and the aims and interests that the National Planning Policy Framework seeks to protect and promote in this regard.