

Application Number	21/00701/REM
Site Address	Citation House, 39 Foregate Street, Worcester WR1 1DJ
Description of Development	Variation to drawings listed as approved under Condition 2 of Full Planning Approval reference P18D0107 in order to enable use of ground and first floor as office accommodation, second and third floors as apartments, omission of fourth floor and alterations to elevations.
Expiry Date	26 October 2021. An extension of time has been sought.
Applicant	Mr Edward Deacon
Agent	Mr Edward Deacon
Case Officer	Tom Gabriel
	thomas.gabriel@worcester.gov.uk
Ward Member(s)	Cathedral Ward
Reason for Referral to Committee	Major application.
Key Issues	The principle of development and whether the amended proposal would be an acceptable form of development for the site.
Web link to application	Planning application: 21/00701/REM - Worcester City Council
Recommendation	The Corporate Director of Planning and Governance recommends that the Planning Committee grants planning permission, subject to:- i) the applicant and all parties with an interest in the land entering into a S106 Agreement in accordance with the Heads of Terms annexed as Appendix 1 to this report, no later than six months from the date of this resolution; and ii) the recommended conditions set out in section 9 of this report; and iii) the grant of a satisfactory listed building consent.

1. Background

- 1.1 The application was registered on 27 July 2021 and was due for a decision on 26 October 2021. An extension of time has been sought.
- 1.2 The application has been referred to the Planning Committee as the original planning application on the site was considered at committee and it is a major application.

2. The site and surrounding area

- 2.1 The application site is situated on the western side of Foregate Street, around 75m to the south of its junction with Castle Street and opposite the Worcester City Art Gallery and Museum.
- 2.2 The overriding palette of materials along the street is red brick with a mix of roof finishes.
- 2.3 The street scene comprises predominantly three storey buildings interspersed with the occasional two or four story building. There is a mix of Class E uses at ground floor level with residential and office uses on the upper floors.
- 2.4 The site is within the Foregate Street and The Tything Conservation Area and comprises a statutory Grade II listed building. The site is also within an archaeologically sensitive area.

Figure 1. Site location plan



3. The proposals

- 3.1 Planning permission is sought for a variation to the drawings approved under condition 2 of planning approval reference P18D0107 in order to enable the use of ground and first floors as office accommodation, the second and third floors as apartments, the

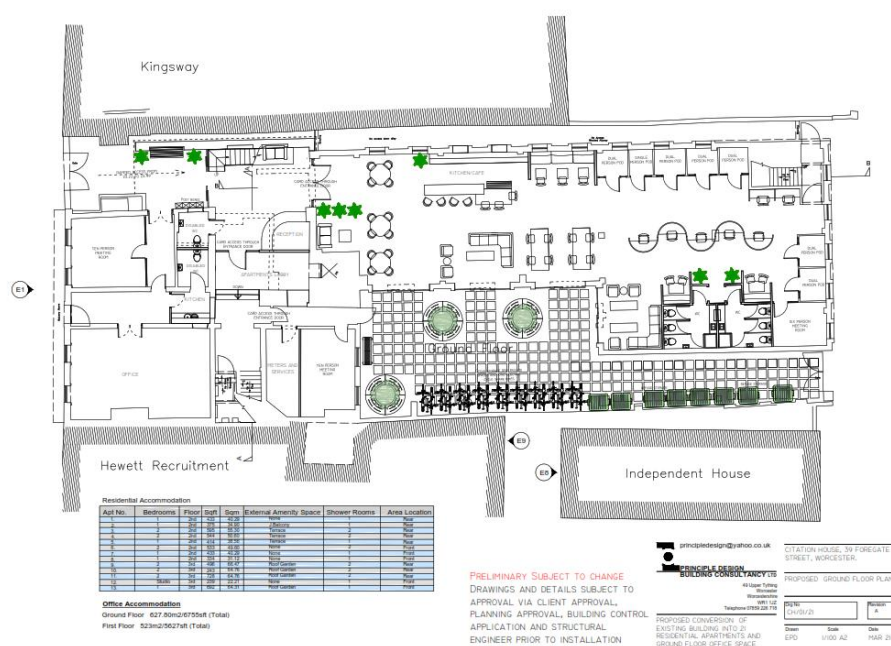
omission of fourth floor and alterations to the elevations. The proposal is an amendment to planning application P18D0107 which was previously approved by the Planning Committee at the meeting on 24th August 2018 subject to the completion of a S106 Agreement which was completed on 22nd July 2019 .

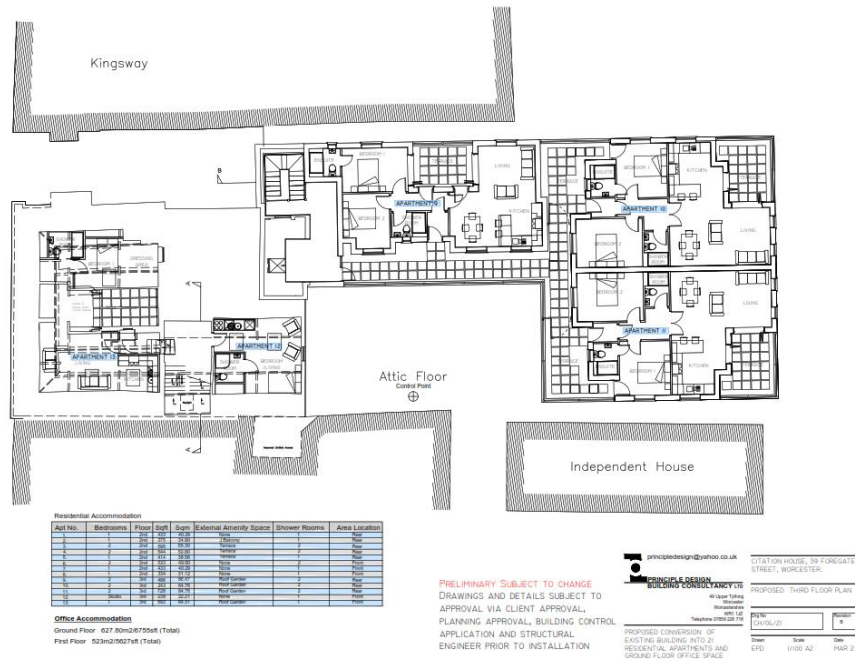
3.2 The application has been amended in the following ways;

- The removal of the 42 covered cycle parking spaces, the gym and the 4 flats at ground floor level and their replacement with open plan office accommodation, an additional meeting room, cycle parking for 18 bicycles and an ancillary kitchen/ café;
- The removal of the external stairwell in the courtyard;
- The replacement of 10 apartments at first floor level with both open and closed plan office accommodation and a kitchen/ café;
- The replacement of 10 apartments at second floor level with 8 apartments;
- The replacement of 8 apartments at third floor level with 5 apartments;
- The removal of the fourth floor from the proposed development;
- An overall change in the apartment provision from 30 x one bed, five x 2 bed and 3 studio flats to 6 x one bed, 6 x two bed and a studio apartment (a reduction from 38 to 13 flats).
- The removal of the green walls from the proposal and the provision of planting to the proposed terraces at third floor level.

3.3 The layout of the proposed site incorporates external cycle parking, bin storage and landscaping at ground floor level.

Figure 2. Proposed floor plans





Proposed Third Floor

3.4 The application is accompanied by a full set of plans together with a suite of supporting documents that include:

- CH/01/21 Rev A Proposed ground floor plan
- CH/02/21 Rev B Proposed first floor plan
- CH/03/21 Rev B Proposed second floor plan
- CH/04/21 Rev B Proposed third floor plan
- CH/05/21 Rev B Proposed roof plan
- CH/06/21 Rev B Proposed elevations
- CH/07/21 Rev B Proposed sections

3.5 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 considerations. 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 Development Plan for Worcester now comprises:

- The South Worcestershire Development Plan (SWDP) which was adopted in February 2016, and;
- The Worcestershire Waste Core Strategy which was adopted in December 2012.

South Worcestershire Development Plan

4.3 The following policies of the SWDP are relevant to the proposal:

SWDP 1	Overarching Sustainable Development Principles
SWDP 3	Employment, Housing and Retail Provision
SWDP 4	Moving Around South Worcestershire
SWDP 5	Green Infrastructure
SWDP 6	Historic Environment
SWDP 8	Providing the Right Land and Building for Jobs
SWDP 21	Design
SWDP 24	Management of the Historic Environment
SWDP 27	Renewable and Low Carbon Energy
SWDP 29	Sustainable Drainage Systems
SWDP 33	Waste

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

4.4 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

4.5 The National Planning Policy Framework (NPPF) has recently been revised and places a greater emphasis on design quality and beautiful places. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It constitutes guidance for local planning authorities and decision takers and is a material planning consideration in determining planning applications.

2. National Planning Practice Guidance

4.6 On 6th March 2014 the Government published the National Planning Practice Guidance (NPPG) that has also been recently updated and comprises, amongst other matters, sections about Design, Determining a Planning Application, Health and Wellbeing, Noise, and Use of Planning Conditions.

3. Supplementary Planning Documents

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

- South Worcestershire Design SPD

The South Worcestershire Design SPD was adopted on 5 March 2018 and replaces the previous Supplementary Planning Guidance Note 3: Design (SPG3). Both documents encourage high standards of design for development proposals in accordance with the aims and interests that the NPPF seeks to protect and promote in this regard. The Design Quality SPD is consistent with the planning policies in the SWDP.

- Planning for Health in South Worcestershire SPD

The Planning for Health SPD primarily focuses on the principal links between planning and health. It provides guidance and interpretation of the SWDP from a public health perspective. The SPD addresses following nine health and wellbeing principles: -

- Sustainable development
- Urban form - design and the public realm
- Housing and employment
- Age-friendly environments for the elderly and those living with dementia
- Community facilities
- Green infrastructure and play spaces/recreation
- Air quality, noise, light and water management
- Active travel
- Encouraging healthier food choices

- Developer Contributions SPD

The Developer Contributions SPD – was adopted by the South Worcestershire Councils on the 20 October 2016. The Developer Contributions SPD sets out the South Worcestershire Councils' approach to seeking developer contributions via the SWDP for infrastructure or environmental improvements required as a result of development. The SPD provides guidance about when planning obligations will be expected, the scale of developer contributions, and how developer contributions will be used.

- Affordable Housing SPD

Adopted Affordable Housing SPD - The Affordable Housing Supplementary Planning Document covers the administrative areas of Worcester City Council, Malvern Hills District Council and Wychavon District Council and was adopted by The South Worcestershire Councils on the 20 October 2016. The SPD explains the details of the South Worcestershire Development Plan (SWDP) policies that relate to the provision of affordable housing. It is a guide intended to help developers, landowners, and applicants applying for planning permission, registered providers and others who are seeking to provide or benefit from affordable housing.

- Renewable and Low Carbon Energy SPD

The SPD relates to policy SWDP 27 of the South Worcestershire Development Plan, which seeks to promote a percentage of energy requirements on qualifying development sites to be provided from renewable energy and/or low carbon sources. The policy also requires large scale development to examine the potential for decentralised energy and heating networks, and also sets out the policy approach for

stand-alone renewable and low carbon energy schemes (with the exception of wind turbines).

4. Worcestershire's Local Transport Plan (LTP4) 2018 – 2030

4.8 LTP4 set out issues and priorities for investment in transport infrastructure, technology and services, focussed on supporting travel by all modes. In accordance with national and local objectives, a series of local transport-specific objectives are identified in the LTP4:

- To support Worcestershire's economic competitiveness and growth through delivering a safe, reliable and efficient transport network.
- To limit the impacts of transport in Worcestershire on the local environment, by supporting enhancements to the natural environment and biodiversity, investing in transport infrastructure to reduce flood risk and other environmental damage, and reducing transport-related emissions of nitrogen dioxide, particulate matter, greenhouse gases and noise pollution. This will support delivery of the desired outcomes of tackling climate change and reducing the impacts of transport on public health.
- To contribute towards better safety, security, health and longer life expectancy in Worcestershire, by reducing the risk of death, injury or illness arising from transport and promoting healthy modes of travel.
- To optimise equality of opportunity for all of Worcestershire's citizens with the desired outcome of creating a fairer society.
- To enhance the quality of life for Worcestershire's residents by promoting a healthy, natural environment, for people, wildlife and habitats, conserving our historic built environment and preserving our heritage assets.

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

4.9 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)

6. Worcestershire County Council Streetscape Design Guide (2018)

4.10 The 'Streetscape Design Guide' (SDG) was produced to aid architects, engineers, planners, developers, designers and other professionals in preparing transport infrastructure related to new developments. It is to be considered in conjunction with Manual for Streets 1 and 2, as well as the Design Manual for Roads and Bridges.

4.11 Chapter 4 relates to 'Planning for Parking' and seeks to provide an approach as to how car parking in Worcestershire should be provided to support development in a manner which embraces the NPPF.

4.12 Car and cycle parking standards are provided within the SDG which replace those contained in WCC's Interim Car Parking Standards (2016). With regard to car parking standards for residential development, the SDG states as follows:

There is no direct relationship between car parking provision and choice of transport mode, so a minimum provision for residential need should be made to ensure suitable in curtilage storage.

The following are the minimum requirements: -

1 Bedroom Unit	1 Space, 1 cycle space
2 – 3 Bedroom Units	2 Spaces, 2 cycle spaces
4 – 5 Bedroom Units	3 Spaces, 2 cycle spaces

These are the minimum requirements. They apply to both Affordable/ Social Housing and Market Housing. The requirements apply to flats/ apartments and houses. Cycle parking must be sheltered, secure and easily accessible

7. The New Homes Bonus (Residential Schemes only)

- 4.13 The 'New Homes Bonus' is a Government scheme which is aimed at encouraging local planning authorities to grant planning permissions for the building of new homes in return for additional revenue. The Government provides additional funding for new houses by matching funding the additional council tax raised for new homes with an additional amount for affordable homes for six years. Having regard to Section 70 (2) of the Town and Country Planning Act 1990, the New Homes Bonus is statutory and a local finance consideration in the determination of planning applications. As such, it is a material planning consideration.

8. Relevant Legislation

- 4.14 The following legislation is also relevant and has been taken into account when considering this application: -

Town and Country Planning Act 1990 (as amended)

Planning Act 2008

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

Planning and Compulsory Purchase Act 2004

The Town and Country Planning (Development Management Procedure) (England) Order 2015

Localism Act 2011 - Section 143 (amending S70 of the Town and Country Planning Act 1990) regarding local finance considerations.

Growth and Infrastructure Act 2013

Human Rights Act 1998

Accessibility and Equalities Act 2010

Section 17 of the Crime and Disorder Act 1998

Natural Environment and Rural Communities (NERC) Act 2006

Wildlife and Countryside Act 1981 (as amended)

Conservation of Habitats and Species Regulations 2010

The EU Habitats Directive

Flood and Water Management Act 2010

Water Frameworks Regulations 2011

Air Quality (England) 2000 Regulations

The Human Rights Act 1998 (Article 8)

5. Planning History

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

- 5.2 21/00697/REM – Variation to drawings listed as approved under Condition 2 of Listed Building Consent reference L18D0008 to enable use of ground and first floor as office

accommodation, second and third floors as apartments, omission of fourth floor. internal and external alterations to elevations. Concurrent application.

- 5.3 P18D0107 – Conversion and extension of building to form 38 dwellings, office (B1) and ancillary assembly and leisure uses. Approved by the Planning Committee at the meeting on 24th August 2018 subject to the completion of a S106 Agreement.
- 5.4 L180008 – Extensions and alterations to facilitate conversion to form 38 dwellings, office (B1) and ancillary assembly and leisure uses. Approved by the Planning Committee on 24th August 2018.
- 5.5 Conditions 7 and 8 of P18D0107 relating to hard and soft landscaping works and a landscape management plan have been discharged.
- 5.6 While the current proposal is not the same as the approved scheme on the site and there has been some change to the policy framework surrounding the application, the planning history of the site is a significant material planning consideration in the assessment of this application.

6. Consultations

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

Neighbours and other third party comments – No objections have been received.

Worcester City Council - Refuse and Recycling – No objection to plans originally submitted as part of this application but revised plans have been submitted and comments awaited. Any comments received will be reported by way of a late paper or verbal update.

Hereford and Worcestershire Fire Rescue Service – No objection.

West Mercia Police – No objection subject to Secured By Design considerations.

Worcester Regulatory Services (Air Quality) – No objections.

Worcester City Council (Housing Enabling Officer) – No objection and is supportive of the application.

Worcestershire County Council (Landscape Officer) – No objections.

Worcester City Council (Highways) – No objections subject to conditions.

Worcester City Council (Policy Section) – No objection.

Worcester City Council (Conservation Officer) – No objection.

Alterations to the principal listed building

The main house is clearly the most significant element of this site and there is no objection to the principle of mixed uses proposed for it. It is noted that the proposed alterations to the listed building are minimal and that the repair and reinstatement of historic features within the proposed scheme are considered to preserve and enhance some aspects of the listed building. The loss of a historic window within the context of the overall scheme is considered to be acceptable.

Alterations to the rear building

There is no objection to the principle of extending the rear building in order to address the impact of the building's vacancy and offer a viable and sustainable use for the site. This building is of no historic significance and is considered to currently to have a negative impact on the character and appearance of the conservation area. Opportunities for its enhancement are therefore welcomed.

The current proposal is for use of the ground and first floor as office accommodation, the second and third floors as apartments, and omission of a consented fourth floor, plus internal and external alterations to the consented elevations. Taking these in turn:

- Use of the ground and first floor as office accommodation – in overall effect this does not represent a change of use as this was the last use to which these parts of the application site were put to.
- Use of the second and third floors as apartments – again, this is not a deviation from the consented use, and the differences between this and the current proposals are mostly in detail not in extent or intent.
- Omission of a consented fourth floor – a lot of the opposition to the consented scheme focussed upon the height of the rear building. Adding two-stories to the existing three was considered by some to be too much for the rear of this site. Therefore, the reduction by one storey proposed here is welcome. The changes proposed to the rear building impact upon Farrier Street, only half of which is within the Foregate Street & The Tything Conservation Area, this being the side including the application site.

Farrier Street's character developed piecemeal over time. Historic photographs show that it was essentially a service road, affording rear access to properties and businesses on Foregate Street, plus premises for other businesses, which included motor garages, ironmongers, agricultural suppliers, pubs, shops, etc. This describes its eastern side. In contrast, the western side was much more sparsely developed, and, at one time, even included artichoke fields! Such buildings as there were on the western side were cleared, possibly as part of a road widening scheme, and from the mid-1960s onwards a succession of multi-storey buildings was developed along both sides, including: -

- 1 Castle Street (east, on the corner – 4-storeys)
- Cameo House/Chamber Court (west, 4-storeys)
- Citation House (east, 3-storeys, an additional 2-storeys consented)
- Cleared site owned by Sanctuary Group (west, 5-storeys previously consented)
- Farrier House (west, 4-storeys)
- Sandwell House (east, 5-storeys)
- Vine House (west, 3-storeys)
- White Lodge (east, on the corner – tall 2-storeys)

All of these are 2-storeys or above in height. Therefore, an additional storey, to create a 4-storey building on the east side of Farrier Street, as proposed here, cannot said to be out of character, when that character is predominantly 4- to 5-storeys.

Overall, I welcome these amendments to the consented scheme. I would suggest a materials condition and, given materials shortages in the construction industry, that this be a 'before first use on site one'.

Historic England – No comments.

- 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.

7. Planning Assessment

- 7.1 The proposal has been amended from the approved scheme on the site in the ways listed in paragraph 3.2 above. 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.
- 7.2 Thus, it is possible to apply for conditions to be struck out, or for their modification or relaxation. However, to ensure decision making is robust, 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.
- 7.3 Although the NPPF has been updated since the original application was considered there have been no material changes to national policy that would significantly affect the determination of this application.
- 7.4 The issues to be considered upon an application under section 73 of the Act are:
- a) whether the condition/s proposed in the application could lawfully have been imposed upon the original planning permission, and;
 - b) whether the imposition of the proposed condition/s would bring about a fundamental alteration of the original proposal for which permission was granted
- 7.5 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.
- 7.6 The amended proposed scheme at Citation House is materially different to the approved scheme on the site. It is smaller than the approved scheme as a consequence of the removal of the fourth floor from the scheme. However, it would not result in a materially different level of activity arising from the use of the site over the course of a day as a consequence of the altered balance of office, gym and residential uses on the site. The significantly reduced number of apartments and the potential noise arising from their use into the evening would be balanced by the concentrated activity on the site during the day in the increased office accommodation. Against the backdrop of a town centre location as Foregate Street is, with the associated background noise levels from transport and human activity, it is not considered that the amended uses of the site would result in any material harm to amenity. The loss of 25 residential units in the development is not considered to be an issue as Worcester City Council is able to demonstrate a five year housing land figure.

- 7.7 The amended design of the proposal and in particular, the loss of the fourth floor of the original scheme, would also be satisfactory and would have an acceptable and beneficial impact upon the street scene and would preserve the character and appearance of the Foregate Street and The Tything Conservation Area. The loss of the green wall of the approved scheme would be partially addressed through the provision of planting at third floor level in the amended scheme and while it may not be as extensive or visually impacting as the green wall, it is nevertheless considered acceptable for the development and the street scene.

Amenity of future occupiers and neighbours

- 7.8 With regard to the amenity of the future occupiers of the site, the proposed apartments would be of a suitable size to provide for a high level of amenity. Suitable levels of light and ventilation would reach the apartments. Moreover, the amended development would not harm the amenities of the occupiers of the surrounding properties: there would be less potential overshadowing from the new scheme as a result of the loss of the fourth floor and no material change to the potential for overlooking of the neighbouring occupiers. There would be no materially greater level of noise or disturbance for the occupiers of the surrounding properties as a result of the amended scheme on the site. The amended offices would also be acceptable and would provide a suitable standard of accommodation for their users.

Highway safety, parking and refuse

- 7.9 With regard to the reduced number of cycle parking spaces in the amended scheme, 18 are proposed. While the plan submitted as part of the application indicates that five spaces would be private and 13 spaces would be for electric cycle share bikes, the Council's cycle parking standards indicate that 19 spaces would be required for the residential element of the scheme. It is considered acceptable to permit a shortfall of one space for this part of the scheme considering the highly sustainable location of the site with a good level of public transport provision in the immediate vicinity. The lack of car parking provision in the scheme is acceptable for the same reasons, as was considered the case at the time of the previous applications on the site. It is not considered that the amended scheme would result in harm to highway safety.
- 7.10 With regard to the amended refuse bin storage area, any comments of the City Council's Refuse and Recycling Team will be reported verbally at the meeting.

Planning Obligations

- 7.11 A viability study was submitted with the approved scheme and following a robust appraisal of the same it was agreed that the provision of affordable housing and other developer contributions required to offset the impact of the development (open space), would render the proposal unviable. Accordingly, the approved scheme was granted subject to the completion of a S106 Agreement dated 22nd July 2019 which provides for the payment of a sum to the City Council in the event that the actual profit generated by the development exceeds the predicted profit levels identified in the viability study.
- 7.12 Pursuant to clause 4.17 of the S106 Agreement dated 22nd July 2019 the provisions of the same will also relate to this permission. However, the proposed development is now considered by the applicant to be viable and on that basis has been assessed for the provision of affordable housing and developer contributions.
- 7.13 For a brownfield site of 13 units in Worcester City, 30% of the dwellings should be affordable. In this case, this means that 3.9 of the units proposed through this scheme should be provided as affordable homes. However, in line with government policy in

paragraph 64 of the NPPF, the Affordable Housing SPD makes provisions for Vacant Building Credit (VBC). Paragraph 64 of the Framework sets out that: -

'To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.'

Planning Practice Guidance: Planning Obligations (Paragraph: 021 Reference ID: 23b-021-20160519) explains *'where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings... The existing floorspace of a vacant building should be credited against the floorspace of the new development'*.

- 7.14 The application of Vacant Building Credit renders an affordable housing contribution from the development unpayable.. The calculation of affordable housing is detailed below: _

Calculated required affordable housing before application of Vacant Building Credit = 30% of 13 units = 3.9 units

Calculation of Vacant Building Credit

Gross Floor Space = 110 m²

Minus Floor Area where Vacant building credit applicable = 110 m²

Equals Net floor area = 0 m²

Percentage of Gross floor area where affordable housing required = 0%

The percentage of gross floor area **multiplied** by the affordable housing liability = 0

No of affordable units required when VBC accounted for = 0 affordable units.

- 7.15 A contribution towards education is not required as the level of contribution from flats/ apartments is lower than from houses. It would not reach the threshold for requiring a contribution, so one is not being sought for education in this case.
- 7.16 A contribution towards open space is however being sought on the following basis;

7 x 1-bed = £1,298.70 (50% discount applied) x 7 = £9090.90

6 x 2-bed = £1,948.05 (25% discount applied) x 6 = £11,688.30

Total = £20,779.20

Plus a contribution for future maintenance is required calculated as follows:-

7 x 1 bed @ £2028.80 per dwelling discounted by 50% = £7,100.80

6 x 2 bed @ £2028.80 per dwelling discounted by 25% = £9,129.60

Total £16, 230.40

Total contribution £37,009.60

7.18 The contribution will be secured by a Section106 Agreement which will supersede the terms of the S106 Agreement dated 22nd July 2019. Heads of Terms are annexed as **Appendix 1**.

8. Conclusion

- 8.1 The principle of the development has been established through the grant of the previous permissions on the site. Subject to the comments of the City Council's Refuse and Recycling, the amended scheme is considered to be acceptable in all regards. It would have an acceptable impact upon, and would preserve the character and appearance of, the Foregate Street and The Tything Conservation Area and would not have an adverse impact upon the setting of any of the nearby listed buildings.
- 8.2 The residential element of the amended scheme would provide for a suitable standard of accommodation for the future occupiers of the site while the amenities of the occupiers of the neighbouring and nearby properties would not be adversely affected by the proposal. The proposed office accommodation would also be acceptable.
- 8.3 The proposal remains acceptable with regard to cycle parking while the continued car parking free nature of the development is also satisfactory considering the sustainable location of the development.
- 8.4 While conditions 7 and 8 of the permission P18D0107, relating to a hard and soft landscaping scheme and a landscaping management plan, have been discharged, they were imposed upon the previous scheme. It is accordingly considered appropriate to impose the conditions again. Also, while there is an application for the discharge of conditions 12, 13, 15 and 17 of permission P18D0107 relating to a photographic survey, a written scheme of investigation, a sustainable transport plan and an employment skills and procurement strategy currently being considered by the Council, they have not been formally discharged. It is accordingly considered appropriate to impose them again.
- 8.5 Requiring full details of the terraces, Juliette balconies and a satellite dish for the building by condition is considered to be appropriate and necessary in order to ensure that these details of the development are acceptable and do not detract from its appearance, the street scene or the Conservation Area.
- 8.6 Conditions concerning parking for site operatives and visitors and wheel cleaning are considered necessary in the interests of highway safety.
- 8.7 Conditions relating to archaeology, a photographic survey of the site and a written scheme of investigation are appropriate in the interests of recording details of historic interest on the site.
- 8.8 A condition about local employment skills and procurement is considered necessary in order to ensure that the development would provide opportunities for local employment and training opportunities.
- 8.9 A section 106 Agreement will be entered into to secure the open space contribution of £37,009.60

9. Recommended Conditions

- 9.1 In the event that members resolve to grant planning permission the following conditions are recommended:
1. The development hereby permitted shall be begun before 25 July 2022.

Reason: To conform 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.

2. The development hereby approved shall be carried out in complete accordance with the submitted plans, except where otherwise stipulated by conditions attached to this permission.

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with policy SWDP21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

3. Provision shall be made before any dwelling is occupied for the storage and collection of refuse in relation to that dwelling in accordance with the scheme hereby approved.

Reason: To ensure the satisfactory provision of this necessary residential facility in accordance with policy SWDP21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

4. 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:-

Proposed glazed canopy
External lighting
Proposed terraces and Juliette balconies

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

Reason: Insufficient and/or inadequate 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.

5. Prior to the first commencement of development a scheme for the provision of a shared system for satellite television using one satellite dish only on the whole site shall be submitted to and approved in writing by the Local Planning Authority. 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.

Reason: To ensure the satisfactory provision of this necessary residential facility in accordance with policy SWDP21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

6. No development shall be commenced before samples of facing, roofing and hard surfacing materials have been submitted to and approved by the Local Planning Authority in writing.

For the following reason: To maintain the character of the property and the quality of the street scene in accordance with policy SWDP21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the

development or in accordance with the programme to be agreed with the Local Planning Authority before occupation.

Reason: To maintain the visual and environmental quality of the site and surrounding area in accordance with policies SWDP5 and SWDP21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

8. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: To maintain the visual and environmental quality of the site and surrounding area in accordance with policies SWDP5 and SWDP21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

9. Development 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 shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interests of highway safety and in accordance with policy SWDP21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

10. The development shall not be begun until wheel cleaning apparatus has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and this equipment shall be operated and maintained during construction of the development hereby approved.

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and in accordance with policy SWDP21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

11. 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:-

Archaeological remains of 17th century or earlier date

Reason: To allow the historical and archaeological potential of the site to be realised in accordance with policies SWDP6 and SWDP24 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

12. No development shall take place until a comprehensive photographic survey has been submitted to and approved in writing by the Local Planning Authority.

Reason: To allow the historical and archaeological interest of the building to be recorded in accordance with policies SWDP6 and SWDP24 of the South Worcestershire

Development Plan and the aims and objectives of the National Planning Policy Framework.

13. No development shall take place until a written scheme of investigation (WSI) for an archaeological watching brief has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and the programme and methodology of site investigation and recording and the nomination of a 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. The above condition to be confirmed with the applicant if required by planning regulations.

Reason: To allow the historical and archaeological interest of the building to be recorded in accordance with policies SWDP6 and SWDP 24 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

14. 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 ground disturbance commences.

Reason: To preserve the archaeological interest of the site in accordance with policies SWDP6 and SWDP24 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

15. The development hereby approved shall not be occupied until the applicant has submitted in writing and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development.

Reason: To reduce vehicle movements and promote sustainable access.

16. During the construction works hereby approved no operations including deliveries to or from the site shall be carried out on the site other than between the hours of 07.30 to 19.30 Mondays to Fridays inclusive and 08.00 to 13.00 on Saturdays and no operations shall be carried out at all on Sundays or on statutory Bank Holidays.

Reason: To maintain the residential amenity of the surrounding residential development in accordance with Policy SWDP21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

17. Prior to the commencement of development an Employment, Skills and Local Procurement strategy shall be submitted to the Local Planning Authority and agreed in writing. This strategy shall set out measures to provide local employment, skills and business opportunities during the construction of the development (and end use where appropriate) hereby approved. The development shall be carried out in accordance with these approved details.

Reason:

To ensure that the proposed development provides opportunities for local employment and training opportunities in accordance with the expectations of SWDP 1 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

18. The café within the development hereby approved shall only be used in a manner ancillary to the use of the building as serviced offices and flats and shall at no time be used as a facility for visiting members of the public.

Reason:

In the interests of the amenity of the occupiers of the site and of the surrounding properties in accordance with policy SWDP21 of the South Worcestershire Development Plan 2016.