

Application Number	21/01144/VARCO
Site Address	Land at Sherriff Street industrial Estate, Worcester, WR4 9AB
Description of Development	Variation of condition 1 of planning approval 19/00693/REM
Expiry Date	28 March 2022
Applicant	Stennard Harrison Sherriff Gate
Agent	Lisa Deering
Case Officer	Andrew Thompson
	andrew.thompson@worcester.gov.uk
Ward	Nunnery 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/21/01144/VARC
Recommendation	The Corporate Director - Planning and Governance recommends that the Planning Committee grants planning permission subject to the Conditions as set out in Section 9 of this Report.

1. **Background**

- 1.1 The application was registered on 20 December 2021 and was due for a decision on 21 March 2022. An extension of time for the determination of the application has been sought until 28 March 2022 to allow determination by the Planning Committee.
- 1.2 The application has been referred to the Planning Committee in accordance with the adopted Scheme of Delegation.

- 1.3 Planning permission P12G0199 for outline and full planning permission for the comprehensive redevelopment of the site with a mixed-use development proposed in 4 phases was granted planning permission on 14 December 2018 following the completion of a S106 Agreement dated 13th December 2018 which included several financial contributions totalling £4,791,158 and the provision of 40% affordable housing.
- 1.4 On 19th December 2019 the committee approved 2 applications to discharge and vary conditions subject to the completion of a Deed of Variation with respect to affordable housing matters, including a reduction in the level from 40% to 30% in accordance with SWDP 15, amendments to highway obligations and to the timing of the various financial contributions. The Deed of Variation was signed on 6 July 2020 and the decision was issued on 14 July 2020.
- 1.5 On 29th July 2021 the committee considered a request supported by an updated viability assessment to further vary the terms of the S106 Agreement to reduce the affordable housing to 10% , to delete the requirement to make a public open space contribution and an education contribution and to reduce the amount of the transportation contributions from £4,14,710 to £2,630,000, subject to a deferred contingency 'clawback' clause capped at an amount that is equivalent to the difference between policy compliant provision and the proposed provision of 10% affordable housing and reduced contributions. This was minded to approve subject to the completion of a further Deed of Variation. Following the decision of committee on 29th July 2021 officers have been negotiating the precise wording of the Deed of Variation. During the course of negotiations, the applicant has requested that further variations in respect of the affordable housing provision be included in the Deed of Variation as detailed in a report agreed at Committee on 24 February 2022.
- 1.6 This application seeks to deal with minor variations to the physical works on Phase 1 of the site which have resulted from initial investigations on the site.

2 The site and surrounding area

- 2.1 The application site is located to the east of the city centre comprising a parcel of land which is approximately 4.3 hectares in size and currently consists of a variety of low density industrial/commercial structures and uses. It incorporates Sherriff Street Trading Estate, Sherriff Street commercial Complex and Newtown Road Trading Estate. It also includes land on the south east corner of Newtown Road and Williamson Road currently occupied by a commercial business (Ron Smith Ltd) and open space associated with Cromwell's Trench, a Civil War feature.
- 2.2 The site is bordered by the railway line to the west, Sherriff Street to the east, Tolladine Road to the north and Newtown Road/Williamson Road to the south.
- 2.3 The surrounding area has a variety of land uses including low density industrial and commercial units, retail, health care and residential.
- 2.4 The application site forms part of wider site allocated as an Opportunity Zone for mixed use development in the South Worcestershire Development Plan (Shrub Hill SWDP44/4).
- 2.5 The application site does not contain any listed buildings, is not located in a conservation area and is not governed by any environmental designations.

However the former Locke building (a Victorian factory producing china products which once rivalled Royal Worcester Porcelain) is a building of local significance and part of the site is within an archaeologically sensitive area due to its proximity to a Scheduled Ancient Monument and part of the site adjoins a Green Network.

- 2.6 A footpath runs adjacent to the existing Ron Smith building which will need to be diverted in order for the full development to proceed.



Figure 1 – Site Location Plan

- 2.7 The proposed alterations relates to Phase 1 of the approved development. The site is situated at the corner of Tolladine Road and Sherriff Street, which is boarded by an existing retaining wall that is roughly 6m high, and acts as the boundary treatment between the site and pedestrian / vehicular routes. An existing building is also located on the site which forms part of the retaining wall along Sherriff Street.
- 2.8 These retaining sections pose a critical constraint upon the buildable area, and care needs to be taken to not disturb these. Therefore, the location of the proposed buildings needs to be located to prevent any groundworks impacting upon their structure.

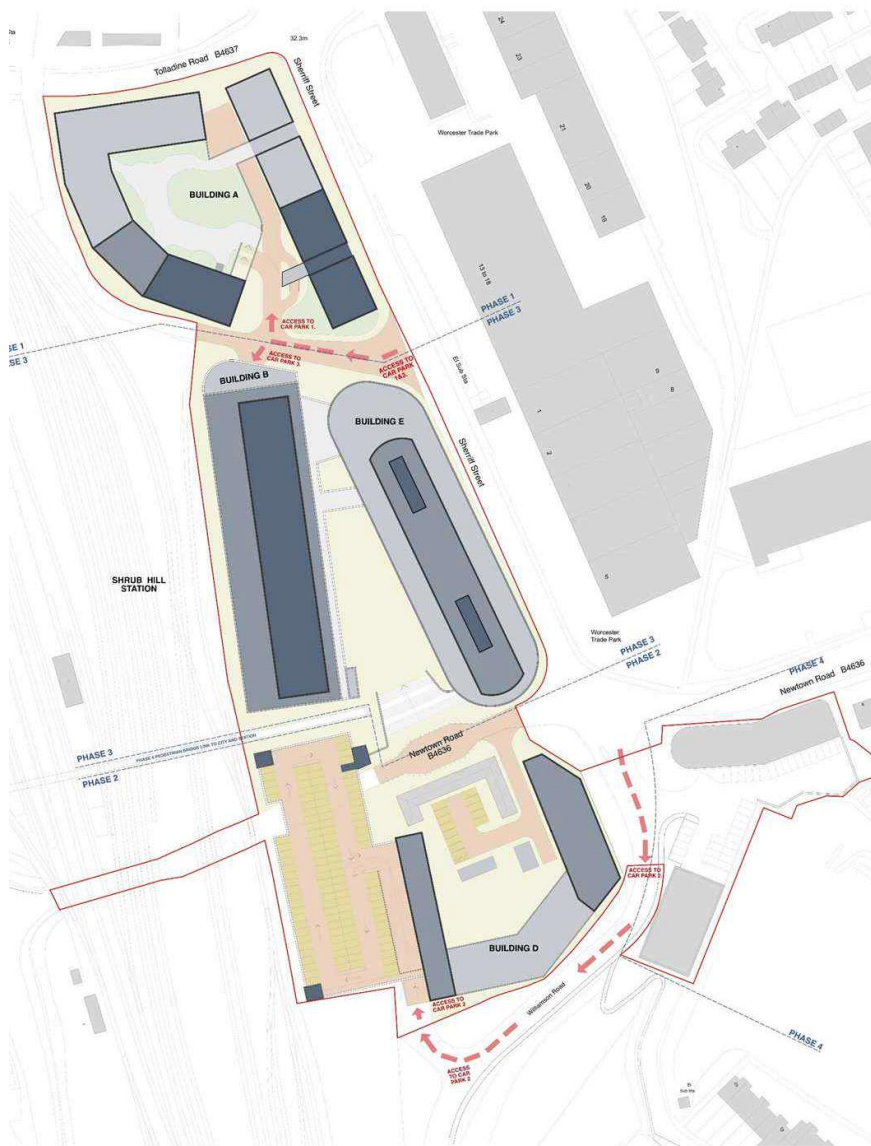


Figure 2 – Approved Site Plan (all Phases)



Figure 3 – Site Location Plan – Phase 1

3 The proposals

- 3.1 The key points covered in this amendment are:
1. The omission of the 2 storey podium carpark deck between the two residential buildings and replacement with an open courtyard.
 2. Reduction in massing by 1 full storey across Block A2
 3. Increase in the standard 2 bed apartment from 60m² to 68m².
 4. Increase in the mix of 1 to 2 bed units from an overall of 59 x 1beds, and 153 x 2beds in the original scheme to 56 x 1beds, and 157 x 2beds in the revised scheme

Other changes include:

Block A1

- A. The overall massing height has not altered.
- B. The building has been pushed back from the retaining wall to improve buildability and prevent any undermining of the existing retaining wall.
- C. The block has been shorted to provide additional breathing space adjacent block B
- D. The number of units within the block has been increased from 94 to 104
- E. This will result in a change of mix. As opposed to 100% 2beds the proposal will be a mix of 1 and 2 beds with an approximate ratio of 31% 1beds and 69% 2beds as per the operators requirements. The size of the 2beds has increased from 60m² to a minimum of 67m² with the majority at 68m². The one beds are between 45m² and 53m².
- F. The layouts provide living accommodation from level 01-07, with the ground floor incorporating entrance, internal amenity space (circa 3 m² per apartment) parking, plant, refuse and cycle storage

Block A2

A. The overall massing height has been reduced by 1 storey. The relationship in stepping heights has been maintained

B. The overall shape and form remains largely the same with some tweaks to minimise pinch points and reorientate façades to better relate to the street line.

C. The Southern end has been shortened to reduce any pinch points and allow more light into the central courtyard.

D. The number of units within the block has been reduced from 118 to 108

E. This will result in a change of mix. As opposed to 74% 2beds the proposal will provide 79% 2 beds. The size of the 2beds has increased from 60m² to a minimum of 67m² with the majority at 69m². The one beds are between 45m² and 64m².

F. The layouts provide living accommodation from level 01-07, with residents internal amenity located on the first floor (circa 3m² per apartment). The ground floor incorporates entrance, parking, plant, refuse and cycle storage.

3.2 The application is accompanied by a full set of plans together with a suite of supporting documents that set out the proposed amendments and how these vary from the approved scheme.

3.3 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 1 Overarching Sustainable Development Principles
SWDP 2 Development Strategy & Settlement Hierarchy
SWDP 4 Moving Around South Worcestershire
SWDP 6 Historic Environment
SWDP 7 Infrastructure
SWDP 13 Effective Use of Land
SWDP 14 Market Housing Mix
SWDP 15 Meeting Affordable Housing Needs
SWDP 21 Design
SWDP 22 Biodiversity and Geodiversity
SWDP 24 Management of the Historic Environment
SWDP 27 Renewable and Low Carbon Energy
SWDP 29 Sustainable Drainage Systems

SWDP 30 Water Resources, Efficiency and Treatment
SWDP 31 Pollution and Land Instability

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 documents

4.10 The following other material documents are relevant to the application proposals:

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

5. Relevant Planning History

5.1 The following applications are of relevance in the determination of this application:

5.2 P12G0199 – Proposed urban renewal and regeneration scheme (4 Phases) for mixed use development. Approved 14th December 2018. P12G0199 gave full detailed planning permission for the provision of the following which were originally numbered as Phase 1 but following an application to vary the phase numbers now comprise Phase 2 and part of Phase 4):

- 135 no. apartments;
- 633sqm food retail;
- 442sqm café/bar/takeaway;
- 2742 trade counter space;
- 597 space multi-storey car park (200 for the station);
- 17 parking spaces for new Ron Smith buildings;

- Improvements to the Newton Road tunnel under the railway;
- Highway mitigation measures.

The outline part of the application related to:

- Further residential;
- Residential care home;
- Hotel, retail;
- Leisure;
- Commercial;
- Car parking;
- Trade counters (sui generis);
- Café/bar/takeaway along with associated works.

5.3 19/00694/RM - Approval of all matters reserved by condition 5 of planning permission P12G0199. Approved 14 July 2020.

5.4 19/00693/REM Variation of conditions. Approved 19 January 2020.

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 2 Objections have been received from the occupants of 25 Rowntree Gardens and 29 Great Oaty Gardens on grounds relating to the following matters:

- Proposals look ugly and institutional
- Designs should be something more worthy of a "gateway to Worcester"
- Improvements should be sought to the design, public realm and connectivity of the proposals

Worcester City Council Archaeological Officer: A Written Scheme of investigation has been submitted for the previous application to discharge previous condition 25. If this document has been approved it should be included in this application. If the WSI has not been approved it should be submitted as supporting information. A revision to the condition can then be made.

Worcester City Council Conservation Officer: Overall, the proposed changes are quite minor in proportion to the overall scale of the proposed development and as such no objections are offered.

Worcester City Council Landscape and Biodiversity Adviser: No objection

Worcestershire County Council (Highway Authority): No objection

Worcestershire Regulatory Services (Air Quality): No adverse comments in respect of the proposed amendments.

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 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 application 19/00693/REM. 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 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 alterations to the design are to move the development away from the existing retaining wall on the corner of Tolladine Road and Sherriff Street. The amended site layout of buildings is shown below:



Figure 4 – Original Site Layout (Left) and Proposed Layout (Right)

- 7.5 The below diagrams show the alterations to the scale. The submission sets out that The overall massing height has not altered. Block A1 has been shortened to provide additional breathing space adjacent block B with the layouts provide living accommodation with the ground floor incorporating entrances, internal amenity space (circa 3 m² per apartment) parking, plant, refuse and cycle storage with the overall massing height has been reduced by 1 storey on Block A2.
- 7.6 The relationship in stepping heights has been maintained. The overall shape and form remains largely the same with some tweaks to minimise pinch points and reorientate façades to better relate to the street line. At the Southern end amendments have been made to allow more light into the central courtyard.
- 7.7 The size of the 2beds has increased from 60m² to a minimum of 67m² with the majority at 69m². The one beds are between 45m² and 64m².

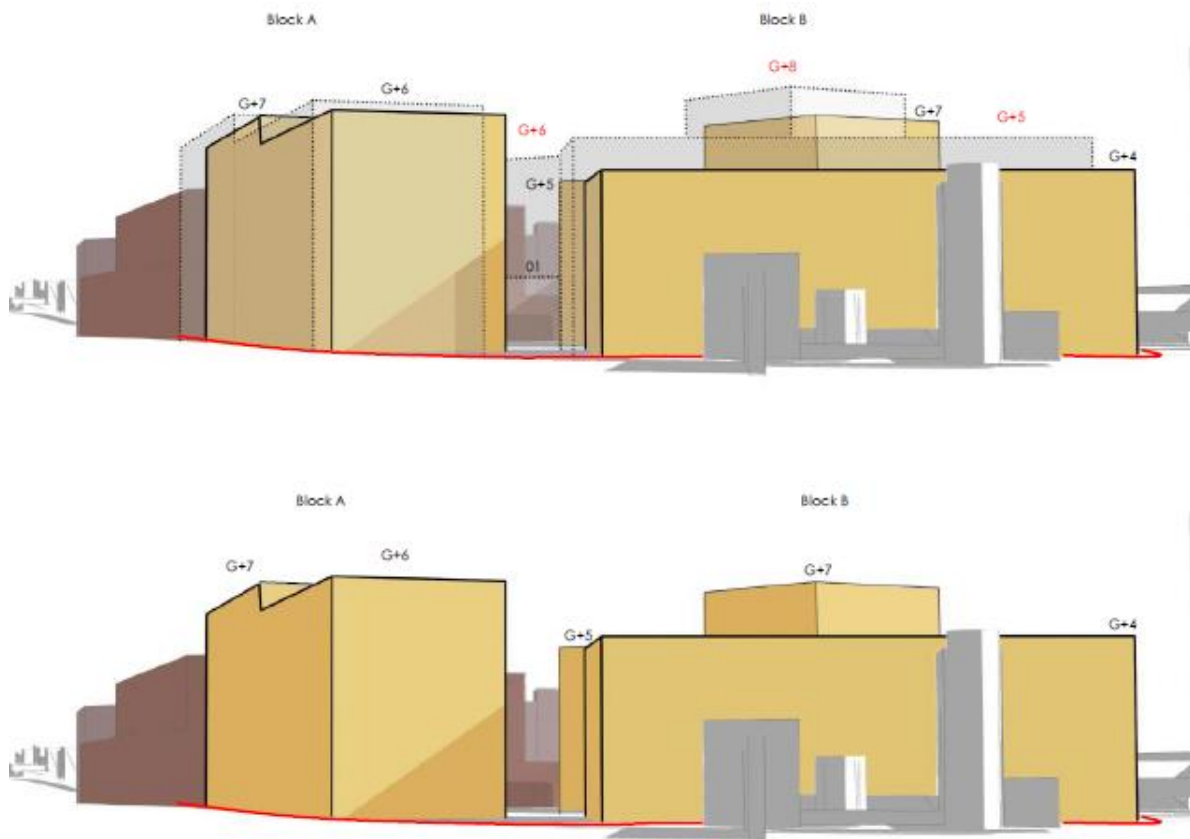


Figure 5 – Approved and Proposed Scale

- 7.8 The proposals would not significantly amend the elevations and would continue to create interaction with the street through active frontages and a uniform nature to the upper floors.

Elevation Amendments

Current Planning Approved Phase 1 Block A East Elevation

The current approved scheme shows 2 buildings, block B forms a U shape and internal courtyard with block A as a long linear form. With associated landscaping over a 2 storey podium deck.



Proposed Amended Block A East Elevation



Figure 6 – Amended Elevations (approved top, proposed below)

- 7.9 Overall, whilst the comments of local residents have been carefully considered, the proposed amendments are considered to be acceptable and in accordance with the requirements of Policy SWDP21 and the aims and objectives of the NPPF and would not materially alter the determination of the application as previously approved.

Impact on neighbouring amenity

- 7.10 The proposed changes to the application would not alter significantly the relationship to the neighbouring residential properties. There would be disturbance from construction works however these are to be managed through the approved Construction and Demolition Management Plans. The proposals are therefore considered acceptable and in accordance with the requirements of Policy SWDP 21 of the Development Plan.

Residential amenity for future occupiers

- 7.11 Policy SWDP 21 sets out that the proposed development should provide an appropriate level of amenity. The proposals through the amendments will create additional space on the ground floor and light into the central courtyard which will improve the layout and general amenity. In addition the size of the 2beds has increased from 60m² to a minimum of 67m² with the majority at 69m². The one beds are between 45m² and 64m².
- 7.12 The proposals will therefore result in an improvement to the amenity of future residential environments from the approved scheme and would be in accordance with the requirements of Policy SWDP 21 of the Development Plan.

Historic Environment

- 7.13 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.
- 7.14 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.
- 7.15 A Written Scheme of Investigation and Heritage information has been submitted to discharge the requirements of Conditions 12 and 25 of 19/00693/REM. This information is being assessed by the Council's Archaeological Advisors and

Access and Highway Safety

- 7.16 The application does not amend the principal access onto the site however highways officers have sought additional detail to require certainty that the proposed internal arrangements will still meet the requirements of fire and emergency access as well as ensuring that the site can function appropriately.
- 7.17 A series of drawing have been submitted to show that the internal site design remains suitable for vehicles accessing the site and parking. Parking spaces are provided at 2.4 x 4.8m or larger, with a 6m space provided at the rear of all parking spaces, ensuring that vehicles can manoeuvre in and out.
- 7.18 Vehicle swept paths also show access and turning is possible for refuse collection and for fire engine access, although the site will not be adopted by the highway authority, with it remaining in private ownership.
- 7.19 The reduction in car parking is accepted in this location. The Streetscape Design Guide allows for 'car free' development to occur in 'appropriate locations' subject to there being a real alternative in sustainable transport modes available, offering a good frequency and connecting to destinations for which people will want to travel.
- 7.20 This site does not seek a car free development and is still to provide a significant amount of parking. This site is also situated on a frequent bus route and adjacent to Worcester Shrub Hill Station. The site is situated within a short walk / cycle distance of the City Centre and the amenities it has to offer. The proposed development is also to enhance the walk/cycle routes around the site, with a package of measures and a Travel Plan identified and agreed at the outline application stage.
- 7.21 The parking for Block A1 will be managed by a management company, alongside the wider site. This will allow for the management company to balance parking demand and supply on a site-wide basis. Residents will be aware of the availability of parking before buying or renting an apartment.
- 7.22 Overall the proposals are considered acceptable in terms of Highways and the internal layout.

Planning obligations (including Affordable Housing)

- 7.23 As set out in the background section of the report the s106 Agreement and subsequent Deeds of Variation have already been presented to and agreed by Planning Committee. There are no further amendments proposed to the s106 Agreement.

Environmental Impact Assessment Regulations

- 7.24 In accordance with the Regulations, the proposals have been screened by Officers with regard to whether the proposals would fall under Schedules 2 and the criteria outlined in Schedule 3 of the Regulations. Government guidance sets out that only a very small proportion of Schedule 2 development will require an Environmental Impact Assessment. The proposals would be less than the threshold set out in the legislation and having regard to the characteristics of the development, the proposed development would not call for an Environmental Impact Assessment to be carried out. This does not affect the consideration of material planning considerations under the consideration of the planning application.

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 The Council can currently demonstrate in excess of a 5 year housing land supply, and therefore, its relevant housing policies are not out of date. Where a development is found to be sustainable development in accordance with an up to date development plan, a presumption in favour applies. In accordance with Policy SWDP1 the decision taker should grant planning permission for such developments, unless material considerations indicate otherwise or, where specific policies in the Development Plan or material considerations indicate development should be restricted.
- 8.3 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.

- 8.4 The proposed development would result in some 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.
- 8.5 With regard to the social role, the delivery of affordable homes in later Phases would contribute to the continued economic and social sustainability of the City. This is a factor to attach significant weight. There will also be benefits in the overall regeneration in economic, social and environmental aspects.
- 8.6 In respect of potential adverse impacts, the proposal is of an appropriate design despite concerns being raised and appropriate weighting in the determination of this application has been given to these issues. The concerns raised in respect of the designs are noted however these are balanced against how these amend the approved scheme.
- 8.7 On balance, having considered comments received as part of the consultation process 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

- 9.1 In the event that Members resolve to grant planning permission the following conditions are recommended:

1. The permission hereby granted specifically grants full planning permission for the floorspace identified in Phase 1 of the development within Glazzard Architects plan no. 21025-GNA-XX-00-MP-A-1000 – Proposed Site Plan – Level 00 Rev A. Later phases of the development are subject of outline planning permission and reserved matters approval under 19/00694/REM. For the avoidance of doubt this permission relates to the approved Phase 1 plans (as outlined in Red on Plan reference 21025-GNA-XX-XX-DR-A-1000 - Site Location Plan - Rev A), as approved are:

21025-GNA-XX-00-DR-A-1002 - Proposed Site Plan - Level 00 - Rev C

21025-GNA-XX-01-DR-A-1100 - GA Plan - Level 01 - Rev A

21025-GNA-XX-02-DR-A-1101 - GA Plan - Level 02-04 - Rev A

21025-GNA-XX-05-DR-A-1102 - GA Plan - Level 05 - Rev A

21025-GNA-XX-06-DR-A-1103 - GA Plan - Level 06 - Rev A

21025-GNA-XX-07-DR-A-1104 - GA Plan - Level 07 - Rev A

21025-GNA-XX-RF-DR-A-1105 - GA Plan - Roof Plan - Rev A

21025-GNA-XX-XX-MS-A-3100 – Site Sections

21025-GNA-A1-M-ME-A-2100 – Elevations Block A1

21025-GNA-A2-M-ME-A-2101 – Elevations Block A2

Reason: To define the permission.

2. Conditions nos. 3 and 4 refer to the outline part of the proposal (Phases 2 to 4 on drawing number 1874 1200 rev N- Phasing Plan). Conditions nos. 5 to 6 refer to the full part of the proposal (Phase 1 on drawing number 1476 1200 rev N - Phasing Plan). Conditions nos. 7 to 26 refer to the development site as a whole.

Reason: For the avoidance of doubt and to define the permission hereby granted.

3. The development of later phases must be begun not later than the expiration of 2 years from the last Reserved Matters approved under 19/00694/REM (i.e. 14 July 2022).

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

4. Phases 2, 3 and 4 shall be carried out in accordance with the Reserved Matters approved under approval 19/00694/REM.

Reason: In accordance with the requirements of the Town and Country Planning Act 1900 (as amended)

5. The development hereby approved shall be carried out in complete accordance with the submitted plans and supporting documentation (including any recommendations), 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 SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

6. Provision shall be made before any residential or commercial unit is occupied for the storage and collection of refuse in relation to that particular unit in accordance with a scheme to be submitted to and agreed by the local planning authority prior to the first occupation of any part of that phase.

Reason: To ensure the satisfactory provision of this necessary residential facility in accordance with policy SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

7. Prior to the first occupation of any residential unit within the relevant phase of development the provision of a shared system for satellite television using one satellite dish only on each building 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 residential unit hereby approved.

Reason: To ensure the satisfactory provision of this necessary residential facility in accordance with policy SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

8. Notwithstanding the submitted details, no phase shall be occupied until details of any external plant, including extract ventilation facilities, air conditioning equipment and their noise generation levels, and any noise attenuation measures shall be submitted to and approved by the local planning authority. Thereafter, these works shall be carried out in accordance with the approved details.

Reason: To maintain the visual/residential amenity of the surrounding development in accordance with policy SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

9. 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 within 6 months of the commencement of the superstructure works of the development in that Phase.

Schedule:-

- Cycle storage provision
 - Security measures to car park and residential units
- The development shall not be undertaken other than in full accordance with such approved details.

Reason: Appropriate details were not submitted for these matters to be fully and properly considered in respect of the approval hereby granted and in accordance with policy SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

10. The Locke Building subject of Phase 2 shall be renovated and repaired in accordance with a scheme submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented and the units within the building made available for occupation before the first occupation of any of the new buildings the subject of Phase 2.

Reason: To ensure the satisfactory implementation of this part of the scheme which is important in townscape terms and thereby in accordance with policy SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

11. Samples of facing, roofing and surfacing materials shall be submitted to and approved by the local planning authority in writing within 6 months of the commencement of the superstructure works of the development in that Phase. The development shall not be carried out otherwise than in accordance with such approved details.

Reason: To ensure a satisfactory standard of design and appearance in accordance with policy SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

12. Details of any external lighting shall be submitted to and approved in writing by the local planning authority within 6 months of the commencement of the superstructure works of the development in that Phase. Development shall be carried out in accordance with the approved details.

Reason: Appropriate details were not submitted for these matters to be fully and properly considered in respect of the approval hereby granted and in accordance with policy SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

13. Within 6 months of the commencement of the superstructure works of the development in that Phase there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping relevant to that Phase of development which shall include details of all existing trees and shrubs, new tree and shrub planting, seeding, surface treatments, screen walls, boundary fences and boundary treatments and make specific provision for woodland management work to open up selected views of the city centre and screen the development from the Scheduled Ancient Monument along with long term management of this.

Reason: To maintain the visual and environmental quality of the site and surrounding area in accordance with policies SWDP 21 and SWDP 5 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out by the developer in the first respective planting and seeding seasons following the occupation of the buildings or the completion of the relevant phase of development, whichever is the sooner, and any trees or plants which within a period of ten years from the completion of the landscape planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation, and such new planting shall be similarly maintained for a ten year period from its planting.

Reason: To maintain the visual and environmental quality of the site and surrounding area in accordance with policies SWDP 21 and SWDP 5 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

15. Within 6 months of the commencement of the superstructure works of the development in that Phase measures shall be undertaken to ensure that any existing public right of way crossing that Phase of development or the application site as appropriate have been diverted or stopped up in accordance with a scheme to be agreed in writing with the local planning authority.

Reason: To ensure the public right of way is not obstructed in accordance with policy SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

16. Other than by demolition works, each phase of 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. In respect of Phase 1 details shall be carried out in accordance with the details approved under 19/00693/FUL on 11 March 2022. The scheme shall be implemented in accordance with the approved details before the approved use of the relevant phase is first occupied.

Reason: To prevent pollution of the water environment and increased flooding risk in accordance with policy SWDP 28 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

17. During the demolition and 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 SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

18. No demolition waste or material shall be transported onto - or off- site within each Phase of development, until a Construction Method Statement for that Phase has been submitted to, and approved in writing by the local planning authority. In respect of Phase 1 details shall be carried out in accordance with the details approved under 19/00693/FUL on 11 March 2022. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

19. Notwithstanding the information submitted no retail or trade counter unit shall exceed a gross floor area of 750 square metres nor be below a gross floor area of 100 square metres unless agreed in writing by the Local Planning Authority.

Reason: To ensure that the retail or trade counters do not have an adverse impact on the vitality and viability of the City Centre as the primary retail location for the City in accordance with policy SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

20. Before the units identified as being used for a use falling within Use Class A3, A4 or A5 hereby permitted are occupied, a scheme for the installation of equipment to control the emission of fumes and smell from those premises shall be submitted to, and approved in writing by, the local planning authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: To maintain the residential amenity of the surrounding development in accordance with policy SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

21. Notwithstanding the submitted drawings and other submitted material, full details of the footbridge (indicated as Phase 4 within drawing 1874 1200 rev. N), shall be submitted to and approved in writing by the Local Planning Authority, before commencement of development in Phase 4 as indicated within drawing 1874 1200 rev. N.

Reason: For the avoidance of doubt and to ensure an adequate and acceptable means of pedestrian and cycle access/movement is available in the interests of pedestrian and highway safety in accordance with policy SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

22. Notwithstanding any details shown on the submitted plans any significant clearance of buildings or vegetation shall take place between September and March so as to avoid the nominal bird nesting season or otherwise only following a thorough inspection to confirm that no active bird nests are present at the time.

Reason: To ensure preservation of nesting birds in accordance with policy SWDP 5 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

- 23.A) No development (excluding above ground demolition) shall take place for each Phase of development until a programme of archaeological investigation including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. A programme and methodology for archaeological investigation and recording, including archaeological field evaluation, archaeological building investigation and recording, and further recording
2. Provision to be made for unexpected archaeological discoveries
3. A programme for post-investigation assessment
4. Provision to be made for analysis of the archaeological investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the archaeological investigation
6. Provision to be made for archive deposition of the analysis and records of the archaeological investigation
7. Nomination of a competent and appropriately qualified organisation(s) to undertake the works set out within the Written Scheme of Investigation.

B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under part A of this condition.

C) The development shall not be occupied until the archaeological investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part A of this condition and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To allow the historical and archaeological potential of the site to be recorded in accordance with policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

24. Notwithstanding the details submitted, and within 6 months of commencement of phase 1 of the development hereby permitted, engineering details of the alterations to the highway shall be submitted to and approved writing by the Local Planning Authority. No residential unit shall be occupied or commercial unit brought into use until the agreed highway works have been implemented in full.

Reason: In the interests of highway safety in accordance with policy SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework

25. The development hereby approved shall not be brought into use until the applicant has submitted a Travel Plan in writing to the Local Planning Authority that promotes sustainable forms of travel to the development site and this has been approved in writing by the Local Planning Authority. The submitted details shall use Modeshift STARS Business to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details

Reason: To reduce vehicle movements and promote sustainable access.

26. Within 6 months of commencement of phase 1 of the development hereby permitted a car parking management plan shall be submitted to and approved in the writing by the Local Planning Authority. The plan shall clearly define the allocation of parking spaces and how the spaces will be retained for the allocated users for the lifetime of the development.

Reason: In the interests of highway safety in accordance with policy SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework having special regard to the release of parking capacity as development proceeds, to guard against any potential interim overprovision of parking spaces thus potentially having a detrimental effect on traffic generation.

27. The development hereby approved (excluding demolition works) shall not commence until details of the following matters have been submitted to and approved in writing by the Local Planning Authority. In respect of Phase 1 details shall be carried out in accordance with the details approved under 19/00693/FUL on 11 March 2022:

- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.
- A highway condition survey, timescale for re-inspections, and details of any reinstatement.

The construction of the development shall not be undertaken and complied with other than in full accordance with the approved details.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.