

Application Number	23/00258/FUL
Site Address	56 Foregate Street, Worcester WR1 1DX
Description of Development	Demolition of building, public landscaping and making secure exposed viaduct arches.
Expiry Date	30 th June 2023
Applicant	Kevin Moore - Worcester City Council
Agent	Glazzard Architects
Case Officer	Ros Vaux-Harvey
Ward	Cathedral Ward
Reason for Referral to Committee	Worcester City Council Application
Web link to application	Planning application: 23/00258/FUL - Worcester City Council
Recommendation	The Corporate Director - Planning and Governance recommends that the Planning Committee grants planning permission pursuant to Regulation 3 of The Town and Country Planning General Regulations 1992 (as amended) subject to the conditions set out in section 9 of this report.

1. Background

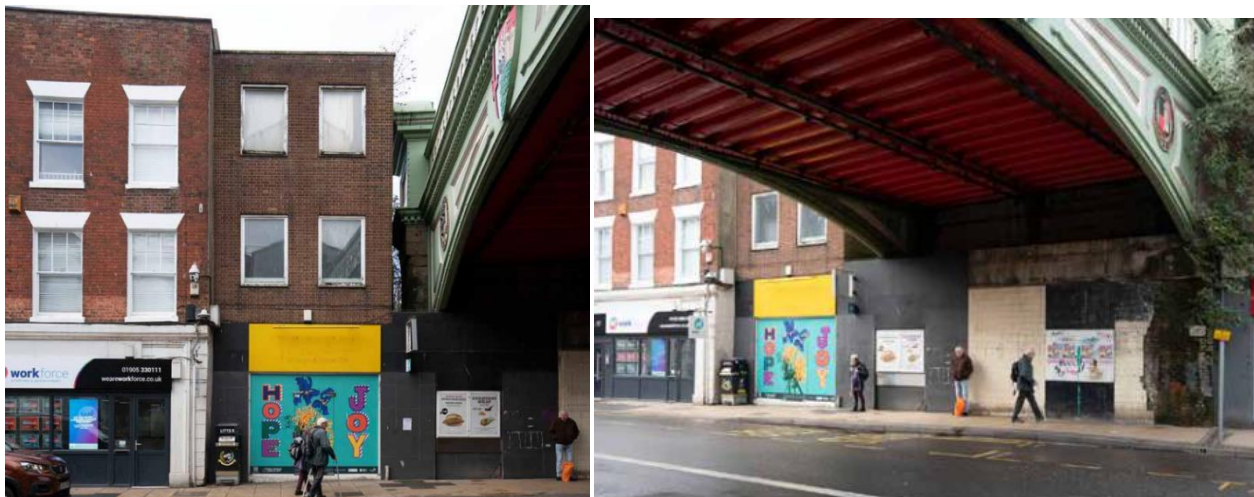
- 1.1 The application was valid on 21st March 2023 and a decision was due by 16th May 2023. An extension of time for the determination of the application has been agreed until 30th June 2023 to allow determination by the Planning Committee.
- 1.2 The application has been referred to the Planning Committee as the applicant is Worcester City Council.

2. The site and surrounding area

- 2.1 The application site comprises a three storey, unlisted building situated within the Historic City conservation area, at its northernmost point. It adjoins No.57 Foregate Street, which is grade II listed, and both the grade II listed Foregate Street Railway

Bridge and the viaduct of the Worcester & Hereford Railway, which is locally listed. The site was formerly an opening for road-based goods traffic to access the side of the above viaduct. It was infilled by the current building c.1964, which was developed together with Nos.55-54. No.56 was first occupied by a branch of the Bradford & Bingley Building Society, who added the 'showcases' (now known as the 'tiled wall') c.1965, as additional display windows.

View of application site, no.57 and bridge from Foregate Street



View of number 57 and adjacent arches from the rear



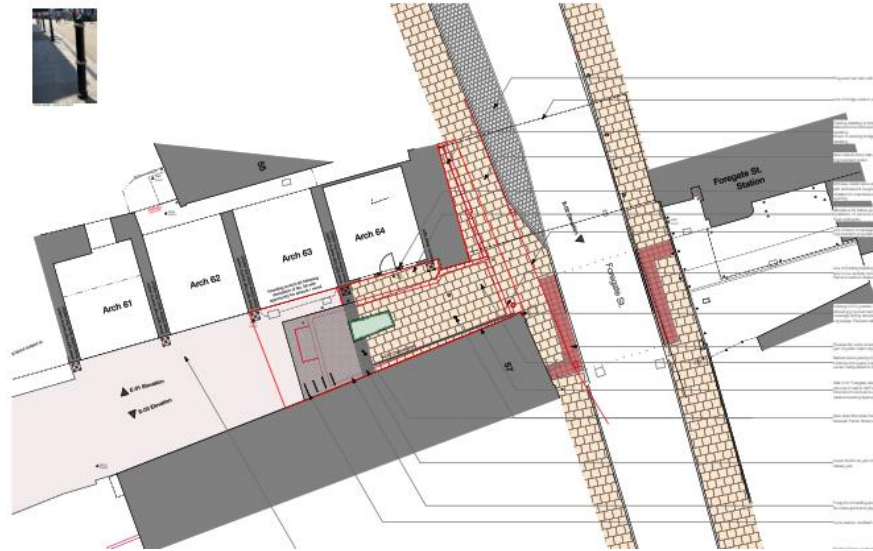
3. The proposals

- 3.1 The proposal seeks to demolish No.56 Foregate Street, implement public landscaping on its former footprint, and make secure the resulting exposed viaduct arches (Nos.63 & 64). This is an element of the broader Arches Project, which aims to open up a pedestrian route and create a Foregate Street to Riverside at Croft Road movement corridor.
- 3.2 The application is accompanied by a full set of plans together with a suite of supporting documents that include:

Design & Access Statement, including Heritage Statement.
Transport Statement

Photographic Surveys
Tiled Wall Survey
Preliminary Ecological Appraisal & Preliminary Roost Assessment

3.3 Extract of Proposed Site Plan



3.4 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 subject to Regulations 2+ to 11A of the Town and Country Planning General Regulations 1992. 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 Paragraph 200 of the NPPF states that "Local Authorities are called to look for opportunities for new development within conservation areas and the setting of heritage assets to enhance or better reveal their significance" and that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area" (paragraph 130).
- 4.3 This is further reflected in South Worcestershire Development Plan policies SWDP 6 and SWDP 24 which seek to protect and enhance designated and non-designated heritage assets and guide against development that would cause substantial harm to the significance of any heritage asset and policy SWDP 21 which sets generic design principles for development proposals.

- 4.4 Policy SWDP 21 requires that all development will be expected to be of a high design quality and integrate effectively with its surroundings and that development proposals must complement the character of the area. Furthermore, proposals should respond to surrounding buildings and the distinctive features or qualities that contribute to the visual and heritage interest of the townscape, frontages, streets and landscape quality of the local area and states that the scale, height and massing of development must be appropriate to the setting of the site and the surrounding landscape character and townscape, including existing urban grain and density.
- 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 on December 2012.

South Worcestershire Development Plan

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

SWDP 4 – Moving around Worcestershire
SWDP 6 – Historic Environment
SWDP 9- Creating and Sustaining Vibrant Centres.
SWDP 21 – Design
SWDP 22 – Biodiversity and Geodiversity
SWDP 24 - Management of the Historic Environment
SWDP 31: Pollution and Land Instability

Supplementary Planning Documents

- 4.8 The following Supplementary Planning Documents are relevant to the application proposals:

• Design Quality SPD

The Design Quality SPD was adopted on 5th 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.

Other material considerations include:

National Planning Policy Framework 2021 (NPPF)

- 4.9 The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 4.10 Paragraph 10 of the NPPF states that so sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.
- 4.11 Paragraph 11 defines the presumption in favour of sustainable development as approving development proposals that accord with up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 4.12 Paragraph 12 also advises, amongst other things that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. The NPPF also states that a Local Planning Authority may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

National Planning Practice Guidance (NPPG) and National Design Guide

- 4.13 The Government also publish National Planning Practice Guidance (NPPG) to compliment the NPPF that has been revised and updated in the meantime and comprises, amongst other matters, Air quality, Design, Housing and economic land availability assessment, Noise, Travel plans, Transport assessments and statements in decision-taking, Flood risk and coastal change, Use of planning conditions, Flexible options for planning permissions, and Planning obligations. Similarly in October 2019 the Government has published the National Design Guide.

5. Planning History

- 5.1 17777/5 Erection of shops with offices or stores over.
05/02/1965- Approved.
- 17777/6 Extending showcases under foregate railway bridge-
19/02/1965- Approved.
- A1668 Internally illuminate fascia box sign
17/09/1965- Approved
- A68/021 Internally illuminated double sided sign.
158/03/1968- Refused

A77/015 Non illuminated double sided projecting box sign
18/03/1977- Approved

A1668 Internally illuminated & non illuminated signage.
04/07/2013- Approved

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:

6.2 Neighbour and other third-party comments-

Eleven third party responses have been received, including from 'Bike Worcester' which are summarised as below:

- Positive improvement to the area
- Opening up the route from Foregate St to Riverside is a fundamental benefit to both residents and visitors.
- Great addition to the city for both cyclists and pedestrians.
- Support the proposals but would be good to see the application incorporate the history of the town to better educate visitors on the history of the city.
- 'Bike Worcester' supports the proposal:
 - completes an active travel route between Sabrina Bridge, the riverside and Foregate Street station - will become a valuable route for pedestrians and cyclists accessing the station, particularly from west Worcester
 - assists east-west active travel through the north of the city centre
 - it is shown in the city centre masterplan
 - The application's Transport Statement (para 5.21) identifies the provision of 4 cycle parking spaces as part of the proposal, as an "end of route facility" (shown in the drawing in para 5.1) – this is not included in the main application drawings.
 - there is anecdotal evidence of demand for parking close in this area, evidenced in the demand for station parking. The presence of bike parking could generate additional bike use.
 - Cycle parking would benefit the station/this part of the city, as there is currently no convenient secure provision
 - a better location for the cycle parking would be in the lee of the wall of number 57 Foregate Street (protected from the weather)
 - we would support the previously proposed use of Arch 64 as a bike park.

6.3 The following **statutory and non-statutory responses** have been received:

6.4 Worcester City Council Landscape and Biodiversity Adviser:

Fully support this essential project, and the PEA is welcomed and acceptable. Is that a small planting bed in the pathway? If so, it should be specified, and I'm not sure it's required here in permanent shade...perhaps an information totem might be better? Is pedestrian signage proposed? If not, this should be added and detailed.

6.5 Worcestershire County Council (Highway Authority):

There is No Objection from Highways to the proposed demolition of the building at No. 56 Foregate Street in order to create a new public space which will facilitate the completion of an active travel route connecting Foregate Street with The Hive and the riverside, as part of 'The Arches' project in Worcester City and as per the submitted Transport Statement, the proposed scheme will provide a safe and suitable connection. In fact, it has a significant benefit to pedestrians and other active travel users.

6.6 **Worcestershire Regulatory Services (Contaminated Land):**

WRS has reviewed available documents and records in respect of potential contaminated land (PCL) issues at the above application site.

We note that the proposed demolition is in a built-up area and may have to be undertaken during unsociable hours. WRS recommend following the construction & demolition guidance that can be found here: [Planning and Pollution | Worcestershire Regulatory Services \(worcsregservices.gov.uk\)](#)

Due to historic nature of the site and proximity of the railway, WRS recommend the following condition wording is applied to the application, should any permission be granted to the development, to ensure PCL issues on site are appropriately addressed.

Recommendations:

CONDITION - Import of soil and soil forming materials

The application details suggest that soil or soil forming materials will be required to be imported on to the site. As a result, in order to ensure that the site is suitable for its proposed use and accordance with The National Planning Policy Framework, Conditions are recommended below for inclusion on any permission granted.

The National Planning Policy Framework advises that Planning Decisions should ensure the site is suitable for its proposed use. The Framework also requires adequate information be prepared by a competent person is presented.

Full details of any soil or soil forming materials brought on to the site for use in garden areas, soft landscaping, filling and level raising must be provided. Where the donor site is unknown or is brownfield, the material must be tested for contamination and suitability for use on site. Full donor site details, proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) must be submitted to and approved in writing by the Local Planning Authority prior to import on to the site.

The approved testing must then be carried out and validatory evidence (such as laboratory certificates) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought on to site.

REASON

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

CONDITION - Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements 1 to 4 below have been complied with:

1. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.

2. Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

4. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings on site.

REASON

To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6.7 **Worcester City Conservation Officer:**

The application site is unlisted and situated within the Historic City conservation area, at its northernmost point. It adjoins No.57 Foregate Street, which is grade II listed, and both the grade II listed Foregate Street Railway Bridge and the viaduct of the Worcester & Hereford Railway, which is locally listed. Formerly an opening for road-based good traffic to access the side of the above viaduct, it was infilled by the current building c.1964, which was developed together with Nos.55-54 on the other side of the railway bridge – the latter do not form part of this application. No.56 was first occupied by a branch of the Bradford & Bingley Building Society, who added the 'showcases' (now known as the 'tiled wall') c.1965, as additional display windows.

The proposal seeks to demolish No.56 Foregate Street, implement public landscaping on its former site, and making secure the thus exposed viaduct arches (Nos.63 &

64). This is a key element of the broader Arches Project, which aims to open up a pedestrian route between Foregate Street Station in the City Centre and the river at Croft Road.

The proposed development should be considered against policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan 2016 (the Development Plan). These policies seek to protect and enhance designated and non-designated heritage assets and avoid development that would cause substantial harm to the significance of any heritage asset. Policy SWDP 6 states that 'Development proposals should conserve and enhance heritage assets, including assets of potential archaeological interest' and 'Development proposals will be supported where they conserve and enhance the significance of heritage assets, including their setting'.

These development plan policies are consistent with the National Planning Policy Framework (NPPF).

S72(1) Planning (Listed Buildings and Conservation Areas) Act 1990 states that in respect of determining applications affecting conservation areas the Local Planning Authority shall pay 'special attention to the desirability of preserving or enhancing the character or appearance of that area'.

I have had regard to the above legislative requirements as well as national and local planning policy when formulating this consultation response. For the avoidance of doubt this consultation response does not address matters relating to below ground Archaeology.

Assessment:

This is a very detailed and well documented proposal. No objection is expressed either to the loss of No.56 Foregate Street or to the public realm works proposed in its place. There is a very comprehensive photographic survey of No.56 which should suffice as an Archaeological record. Great care will clearly have to be taken in demolishing the building and in removing the 'showcase' wall beneath the railway bridge; a procedure for the latter is set out on the submitted drawing titled: - 'Worcester Foregate Street Bridge Abutment Wall Enhancement – Demolition of Tiled Brick Wall with Associated Investigation Works (Approval in Principle)', especially in the Notes in the right-hand margin.

The proposal also relates to NPPF Para. 197 In determining applications, local planning authorities should take account of: -

c) the desirability of new development making a positive contribution to local character and distinctiveness, which asks that account be taken of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, which is the case in this application.

Conclusion:

It is considered that this proposal will have a very positive impact upon the conservation area and upon the setting of adjacent listed buildings.

6.8 **The Civic Society Planning Panel:**

The Civic Society strongly supports this application. The removal of no.56 will give the opportunity to better expose the two heritage assets currently either side of the site, to be viewed in a similar context as to when they were constructed. It will reopen a historic movement pattern / corridor linking Foregate Street to the Riverside. The site is within a sustainable location and is likely to facilitate greater

economic growth / prosperity of small independent businesses, as such a presumption in favour of development should be considered as the proposals accord with the aims and objectives of the SWDP and the NPPF.

6.9 Conservation Area Panel:

No objections. Interest was shown in the paving finish past the end of the new materials by Arch 63. The wisdom of including the planter shown at the same point was also queried. It was thought it would be neglected and/or trampled. A more appropriate piece of street furniture would be more appropriate.

6.10 Network Rail:

Network Rail confirms this scheme has a BAPA (basic asset protection agreement) and PO (purchase order) in place and is currently in discussion with Network rail asset protection who can manage the scheme going forward.

Network Rail – railway specific advice notice to LPAs/Developers

Please note that whilst Network Rail (NR) is submitting responses via the planning application process, it should be born in mind by the LPA/developer that the operational railway presents risks/issues that are different/unique to the risks posed by works taking place adjacent to non-railway undertaker land. Works on this site therefore must be undertaken with the supervision of NR via the ASPRO (asset protection) team to ensure that the works on site do not impact the safe operation, stability, integrity of the railway & its boundary. The LPA/developer are advised that unauthorised works adjacent to the railway boundary could impact the operation of nationally significant infrastructure & the applicant would be liable for any and all damages & costs caused by any works undertaken in this scenario. Therefore, the developer is requested to ensure that the development meets with NR requirements for works/developments adjacent to the railway boundary which include planning material considerations as well as obligations specific to the railway undertaker. The interface is via a NR BAPA (basic asset protection agreement) – the developer is advised that the works must not commence on site (even if planning permission is granted) until agreed with NR. The applicant will be liable for all costs incurred by NR in facilitating, reviewing this proposal.

6.11 Worcester City Archaeological Officer:

I have reviewed the information provided with the application and compared it with the archaeological record for the area. The proposed development may affect heritage assets of known archaeological significance (WSM31668 and WCM96338). The 'historic environment' encompasses all those material remains that our ancestors have created in the landscapes of town and countryside. It includes all below and above-ground evidence including buildings of historic and architectural interest.

The proposed development area (PDA) is adjacent to the Worcester to Hereford railway constructed in 1857 (WSM31668). The PDA is within Worcester Cities Medieval settlement (WCM96338), it is believed that this element of the Medieval city was a planned settlement that is reflected in the current plots and street plan. The applicant has supported the application with a heritage statement, but archaeology was not considered. The construction of the railway required expansive works, however archaeology frequently survives very close to the 19 C developments, recently human remains were found in the county beneath a railway embankment.

Given the scale of the development, and the possible archaeological potential, the likely impact on the historic environment caused by this development may be offset by the implementation of a conditional programme of archaeological works.

This will comprise:

- Prior to the commencement of works, an historic building recording is required which is commensurate with the requirements of level 2, as set out in Historic England guidance Understanding Historic Buildings; A Guide to Good Recording Practice (2016). The recording will focus on the railway structures including the viaduct and arches. *(Since been agreed to a Level 1 record)*
- The archaeological monitoring and recording (watching brief) of all groundworks likely to expose, damage or destroy any archaeological remains that may be present, principally the demolition of slab/foundations/ reduction of ground levels/ hardstanding removal/ topsoil stripping/ drainage and service channels grubbing out.
- Development will also be controlled with archaeological monitoring and recording (watching brief) that may evolve into an SMS if Medieval archaeology is identified. Therefore, I suggest that the following condition should be attached to an approval:

(A) No development shall take place until a programme of archaeological work, 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) The programme and methodology of site investigation and recording.
- 2) The programme for post investigation assessment.
- 3) Provision to be made for analysis of the site investigation and recording.
- 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- 5) Provision to be made for archive deposition of the analysis and records of the site investigation.
- 6) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

Reason: In accordance with the requirements of paragraphs 194 and 205 of the National Planning Policy Framework 2012 (as amended) and SWDP 6 & 24 of the South Worcestershire Development Plan 2016.

6.12 **West Mercia Police:**

Thank you for the opportunity to comment. I am aware of The Arches project within the city. I have no concerns or objections to this application.

6.13 **Historic England:**

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

It is not necessary to consult us on this application again, unless there are material changes to the proposals.

7. Planning Assessment

The Principle of Development

- 7.1 The application site is located within the city centre opposite the main city centre railway station. The proposal is part of the City Council's broader Arches project and seeks permission for the demolition of the existing vacant building: No.56 Foregate Street, public landscaping, and securing of the exposed viaduct arches (Nos.63 & 64). This proposal would provide a sustainable pedestrian and cycling route from Foregate Street to the Riverside, at Croft Road. The creation of the movement corridor is proposed as a welcome addition to the City Centre to provide a sustainable method of transport from the City Centre to the Riverside and a safe and secure route for pedestrians and cyclists travelling to and from the City via train in providing an environmental enhancement that seeks to improve the visitor and residential experience. Both the NPPF and the SWDP detail how development proposals should promote sustainable methods of transport, in particular paragraph 112 (b) of the NPPF states that proposals should give priority first to pedestrian and cycle movements, this is supported by the SWDP policy SWDP 4.
- 7.2 Additionally, the open space created as a result of the demolition of the building and opening of the adjoining railway arches will be treated as the primary gateway to the Arches area and will aim to bring extra footfall and activity to land and buildings along the new walkway which will improve the vibrancy and vitality of the Arches area.
- 7.3 In principle the proposals are considered to make a positive contribution to the sustainable transport links to the city centre. Overall acceptability of the proposal is subject to compliance with the topic-based policies, which are considered below.

Design and visual impact

- 7.4 The NPPF confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 7.5 Paragraph 126 of the NPPF highlights that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.6 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially, where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents such as design guides and codes. Weight should be given to development which reflects local design policies and guidance and supplementary

planning documents such as design guides and codes; and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area so long as they fit in with the overall form and layout of their surroundings.

- 7.7 Policy SWDP 21 – ‘Design’ is relevant and requires all new development to be of a high-quality design which integrates effectively with its surroundings, in terms of form and function, whilst also reinforcing local distinctiveness.
- 7.8 In terms of the existing context, the application site is occupied by a vacant commercial unit, erected in 1964 comprising of a three-storey building, constructed in red brick with a flat roof. Further to the development of this building the viaduct was infilled and ‘showcases’ (now known as tiled wall) were included as additional display windows.
- 7.9 The proposals include the demolition of the three-storey building and securing the exposed archways to create a pedestrian and cyclist movement corridor from the City Centre down to the Riverside. The surface treatment to the eastern end (Foregate Street) of the new walkway will utilise a palette of materials which includes natural stone on the footprint of the demolished building (similar to the Future High Street Fund public realm works), block pavers and tarmac. This will result in a high-quality area using sustainable, maintainable, and appropriate surfacing materials and alongside improved lighting will not only complement the surrounding space but will also reinforce a distinctive character for the area. The inclusion of a raised planting bed, subject to appropriate species, will introduce a modest degree of soft landscaping and potential for biodiversity enhancement that would contribute positively to the public realm.

Historic Environment

- 7.10 Firstly, it is a statutory duty, under section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for decision takers to have special regard to the desirability of preserving listed buildings and/or their setting or any features of special architectural or historic interest, and under section 72 (1) of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, when determining applications for planning permission.
- 7.11 The NPPF states that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the NPPF, at paragraph 195, sets out that the Local Planning Authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.
- 7.12 Paragraphs 199-208 set out the framework for decision making in applications relating to heritage assets and this assessment takes account of the relevant considerations in these paragraphs. At the local level, policies SWDP6 and SWDP 24 of the South Worcestershire Development Plan are relevant to the proposals.
- 7.13 Policy SWDP 6: Historic Environment states that:
- A. Development proposals should conserve and enhance heritage assets, including assets of potential archaeological interest, subject to the provisions of SWDP 24.

Their contribution to the character of the landscape or townscape should be protected in order to sustain the historic quality, sense of place, environmental quality and economic vibrancy of south Worcestershire.

B. Development proposals will be supported where they conserve and enhance the significance of heritage assets, including their setting.

7.14 Policy SWDP 24: Management of the Historic Environment is also relevant and states that:

A. Development proposals affecting heritage assets will be considered in accordance with the Framework, relevant legislation and published national and local guidance.

B. Proposals likely to affect the significance of a heritage asset, including the contribution made by its setting, should be accompanied by a description of its significance in sufficient detail to allow the potential impacts to be adequately assessed. Where there is potential for heritage assets with archaeological interest to be affected, this description should be informed by available evidence, desk-based assessment and, where appropriate, field evaluation to establish the significance of known or potential heritage assets.

C. The sympathetic and creative reuse and adaptation of historic buildings will be encouraged. Such proposals, and other proposals for enabling development that provide a sustainable future for heritage assets identified as at risk, will be considered in accordance with SWDP 24 A.

D. Where a material change to a heritage asset has been agreed, recording and interpretation should be undertaken to document and understand the asset's archaeological, architectural, artistic or historic significance. The scope of the recording should be proportionate to the asset's significance and the impact of the development on the asset. The information and understanding gained should be made publicly available, as a minimum through the relevant Historic Environment Record and where appropriate at the asset itself through on-site interpretation.

7.15 In considering the application in light of the legislative and policy requirements, the first step is to have regard to the proposals and then for the decision-maker to consider each of the designated heritage assets which would be affected by the proposed development in turn and assess whether the proposed development would result in any harm to the heritage asset. This has been undertaken by the Council's Conservation Officer, who considers that this proposal will enhance both the character and appearance of the conservation area and the setting of adjacent listed buildings.

7.16 Furthermore, it is considered that the demolition of the existing building at number 56 will better expose the two designated heritage assets either side of the site, to be viewed in a similar context to when they were constructed, and it will reopen a historic movement pattern/corridor linking Foregate Street to the Riverside.

7.17 It is therefore considered that the proposals are acceptable and in accordance with the NPPF and policies SWDP 6, SWDP 24 of the SWDP, because they will enhance the neighbouring designated heritage assets and the Conservation Area.

Archaeology

- 7.18 Paragraph 194 of the NPPF states that where proposed development includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Similarly, policy SWDP 24 B states that where there is potential for heritage assets with archaeological interest to be affected, a description of its significance should be informed by available evidence, desk-based assessment and, where appropriate, field evaluation to establish the significance of known or potential heritage assets.
- 7.19 The 'historic environment' encompasses all those material remains that our ancestors have created in the landscapes of town and countryside. It includes all below and above-ground evidence including buildings of historic and architectural interest. The proposed development area (PDA) is adjacent to the Worcester to Hereford railway constructed in 1857 (WSM31668). The PDA is within Worcester Cities Medieval settlement (WCM96338), it is believed that this element of the Medieval city was a planned settlement that is reflected in the current plots and street plan.
- 7.20 The proposed demolition would include ground works and therefore has the potential to impact on archaeology. In addition, the removal of the building would alter the setting of the neighbouring listed buildings and locally listed viaduct. The Council's archaeological advisor has advised that given the scale of the development, and the possible archaeological potential, the likely impact on the historic environment caused by this development may be offset by the implementation of a conditional programme of archaeological works, to comprise a Written Scheme of Investigation that includes archaeological monitoring and recording and historic building recording. The archaeological advisor's recommended conditions are considered to meet the relevant tests for imposition and will ensure that the programme of works are implemented. The applicant has confirmed agreed to the imposition of the pre-commencement condition.

Access and Highway Safety

- 7.21 SWDP policy 4: Moving Around South Worcestershire is relevant and states:
- Proposals must demonstrate that: the layout of development will minimise demand for travel, they offer genuinely sustainable travel choices, they address road safety, and they are consistent with the delivery of the Worcestershire Transport Plan objectives.
- 7.22 In particular part D of the policy states that priority will be given to improving public and community transport provision, walking and cycling infrastructure. Furthermore, policy SWDP 21 ix states that design and layouts should maximise opportunities for pedestrian and cycle linkages to the surrounding area and local services and should be generally accessible for all users, including those with disabilities the proposal meets these objectives.
- 7.23 This proposal would create a new pedestrian and cycling movement corridor from the City Centre to the Riverside, which will improve the existing city centre walking and cycling infrastructure. The submitted Transport Statement states that cycle parking would be included within the scheme and the updated site plan indicates the provision of uncovered hoops.

'Bike Worcester' support the inclusion of cycle parking but have questioned the suitability of the location (as originally shown in the Transport Statement and now updated on the Proposed Site Plan). Whilst the potential benefits of cycle parking provision are appreciated the proposed development does not generate a requirement for cycle parking and consequently the Highways Authority have not recommended a condition requiring its provision. It is considered that a condition would not meet the tests for the imposition of conditions, because it does not reasonably relate to the development proposed and is therefore not necessary. That said, if the applicant considers the provision to be a public benefit it can still be provided under the 'permitted development' rights afforded to local authorities. The proposal is considered to comply with the relevant requirements of policies SWDP 4 and 21 and the NPPF.

Conclusion and planning balance

- 8.1 The NPPF identifies a series of the components that are considered critical to achieving sustainable development. As set out in the above policy assessment of the proposed development, it is considered that the proposal is in accordance with the requirements of the adopted development plan and material considerations relevant to the determination of the application.
- 8.2 The assessment of the proposal has identified an enhancement of the character and appearance of the Historic City conservation area and the setting of adjacent listed buildings and therefore complies with the requirements of the NPPF and policies SWDP.6 and SWDP.24 of the SWDP.
- 8.3 The improvements regarding the introduction of a pedestrian/cycle movement corridor will individually and collectively improve sustainable modes of transport options to the City Centre and Riverside.
- 8.4 The introduction of the movement corridor is seen to have a positive impact on the surrounding area and will increase the amount of footfall to the neighbouring retail/leisure units located within the existing arches development, thereby positively contributing to their vitality and viability. The proposals include the demolition of an existing commercial unit; however, number 56 is not located within either a primary or secondary shopping frontage, so the retention of this current commercial unit is not protected by policies in the SWDP.
- 8.5 Considering the above, and subject to the imposition of planning conditions, the proposed development is considered to be acceptable.
- 8.6 All comments received as part of the consultation process have been acknowledged and consider all material planning issues have been considered in the determination of this application. Having regard to the totality of the policies in the NPPF, it is considered that the proposed development is sustainable when looking at its social, economic and environmental credentials in the round.
- 8.7 Overall, it is considered that the proposals constitute an environmentally, socially and economically sustainable form of development that accords with the Development Plan, when taken as a whole and there are no material considerations that indicate that a decision to the contrary should be made. It is therefore recommended that planning permission is granted, subject to the recommended conditions.

9. Recommended Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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 permitted shall be carried out and completed in accordance with the following approved plans and associated documents and the specifications and recommendations contained therein, except where otherwise stipulated by conditions attached to this permission.

Location Plan - 2185 1000 A

Proposed Elevations - 2185 3001 B

Proposed Plan - 2185 3000 F

Foregate Street Bridge Abutment Wall Enhancement Demolition Of Tiled Brick Wall With Associated Investigation Works (Approval In Principle) – 001 (sheet 1 of 1)

Reason: To ensure that the development is carried out in accordance with the approved plans and the development is retained as approved, in accordance with policies SWDP 6, 21 and 24 of the South Worcestershire Development Plan.

3. Prior to any demolition works taking place a programme of archaeological work, including a Written Scheme of Investigation, shall be submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:
 - a) The programme and methodology of site investigation and recording.
 - b) The programme for post investigation assessment.
 - c) Provision to be made for analysis of the site investigation and recording.
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation.
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The demolition and development shall be carried out in accordance with the approved details.

Reason: In accordance with the requirements of paragraphs 194 and 205 of the National Planning Policy Framework 2021 and policies SWDP 6 & 24 of the South Worcestershire Development Plan 2016.

4. The demolition and development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:-

- a) Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- b) Details of site operative parking areas, demolition and development material storage areas and the location of site operatives' facilities (offices, toilets etc);
- c) Working hours for demolition and construction
- d) Arrangements and hours for deliveries

The measures set out in the approved Plan shall be carried out and complied with in full during the demolition and construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved in writing by the Local Planning Authority.

Reason: To ensure the provision of adequate facilities and in the interests of highway safety and residential amenity, so as to comply with policies SWDP 4 and 21 of the South Worcestershire Development Plan, the Worcestershire County Council Streetscape Design Guide (July 2022) and the requirements of the National Planning Policy Framework.

5. Other than the demolition of the building no further works shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include: -
- a) a dimensioned plan showing details of the proposed planter including its design, size and materials.
 - b) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.
 - c) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

The planter shall be installed before the site is first opened to the public, unless it is in accordance with an alternative timescale that is first submitted to and approved by the Local Planning Authority in writing. All planting shall be carried out in accordance with the approved details either before the site is first opened to the public, or in the first planting season following this, unless an alternative time scale has first been submitted to and approved in writing by the Local Planning Authority.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees within a period of five years from the completion of the 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.

Reason - To ensure the proposed development does not have an adverse effect on the character and appearance of the area in accordance with policies SWDP21 and SWDP25 of South Worcestershire Development Plan.

6. The development shall not open to the general public until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraphs 194 and 205 of the National Planning Policy Framework 2021 and policies SWDP 6 & 24 of the South Worcestershire Development Plan 2016.

7. Prior to the site being open for public use the following details shall be submitted to and approved in writing by the local planning authority:

- a) any repairs and the final finish details of the area beneath the tiled wall/showcase following their removal and a timetable for its completion.
- b) The inclusion of a public information board regarding the history of the site and its immediate surroundings, a timetable for its installation and maintenance.

The development shall be carried out in accordance with the approved details and the notice board retained thereafter.

Reason: To allow the historical and archaeological potential of the site and buildings to be managed and 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.

8. There shall be no importation of any soil or soil forming materials from unknown donor/brownfield sites unless full details have been first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, to accord with policy SWDP 31 of the South Worcestershire Development Plan and the requirements of the National Planning Policy Framework.

9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements a to d below have been complied with:

- a) Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.
- b) Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A

Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- c) The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
- d) Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings on site.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, to accord with policy SWDP 31 of the South Worcestershire Development Plan and the requirements of the National Planning Policy Framework.

Informatives:

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 The applicant is advised that if, following the demolition of the building (number 56 Foregate Street), works other than repairs to the adjoining listed building (number 57 Foregate Street) are required listed building consent will be required and the owner of the building should be informed. The Council's Conservation Officer's advice should be sought following demolition of the building.
- 3 The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 4 Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority.
- 5 Note re: condition 8 - Where the donor site is unknown or is brownfield, the material must be tested for contamination and suitability for use on site. Full donor site details, proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) must be submitted to and approved in writing by the Local Planning Authority prior to import on to the site.

The approved testing must then be carried out and validatory evidence (such as laboratory certificates) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought on to site.

6 Network Rail Informative Note:

Please note that whilst Network Rail (NR) is submitting responses via the planning application process, it should be born in mind by the LPA/developer that the operational railway presents risks/issues that are different/unique to the risks posed by works taking place adjacent to non-railway undertaker land. Works on this site therefore must be undertaken with the supervision of NR via the ASPRO (asset protection) team to ensure that the works on site do not impact the safe operation, stability, integrity of the railway & its boundary. The LPA/developer are advised that unauthorised works adjacent to the railway boundary could impact the operation of nationally significant infrastructure & the applicant would be liable for any and all damages & costs caused by any works undertaken in this scenario. Therefore, the developer is requested to ensure that the development meets with NR requirements for works/developments adjacent to the railway boundary which include planning material considerations as well as obligations specific to the railway undertaker. The interface is via a NR BAPA (basic asset protection agreement) – the developer is advised that the works must not commence on site (even if planning permission is granted) until agreed with NR. The applicant will be liable for all costs incurred by NR in facilitating, reviewing this proposal.