

Application Number	23/00806/FUL & 23/00807/LB
Site Address	St Andrew's Garden, Deansway, Worcester
Description of Development	Landscape enhancements and pedestrian access improvements. Proposals include re-grading existing footpath within the park, new steps, path resurfacing work, tree works and planting. Demolish two sections of existing low boundary wall.
Expiry Date	27 February 2024
Applicant	Worcester City Council
Agent	Fenella Bellinger
Case Officer	Miss Ruth Lambert
	ruth.lambert@worcester.gov.uk
Ward	Cathedral Ward
Reason for Referral to Committee	Worcester City Council application
Web link to application	https://plan.worcester.gov.uk/Planning/Display/23/00806/FUL
Recommendation	The Corporate Director - Planning and Governance recommends that the Planning Committee grant planning permission pursuant to Regulation 3 of The Town and Country Planning General Regulations 1992 (as amended) and listed building consent subject to the conditions set out in Section 9 of this report.

1. Background

- 1.1 These applications were registered on 2 October 2023. An extension of time for the determination of the application has been agreed until 27 February 2024 to allow determination by the Planning Committee.
- 1.2 The applications have been referred to the Planning Committee in accordance with the adopted Scheme of Delegation as the City Council is the applicant.

2. The site and surrounding area

- 2.1 The application site, St Andrew's Garden, includes the Grade II* listed St Andrew's Church Tower and is situated within the Historic City Conservation Area and designated Green Space. Most of the surrounding buildings belong to the Heart of Worcestershire

(HoW) College and these are locally listed. The application site previously comprised St Andrews Church and churchyard, the former dating from the 12th century. A tall spire was added in the 15th century, but this was destroyed in the great storm of 1733. It was rebuilt in 1751 by Nathaniel Wilkinson: the new spire being approximately 75m (245.5ft) tall. It is particularly notable for the proportion of the small base in contrast to its height, being only 6m (20ft) diameter at the base, and just 18cm (7 inches) at the top, making it the tallest spire in the country with such a narrow angle of taper. During repairs in 1844, the top 16ft of the spire was replaced; the original being installed in the churchyard below.

- 2.2 St Andrew's parish was very small – just 5 acres – and, from the 1920s onwards, the poor-quality housing around the church was demolished; progressively reducing its already small congregation. By 1936 use of the church had declined so much that the Bishop of Worcester offered it and its grounds to Worcester City Council: an offer eventually taken up after the war in 1947. At that time the Council was widening the road past the site – then called Birdport – to create what is known today as Deansway. It was decided to demolish the church and create a Garden of Remembrance to replace it, but to leave the tower and spire freestanding. The rest of St Andrew's Church was demolished in 1948/49, with some of its fittings being rehomed locally, and, in the case of the altar screens, in Cape Town, South Africa. Designated as a park and a Garden of Remembrance, the area around the spire opened on 05 June 1953 to commemorate the coronation of the late Queen Elizabeth II.



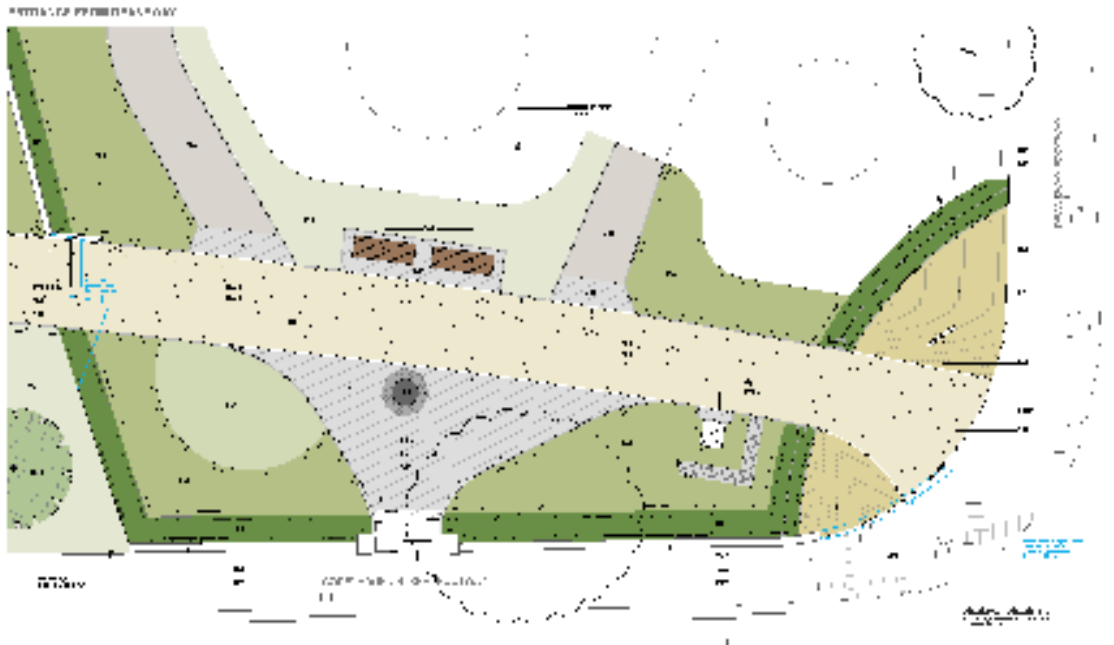
Extracts of Site Context Plan and Existing Site: Layout

3. The proposals

3.1 The proposal seeks to undertake the following landscape works: -

1. Improve the existing entrance to enhance its visibility from Deansway and Copenhagen Street (with new surfaces, wayfinding signage, decorative entrance railings and hedging).
2. Plant a new boundary hedge to define the edge of gardens along the Copenhagen Street frontage atop the Historic wall.
3. Install a new central 'roundel' space to mark the junction of routes through the historic churchyard (the space to have benches for resting and the relocated spire as central marker).

4. Form a new Contemplation Garden central space, to open up views of the Jewish Memorial plaque on Copenhagen Street (to incorporate small specimen tree and mixed herbaceous planting).
5. Regrade path links to meet the central East-West pathway to the river.
6. Regrade and resurface the East-West pathway to river to form a 1-in-21 route down to North-South steps.
7. Form new steps for a direct route to Copenhagen Street.
8. Regrade the grassed bank below the regraded East-West route and regrade the steps there to meet the new levels.
9. Resurface the path below the North-South steps to provide a continuous smooth level access route down to the river.
10. Additional tree planting to mitigate tree removals required to open-up views through the gardens and to facilitate the above new path alignments.





- 3.2 Planning permission is sought for the landscaping and pedestrian access enhancements. Listed building consent is also required for the proposed demolition of two sections of existing low boundary wall and re-siting of the historic pinnacle of the church spire.
- 3.3 Discussions have taken place between the relevant departments within the Council over an extensive period to agree to the best possible proposal which has now been put forward for consideration. Two applications have been submitted; an application for listed building consent referenced 23/00807/LB and a full application referenced 23/00806/FUL.
- 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. 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 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. 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.

- 4.3 The key statutory provisions relating to the consideration of heritage assets are sections 72 (1), 16(2) and 66 (1) of the Planning Listed Buildings and Conservation Areas Act 1990, which state that in determining applications "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" in respect of Conservation Areas and the decision maker shall "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", in the case of listed buildings.
- 4.4 The Development Plan for Worcester City 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

- 4.5 The following policies of the SWDP are considered to be relevant to the proposal:
- | | |
|---------|--|
| SWDP 6 | Historic Environment |
| SWDP 21 | Design |
| SWDP 22 | Biodiversity and Geodiversity |
| SWDP 24 | Management of the Historic Environment |
| SWDP 25 | Landscape Character |
| SWDP 29 | Sustainable Drainage Systems |

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

- 4.6 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)

Material Considerations

National Planning Policy Framework (2023)

Planning Practice Guidance

Other material considerations are;

Worcestershire County Council Streetscape Design Guide (2022)

5. Planning History

- 5.1 There are no planning or listed building consent applications that are considered to be relevant to these proposals.

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

None received.

6.2 The following statutory and non-statutory responses have also been received in response to the council's consultation exercise:

6.3 Canal & River Trust:

No comments

6.4 Historic England:

No comments, advice should be sought from the Council's Conservation Officer

6.5 Worcester City Council Archaeology Officer: No objection

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.

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) was subject to a trench evaluation which followed a ground penetrating radar survey of the site. The evaluation was undertaken in the general area of the proposed development, no structures were found but a possible grave cut was identified. The absence of burials and sub surface structure was interesting, it suggests the site had undergone significant stripping during the 20th C. However, pockets of archaeological survival could remain within the PDA, this includes burials and grave cuts.

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 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 reduction of ground levels/ topsoil stripping/ drainage and service channels. Should burials be encountered, or archaeology that is considered to be of high significance the WB shall cease, and an excavation shall commence in the area of increased potential.

6.6 Worcester City Council Conservation Officer:

No objection.

This application is exemplary in its presentation and detail, backed up by cartographic, Archaeological, and historical evidence, including a Ground Penetrating Radar (GPR) survey, whose recommendations should be reflected in conditions.

A Design, Access & Heritage Statement also includes a section headed '3.3 Proposed works & heritage impact' and, under the latter, a section headed 'Impact on heritage significance' (p.22). Here, five areas/aspects of impact are identified and appraised, in each case concluding that the outcome will be positive. This is a refreshing and praiseworthy analysis.

Details of the works and materials proposed are contained on the following submitted drawings: -

- 516-LP-GF-GA-080 – Revision P01 – Detail proposals plan 01
- 516-LP-GF-GA-081 – Revision P01 – Detail proposals plan 02

A further document – 516-LP-SPC-Outline specification (materials and planting) – specifies, without naming, the materials proposed for use. These all look appropriate, but a Materials condition should also be set to ensure their choice and appropriate use.

One further point regarding materials, reference is made on 'Detail proposals plan 01' to the removal of portions of existing walling. As this is important historic fabric it is hoped that this material could be reused for repairs on site during the course of the present works.

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

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, and
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.

which is the case in this application.

Conclusion:

It is considered that this proposal will have a Sustaining and Enhancing impact upon the significance of the heritage asset and will have a very positive impact upon the conservation area.

6.7 Worcester City Council Biodiversity Adviser:

A welcome and well thought out scheme. New tree species will need to be agreed and should also be at least 16-18cm stock as specimens in the locations shown, with carefully dug pits as per the archaeology requires.

There is a more detailed paint scheme for the existing bench cast ends than just black which would be better in such visible/historic locations.

The existing (highway) footway at the Deansway end is in very poor repair and ought to be included for early refurbishment to match this scheme.

6.8 Worcester City Council Tree and Landscape Officer:

No objections.

6.9 Worcestershire Regulatory Services (Contaminated Land):

No objections subject to the imposition of a suitable contaminated land condition.

6.10 **Conservation Advisory Panel:**

Welcome positively. The Panel considered that the proposals were extremely well presented.

6.11 **West Mercia Police:**

I have no concerns or objections to the proposals. I wish the following to be noted. An effective management and maintenance policy is required to ensure that trees and shrubbery is appropriately managed to maximise natural surveillance to allow a direct line of sight, on encroach on paths. Tree canopies should be no lower than 2 meters and low shrubs no higher than 1 meter.

The benches are of the design that can be removed on a temporary basis, if necessary, in the event of any anti-social behaviour.

6.12 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 in the Late Paper, subject to the date of receipt.

7. Planning Assessment

7.1 Section 70 (2)(a) of the Town and Country Planning Act 1990 states that in determining an application regard should be had to 'the provisions of the development plan, so far as material to the application' and 'any other material considerations' (c). Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out the status of the development plan, stipulating that "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise." In this instance the adopted development plan is the South Worcestershire Development Plan (SWDP) and the Waste Core Strategy (WCS). The National Planning Policy Framework (NPPF - 2023) is also a significant material consideration.

7.2 The main considerations are design, the impacts of the development on designated heritage assets, Green Space and biodiversity.

Design

7.3 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.

7.4 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.

7.5 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.

- 7.6 The submission includes a detailed consideration of the materiality of the design approach for the scheme, setting out each element that has been considered. For completeness, these details are included below.



Illustrative View showing Arrival and Welcome

- 7.7 Starting from the Entrance on Deansway, the existing grey asphalt paving to the Deanway/ Copenhagen Street entrance will be replaced by a fringe of stone setts to the sides of a resin bonded gravel pathway which defines the level access walking route. The paved surface will be laid to falls to meet the level change as Copenhagen Street rises to meet Deansway footway. A section of the existing stone entrance wall along Copenhagen Street and steel railing panels will be taken down (for use elsewhere) to open up the entrance to users. The widened entrance will help invite people across from the pedestrian crossing points and encourage walking into and through the gardens. The edges of the path will be formed in pre-cast concrete edging, laid flush, which will be cut to short lengths to follow sweeping radius curves. The entrance boundary will be defined by railings with a hedge planted to both sides. Existing railing panels from elsewhere in Worcester are to be re-purposed and refurbished for use in St Andrew's Gardens. The panels will be adapted with new end posts to mark the route into the gardens and will include a glove wayfinding motif to highlight the rich heritage of Worcester's glove making industry.

- 7.8 Within the Central Space, the existing pathway will be widened, and levels lowered to create the 1:21 walking route. The east-west pathway will be surfaced in resin bonded gravel and the edges of the path will be formed in precast concrete edging. Where the central east-west routes meet side routes the surfaces will be defined in textured, small unit paving which contrasts with the tone and textures of the accessible route. This will define the route for visually impaired users. Refurbished benches will be located to the back of the walking route as place for pause and contemplation. To the sides of the walking route existing planting beds will be widened and incorporate sensory rich herbaceous planting alongside lawn and specimen shrubs. The existing end to the brick churchyard wall will be removed to allow for the lowered levels and the wall end return to the north will be rebuilt to retain the existing planting bed levels. The new wall construction will reuse existing bricks where possible.
- 7.9 A set of new 3m wide steps will link the gardens with the lower end of Copenhagen Street. The steps will be formed from pre-cast concrete units with visibility strips and slabs to treads. The steps units and paving treads will be in a matching finish. Tactile paving units will be located to the top and base of the steps in a contrasting colour to the surrounding surfaces. A single handrail will be located to the centre of the steps. Ground levels to each side of the steps and the walking route will be retained by a vertical slab to retain the existing levels with the root protection zone of the retained topiary Yews and reduce the impact of excavation on the surrounding soft landscaped areas. The existing block surface to Copenhagen Street will be extended into the boundary of the gardens to meet the base of the new steps.
- 7.10 The existing pathway will be widened, and levels lowered between Deansway entrance and the existing central steps to regrade the existing path levels to 1:21. Below the central steps towards the Quay Street entrance the existing levels are already 1:21 or shallower. The proposed pathways will provide a suitable approach from Quay Street through to Copenhagen Street without requiring any steps. The pathway will be a resin bonded gravel finish within the vicinity of St. Andrew's Spire and an Asphalt elsewhere. Ground levels to the side of the walking route, around the edge of the historic churchyard, will be retained by a vertical slab to retain the existing levels and reduce the impact of excavation on the surrounding soft landscaped areas. In other areas the edges of the banks will be regraded to tie into the new path levels this provides an appropriate visual appearance whilst being a practical finish for all users. Tactile paving units will be installed to top of existing historic steps located halfway along the east-west path for users to identify the hazard to the side of the accessible route.
- 7.11 A material pallet has been provided for the totality of the scheme, these are considered to be acceptable, although a condition requiring approval of samples will be required.
- 7.12 The scheme overall will improve the overall visual amenity of the park which forms an important route through from the City centre to the River and offers space to relax and enjoy high quality open space in the City. The design of the proposal is considered to be wholly acceptable and in accordance with the policies of the development plan.

Historic Environment

- 7.13 Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, when determining applications for listed building consent and planning permission, respectively. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

- 7.14 Policy SWDP6 of the Development Plan echoes the aims and objectives of chapter 16 – Conserving and enhancing the historic environment of the NPPF. The application site is located within the Historic City Conservation Area and St. Andrews Spire is Grade II* listed. As such, they are both important designated heritage assets.
- 7.15 Paragraph 203 of the NPPF states that ‘In determining applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 7.16 The Council’s Conservation Officer and the Conservation Advisory Panel have been consulted and support the proposals.
- 7.17 As described above there are works to walls, fences and other structures as part of the proposals. In addition, the historic pinnacle of the church spire will be re-located to the side of the walking route as a central feature marking the junction where the historic paths met in the churchyard. The condition of the pinnacle has been visually assessed and detailed proposals and requirements for refurbishment to ensure the structure is safe in close proximity to pedestrians will be subject to detailed assessment.
- 7.18 An Archaeological Assessment and an Archaeological Evaluation, which included the digging of trenches, has been submitted. The reports provide the following discussion.
- “There was no structural evidence or building material identified within the footprint of Trench 1 or 3. This is surprising, as a recent watching brief, undertaken during installation of a CCTV camera, monitored groundworks below the pavement north of Copenhagen Street and revealed the foundations of the post-medieval buildings which were demolished in the 1960’s (Lovett, 2022). The absence of demolition material may potentially be related to a desire to regrade and landscape the area and/or remove cellarage to prevent future subsidence within the footprint of soon-to-be established St. Andrew’s Garden of Remembrance. This interpretation is supported by Cut 104 in Trench 1 which was believed to be evidence of a possible landscaping or re-profiling event within the former footprint of the post-medieval housing fronting Copenhagen Street. In addition, reference to a photograph of St. Johns Church post-demolition suggests that there may have been landscaping of the site adjacent to both Copenhagen Street and Deansway during the mid-20th century. Similarly, reference to the demolition deposits sealing the grave cut in Trench 2, may offer an alternative or supplementary interpretation, due to the high concentration of lime mortar fragments and comparatively little brick contained within the deposits. It’s possible that the near complete absence of anticipated demolition material in Trenches 1 and 3, could be because some of the materials resulting from the destruction of the post-medieval buildings were being reclaimed. This may explain the high concentration of lime mortar fragments in the demolition material in Trench 2 as mortar was scraped from the bricks due to be reclaimed. The absence of demolition material in Trenches 1 and 3 could therefore be explained through a combination of factors comprising both landscaping and structural reclamation. No other features, deposits, or structural evidence were found in the trenches. However, it is no other features, deposits, or structural evidence were found in the trenches. However, it is important to conduct such evaluations before any construction or modification work and cannot be overstated, especially in areas with a known or suspected archaeological history.

The absence of significant discoveries within the trenches does not diminish the value of the wider area, which has the potential to yield valuable archaeological information.

- 7.19 The Council’s Archaeology Advisor supports the findings and concludes that with an appropriate condition requiring a watching brief that there will be no adverse impact on below ground heritage assets.
- 7.20 The low-level nature of the proposals would not adversely impact on the character and appearance of the setting of the Listed Building or the Conservation Area. Rather, it is considered that the proposals would enhance and better reveal the significance of the heritage assets. Alterations and repairs to the historic wall are proposed which are considered to be appropriate and necessary as part of the overall works. Further details will be provided through conditions to ensure that the existing materials are reused to ensure the existing character is maintained.
- 7.21 The positive contribution of the proposals are wholly in accordance with policies SWDP 6 and 24 of the South Worcestershire Development Plan and the requirements of the NPPF.

Green Space

- 7.22 The site lies within designated Green Space, under Policy SWDP 38. . This states that development of Green Space will not be permitted unless the specified exceptional circumstances are demonstrated. Of these, exception Bi is relevant. It allows for developments that is for a community / recreational use, that does not compromise the essential quality and character of the Green Space. The proposed development would improve pedestrian permeability through the site and enhanced landscaping, such that would positively contribute to the quality and character of the Green Space and access to it. As a result, it would accord with the requirements of Policy SWDP38.

Trees and Biodiversity

- 7.23 The application is supported by a comprehensive tree survey, landscaping strategy and detailed landscaping plan. As part of the proposals six trees will be removed either as a result of the works or to improve the views from within the gardens. The list of works to existing trees are set out below.

Summary of proposed tree works
Refer to report 'Copenhagen Street, Worcester, WY1 2ES - BS6837 Tree Constraints, Impact Assessment & Tree Protection Method Statement' for landscape improvements by B. J. Lewis Forestry Consultancy Ltd

Ref	Species	Class	Description of proposed Work	Reason
T1	Crab apple	C1	Remove	To facilitate development of new steps
G13	Golden Irish yew	B2	Prune upper sides much harder, to improve shape & gradually convert to more natural/broad cone shapes.	General pruning. Prune two years either side of new steps to allow for routine clearance / screening.
T14	Plum	C1	Remove	Plant tree & removal will improve views.
T15	Larson cypress cuthill	B1	Remove	Plant tree & removal will improve views.
T16	Flowering cherry	C1	Remove	Plant tree & removal will improve views.
T18	Larson cypress cuthill	B1	Remove	Rootzone impact & improve views.
T22	Larson cypress cuthill	B2	Remove	Rootzone impact & improve views.

- 7.24 It is proposed to plant six new trees: four adjacent to the new steps on Copenhagen Street and two close to Quay Street. It is recommended that the size and species of the replacement trees should be agreed through appropriate conditions attached to the planning permission.
- 7.25 Additional landscaping is proposed throughout the gardens, which is very much welcomed and will complement the existing space. A contemplation space and garden will be provided with views to the Jewish memorial plaque on Copenhagen Street.

The landscape strategy also details proposals for wayfinding through the site and increasing visibility from Deansway.

- 7.26 A Preliminary Ecological Assessment has been submitted to support the application. The report concludes that "...[t]he proposed modifications to St Andrew's Gardens have a small footprint and will impact only small areas of introduced shrub, modified / amenity grassland and six trees. It is not anticipated to have a negative effect on local ecology..." A list of ecological enhancements are included within the report for bat and bird boxes, along with suggestions for tree and shrub planting to enhance the attraction for pollinators and other species. Appropriate conditions can be imposed to ensure these are provided. The Council's Ecologist has no objections, noting that the scheme is supported as a high-quality landscape and biodiversity scheme.
- 7.27 The proposal is considered to accord with Policy SWDP22 and the requirements of paragraph 180 d) of the NPPF, because it would enhance biodiversity on the application site.

Highways

- 7.28 The proposed development would improve legibility across the site for all users and improve the connection to the public highway. The Highway Authority has been consulted and has confirmed that the proposal would have a minimal impact on the highway network and has raised no objections.
- 7.29 The proposal therefore accords with the Policies SWDP4 and 21 and the requirements of the NPPF.

8. 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 proposed development would not detract from the character or appearance of the surroundings and would have a positive impact on the designated heritage assets. The proposal for which planning permission is required would not harm the immediate and surrounding area of the application site and would improve the existing visual appearance of the park for the benefit of visitors to the City and the local community.
- 8.3 Considering the above, and subject to the imposition of planning conditions, the proposed development is considered to accord with planning policies. There are no material planning considerations that outweigh this policy compliance.
- 8.4 All comments received as part of the consultation process have taken into consideration, along with all material planning issues. Having regard to the totality of the policies in the Development Plan and the NPPF, it is considered that the proposal comprises sustainable when assessed against social, economic and environmental objectives. It is therefore recommended that planning permission and listed building consent are granted, subject to the conditions set out in Section 9.

9. Recommended Conditions

23/00806/FUL (planning permission)

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:

Archaeology Evaluation

Survey Report

Archaeological Assessment

09 2BLandscape projects

GF SEC 111GA sections_ sheet 02

GF GA 080 Detail proposals plan 01

GF GA 081 Detail proposals plan 02

GF SEC 110GA sections_ sheet 01

GF GA 025 Landscape GA

GF GA 026 Proposals description

GF GA 032 Tree works

GF GA 040 Proposed levels

GF GA 050 Soft landscape

GF DET 410 Entrance fence

GF GA 001 Site context

Outline Specification

Landscape Strategy

Design-access & heritage statement-part 1

Tree assessment

Preliminary Ecological Statement

Reason: To ensure compliance with the approved scheme

3. No building operations hereby permitted shall commence until samples of the materials to be used in the construction of the new pathways and historic wall repairs hereby permitted have been submitted to and approved in writing by the local planning authority.

Reason: To protect, conserve and enhance the significance of heritage assets and to ensure that the new materials are in keeping with the surroundings and/or represent quality design in accordance with policies SWDP 6, SWDP21 and SWDP24 of the South Worcestershire Development Plan.

4. 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.

5. 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:
 - 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.

Reason: In accordance with the requirements of the National Planning Policy Framework 2023 and SWDP 6 & 24 of the South Worcestershire Development Plan 2016.

6. 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 (5) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of the National Planning Policy Framework 2023 and SWDP 6 & 24 of the South Worcestershire Development Plan 2016.

7. Prior to any works commencing on site a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include: -

- (i) a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.
- (ii) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.
- (iii) a written specification outlining cultivation and other operations associated with plant and grass establishment.
- (iv) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion of the development, whichever is the sooner.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, 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.

8. Prior to works commencing on site a biodiversity mitigation and enhancements scheme, that includes, as a minimum, the recommendations within Table 5 and Section 5 of 'Preliminary Ecological Appraisal (PEA) of St Andrew's Gardens, Worcester' dated October 2023, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented as part of the approved works and any physical elements shall be retained for the lifetime of the development.

Reason: To ensure the mitigation and enhancement of biodiversity interests in accordance with Policy SWDP22 of South Worcestershire Development Plan.

23/00807/LB (listed building consent)

1. The works to which this Listed Building Consent relates must be commenced before the expiration of three years beginning with the date of this consent.

Reason: To conform with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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

Archaeology Evaluation

Survey Report

Archaeological Assessment

09 2B Landscape projects

GF SEC 111GA sections_ sheet 02

GF GA 080 Detail proposals plan 01

GF GA 081 Detail proposals plan 02

GF SEC 110GA sections_ sheet 01

GF GA 025 Landscape GA

GF GA 026 Proposals description

GF GA 032 Tree works

GF GA 040 Proposed levels

GF GA 050 Soft landscape

GF DET 410 Entrance fence

GF GA 001 Site context

Outline Specification

Landscape Strategy

Design-access & heritage statement-part 1

Tree assessment

Preliminary Ecological Statement

Reason: To ensure compliance with the approved scheme

3. No building operations hereby permitted shall commence until details of the materials to be used in the construction of the new pathways and historic wall repairs hereby permitted have been submitted to and approved in writing by the local planning authority.

Reason: To protect, conserve and enhance the significance of heritage assets and to ensure that the new materials are in keeping with the surroundings and/or represent quality design in accordance with policies SWDP 6, SWDP21 and SWDP24 of the South Worcestershire Development Plan.