

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

Application number:	22/00258/FUL
Validated on:	10 th March 2022
Site address:	35 Worcester Street
Proposal:	Demolition of the existing buildings and erection of a building to provide a retail unit at ground floor with 5 no. Houses in Multiple Occupation (providing 21 bedrooms) on the first, second and third floors, and altered vehicular access (revised application pursuant to ref. 21/00564/FUL)

In exercise of its powers under the above-mentioned Act and Order the City Council as the Local Planning Authority **GRANT PERMISSION** for the development described above in accordance with the terms of the application and the plan/s submitted therewith subject to the following conditions:

Condition 1

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason

Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2

The development hereby permitted shall be carried out in accordance with the drawings on the following plans except where otherwise required by conditions of this permission:

Site location plan ref. 1798/03 A
Block Plan as proposed ref. 1798/05 B
Ground and first floor plans as proposed ref. 1798/01 N
Second and third floor plans as proposed ref. 1798/02 Q
Roof plan as proposed ref. 1798/11 D
Site section as existing & site section as proposed ref. 1798/12
Window and door jamb details ref. 1798/14
East street elevation as proposed ref. 1798/15 A
South elevation as proposed ref. 1798/16 A
West street elevation as proposed ref. 1798/17
South street elevation as proposed ref. 1798/18

Reason

To ensure that the development is carried out in accordance with the approved plans.

Condition 3

The existing buildings on the site shall not be demolished until the Local Planning Authority has confirmed in writing its acceptance of a contract for the redevelopment of the site having been let, proof of which shall be submitted to the Local Planning Authority.

Reason

To preserve the character and appearance of the Conservation Area.

Satisfying this condition is necessary prior to commencement given the harm that would otherwise be caused by the demolition itself.

Condition 4

Notwithstanding the submitted details, no construction above damp proof course shall be carried out until the respective details, specifications and samples of the following materials and products, as well as scaled elevations showing their use across the building, have been submitted to and approved in writing by the Local Planning Authority:

- All facing materials including brickwork (including details of mortar, bonding and pointing), cladding, render and roof material; a sample panel of the brickwork with the proposed bonding and pointing shall be constructed at or nearby to the site for the purposes of this consideration;
- Metal rainwater goods unless concealed within the façade of the building;
- Window and door frames;
- External doors;
- Signage panels;
- Photo voltaic panels (including typical section drawings of the product on its mounting system and showing its alignment, shown in the context of the roof form of the building).

Reason

To ensure a satisfactory appearance to the development and preserve the character and appearance of the Conservation Area and setting of listed buildings.

Condition 5

The development shall be carried out in accordance with detailed drawings of the proposed windows and doors, at a minimum scale of 1:5, including elevations and sections, which have first been submitted to and approved in writing by the Local Planning Authority and the fitted joinery shall be in accordance with the approved drawings.

Reason

To ensure a satisfactory appearance to the development and preserve the character and appearance of the Conservation Area and setting of listed buildings.

Condition 6

The face of all door and window frames shall be recessed at least 100mm from the face of the adjacent external walls of the building.

Reason

To accord with the submitted details and ensure a satisfactory appearance to the development and preserve the character and appearance of the Conservation Area and setting of listed buildings.

Condition 7

No development shall commence other than any demolition down to slab level or site securing until a detailed design for the surface water drainage strategy presented in the Flood Risk Assessment/Drainage Strategy (19400-R01-03) has been submitted to and approved in writing by the Local Planning Authority. The submitted strategy must demonstrate the technical feasibility and viability of the proposed drainage system through the use of SuDS to manage the flood risk to the site for the lifetime of the development. The scheme for the surface water drainage shall be implemented in accordance with the approved details and timetable and shall be fully operational before the development is first occupied.

Reason

To ensure the development is provided with a satisfactory means of drainage and thereby reducing the risk of flooding. It is important that these details are agreed prior to the commencement of construction as any works on site could have implications for drainage and flood risk in the locality.

Condition 8

The development shall have a finished floor level of not less than 13.4m AOD.

Reason

To ensure the development remains safe from flooding over its lifetime.

Condition 9

The drainage system shall be maintained in accordance with the management and maintenance measures set out in the tumu consulting Flood Risk Assessment (ref. 19400-R01-03, rev. 2, dated 07/04/2022) for the lifetime of the development.

Reason

To provide for the continued operation and maintenance of sustainable drainage features serving the site and to ensure that the development does not result in pollution or flooding, to improve water quality at point of discharge.

Condition 10

The building hereby permitted shall not be occupied until a foul water drainage system has been fully implemented in accordance with details of its design, implementation, maintenance and management that have been submitted to and approved in writing by the Local Planning Authority. The foul water drainage system shall be maintained/managed, in accordance with the approved details.

Reason

To ensure development would not result in unacceptable risk of pollution or harm to the environment.

Condition 11

No development other than demolition down to ground floor slab level or site securing shall take place within the application site until a report outlining the results of a programme of archaeological evaluation has been submitted to and approved in writing by the Local Planning Authority.

Reason

To make provision for a programme of archaeological evaluation, so as to describe the significance of heritage assets of archaeological interest within the site. This is to allow the scheme to be designed in a manner that minimises the impact on archaeological remains.

Condition 12

No development other than demolition down to ground floor slab level or site securing shall commence within the application site until a detailed scheme showing the complete scope and arrangement of the foundation design and ground works of the proposed development (including pile type and methodology, ground contamination remediation, drains and services) has been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved scheme.

Reason

The site may contain significant heritage assets of archaeological interest. These details are required to ensure that disturbance or damage by foundations and related works are minimised, archaeological remains are, where possible, preserved in situ.

Condition 13

No development other than demolition down to ground floor slab level or site securing shall take place within the application site until until a written scheme of investigation of archaeological remains, including a timetable for the investigation, has been 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.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost.

Condition 14

All demolition at slab level and below, and all development, shall take place in accordance with the Written Scheme of Investigation of archaeological remains. This condition shall not be discharged 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 13, provision has been made for the analysis, publication and dissemination of results and archive deposition has been secured.

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which will be lost.

Condition 15

The existing aggregated perimeter wall at the rear/south of the site adjacent to the car park shall be retained within the scheme as shown on the approved plans.

Reason

To preserve this aspect of heritage significance of the site and the character and appearance of the Conservation Area.

Condition 16

Construction and demolition work and the delivery of materials shall only be carried out between 0800 hours to 1800 hours Monday to Friday, 0800hours to 1300hours on Saturdays and no construction or demolition work or deliveries shall take place on Sundays or Public/Bank Holidays.

Reason

To safeguard the amenities of the area.

Condition 17

Prior to commencement of any development including demolition a Construction (and demolition) Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (but is not limited to):

- a. Site access/egress
- b. Staff/contractor facilities and parking
- c. Storage, loading and unloading areas for materials and plant
- d. Dust mitigation measures
- e. Noise and vibration mitigation measures
- f. Measures to minimise disturbance to ecological assets.

Development including demolition shall take place only in accordance with the approved CEMP.

Reason

To protect the environment and ecological assets.

These details are required pre-commencement due to the potential impacts of the first phase of works.

Condition 18

The building hereby approved shall not be occupied until details of an alternative ventilation system to all habitable parts of the building has been submitted to and approved in writing by the Local Planning Authority and the approved details have been installed in full.

Reason

As identified in the application to ensure that ventilation can be provided by means that allow windows to be kept shut to ensure noise standards for occupants can be met.

Condition 19

Prior to the commencement of the residential use hereby permitted, the following measures shall all be implemented in full, and thereafter maintained for the duration of the use:

The building envelope shall be constructed to achieve a minimum sound reduction value (Rw) as per table 6.1 of the Aran Acoustics Noise Assessment Report 28 April 2022.

Glazing to all habitable rooms shall achieve a minimum sound reduction value as per table 6.2 of the Aran Acoustics Noise Assessment Report 28 April 2022 and achieve the stated performance across octave bands as specified.

Acoustic ventilation shall achieve a minimum sound reduction value as per Table 6.3 of the Aran Acoustics Noise Assessment Report 28 April 2022 and achieve the stated performance across octave bands as specified. Should more than one ventilator per room be required then the calculation as per section 6.3 of the report shall be applied to ensure the acoustic integrity is not compromised.

Reason

To ensure noise standards for occupants can be met.

Condition 20

Prior to the occupation of the building hereby permitted, the proposed Separating Floor Construction in part 7.2 of the Aran Acoustics Noise Assessment Report 28 April 2022 shall be implemented and thereafter maintained for the duration of the use.

Reason

To protect the noise climate and amenity of residents.

Condition 21

No development that involves intrusive works to the ground, other than archaeological works or that required to be carried out as part of an approved scheme of remediation shall commence until parts 1 to 4 below have been complied with for that phase. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site, which has first been submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM).

2. Submission of Remediation Scheme

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 human health, buildings and other property and the natural and historical environment must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must accord with the provisions of the EPA 1990 in relation to the intended use of the land after remediation. Where undertaken on a phased basis the Remediation Scheme must specify measures to ensure that remediated phases continue to be protected from impacts from un-remediated phases.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development that involves intrusive works to the ground or soft landscaping at ground level other than that required to carry out remediation or archaeological works, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (elsewhere referred to as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

4. 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 in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2 above, and submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, and submitted to and approved in writing by the Local Planning Authority in accordance with part 3 above.

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. This condition is required prior to intrusive works because there is potential for contamination to exist on the site.

Condition 22

Prior to the first occupation of the development hereby approved, bird nesting sites/boxes and artificial bat roosting sites/boxes shall be installed in accordance with details that have first been approved in writing by the Local Planning Authority.

Reason

To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area.

Condition 23

All works shall strictly adhere to the mitigation detailed within the Preliminary Ecological Appraisal (Willder Ecology, June 2021). This includes, but is not limited to, a pre-commencement check of the building for nesting birds and roosting bats immediately prior to works starting.

Reason

In the interests of biodiversity.

Condition 24

Prior to first occupation, a Homeowner Information Pack (HIP) setting out the location and sensitivities of the Cotswold Beechwoods, Alney Island, and Walmore Common shall be submitted to and approved in writing by the Local Planning Authority. The HIP shall include reference to the sensitivities of the sites, messages to help the new occupiers and their families enjoy informal recreation at the specified site and how to avoid negatively affecting it, alternative locations for recreational activities and off-road cycling and recommendations to dog owners for times of year dogs should be kept on lead when using the site (i.e. to avoid disturbance to livestock). Two copies of the HIP shall be provided to all future residents prior to occupation of each unit.

Reason

In the interests of preservation of biodiversity.

Condition 25

Prior to the commencement of the use hereby approved, a scheme of seagull mitigation measures for the building shall be implemented in full in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. Any management measures comprised in the approved details shall be operated for the lifetime of the development.

Reason

To deal with gull nuisance issues in the interests of the amenities of the area.

Condition 26

No development including demolition shall commence until a Waste Minimisation Statement for the Demolition and Construction Period has been submitted to and approved in writing by the Local Planning Authority. The Waste Minimisation Statement shall include details of the types and volumes of construction and demolition waste likely to be generated including measures to minimise, re-use and recycle that waste, and minimise the use of raw materials. The development shall be carried out in accordance with the approved Waste Minimisation Statement.

Reason

In the interests of waste minimisation. This is required pre-commencement given the impacts are likely to commence immediately upon development starting.

Condition 27

Prior to occupation of the development bin storage facilities shall be made available for use in accordance with the submitted plan Ground and First Floor Plans as Proposed drawing no. 1798/01N, and those facilities shall be maintained for the lifetime of the development.

Reason

In the interests of the visual amenities of the area and avoid clutter on the highway.

Condition 28

The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan Ground and First Floor Plans as Proposed drawing no. 1798/01N and those facilities shall be maintained for the duration of the development.

Reason

To ensure the provision and availability of adequate cycle parking.

Condition 29

No development shall take place, including any demolition works, until a construction management plan or construction method statement for highways matters has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall include:

- A 24 hour emergency contact number;
- The hours of operation set out in this decision notice;

- Parking provision/arrangements for vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic/relevant signage;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason

In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

This needs to be addressed prior to commencement given impacts would occur immediately.

Condition 30

The development hereby permitted shall not be first occupied until a Welcome Pack has been submitted to and agreed in writing by the Local Planning Authority containing details of cycle routes, pedestrian routes and public transport services and facilities. The approved Welcome Pack shall be provided to each occupier upon occupation.

Reason

To ensure that the appropriate opportunities to promote sustainable transport modes are taken up, with respect to this zero-parking development.

Condition 31

Notwithstanding that referred to in the application the ground floor commercial, business and service use hereby permitted shall not be open to customers and no deliveries or collections shall be made to or from the use outside the period of 0730 hours to 2100 hours on any day.

Reason

To protect the noise climate and amenity of residents.

Informative note

This permission does not approve any external plant. A further planning permission may be required for any plant required in association with occupation of the ground floor or otherwise. Any such application would need to demonstrate that the plant would preserve the living conditions of residential occupants of the building and neighbouring buildings.

Informative note

Severn Trent Water advises that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact Severn Trent Water at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Informative note

1. The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authority's Network Management Team at Network&TrafficManagement@gloucestershire.gov.uk before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

2. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says:
Constructors should give utmost consideration to their impact on neighbours and the public
Informing, respecting and showing courtesy to those affected by the work;
Minimising the impact of deliveries, parking and work on the public highway;
Contributing to and supporting the local community and economy; and
Working to create a positive and enduring impression, and promoting the Code.

The CEMP should clearly identify how the principle contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

The CEMP can include but is not limited to:

A construction programme including phasing of works;

24 hour emergency contact number;

Hours of operation;

Expected number and type of vehicles accessing the site;

Deliveries, waste, cranes, equipment, plant, works, visitors;

Size of construction vehicles;

The use of a consolidation operation or scheme for the delivery of materials and goods;

Phasing of works;

Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):

Programming;

Waste management;

Construction methodology;

Shared deliveries;

Car sharing;

Travel planning;

Local workforce;

Parking facilities for staff and visitors;

On-site facilities;

A scheme to encourage the use of public transport and cycling;

Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residual roads;

Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;

Location for storage of plant/waste/construction materials;

Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;

Arrangements to receive abnormal loads or unusually large vehicles;

Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;

Any necessary temporary traffic management measures;

Measures to protect vulnerable road users (cyclists and pedestrians);

Arrangements for temporary facilities for any bus stops or routes;
Highway Condition survey;
Method of preventing mud being carried onto the highway; and
Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.



Jon Bishop
Planning and Development Control Manager

Decision date: 23rd May 2022

PLEASE SEE NOTES SET OUT IN THE ENCLOSED LEAFLET