



Report to: Planning Committee, 21st February 2019

Report of: Deputy Director - Economic Development and Planning

Subject: APPLICATION P18E0484: NEW 3 BEDROOM DWELLING AT LAND AT ADJACENT TO 1 LAVENDER ROAD

1. Recommendation

1.1 The Deputy Director - Economic Development and Planning recommends that the Planning Committee grant planning permission, subject to the conditions set out in the plans list.

2. Background

- 2.1 The application has been put before Planning Committee as it is contrary to policy SWDP 38 - Green Space of the South Worcestershire Development Plan 2016.
- 2.2 The application was validated on the 30th October 2018. An extension of time for the determination of the application to 25th February 2019 has been agreed with the applicant.

3. The Site and Surrounding Area

- 3.1 The site has been purchased and is now under separate ownership from 1 Lavender Road, which was the original park keeper's cottage for Ghulevelt Park and is sited to over look the park. The site sits within the rear amenity space of the original house and the southern boundary adjoins the park. To the north is Lavender Road and either side the adjacent dwellings.
- 3.2 Ghulevelt Park is a registered Historic Park and Garden, which is a status akin to being listed. The site is designated as Green Space within the South Worcestershire Development Plan 2016. To the south of the site are large trees which are not protected by a tree preservation order which are under the ownership of Worcester City Council. The site is also designated as an Archaeological area.
- 3.3 Lavender Road is characterised by the blocks of development along the road, initially the tall Victorian townhouses opposite the rear of the smaller (now listed) servicemen's dwellings which are sited within the park. Adjacent is the terraced Victorian dwellings with extended frontages. At this point there is a kink in the road which 1 Lavender Road would have punctuated with the park keepers cottage. Opposite are the side elevations of Kepax Gardens which are accessed off Park Avenue, then large Victorian villas- although these have been much altered- especially the care home which has been extensively extended. Adjacent to the site are dormer bungalows which are set back from the road, they have large frontages and off road car parking. Further along is later development as you move along Park Avenue Lane.

- 3.4 This descriptive tour along the road is to demonstrate the varied and punctuated nature of the road. There are no distinct building styles, type or prevailing character. The variety of styles means they have different attributes which demonstrate the morphology of the road.
- 3.5 The park itself has a range of characteristics and styles within the park. The eastern area is more formally set out, the central area of splash pad and the tennis courts and intermediate area and the western more naturalistic leading to the river. The site is situated on the northern boarder of the park and it is elevated from the tennis courts. The sharp bank has natural coverage with scrub area demonstrating it as a periphery area rather than a well utilised area of the site.
- 3.6 A secondary entrance from Lavender road is adjacent to the park keeper's cottage with the path leading away from the site towards the tennis courts and stream.
- 3.7 A former application for a single three bedroom dwelling (P16E0206) was approved in 2016, to be sited adjacent to the existing house. However, this would generate harm to the existing trees on the boundary of the park. As such, a scheme to be alternatively sited was sought.
- 3.8 The site has undergone some clearance works. The front boundary has an established hedge which is extensive, but full of ivy and is patchy and inconsistent. The site is on higher ground than the park, but south-west corner descends by 1.3 metres from the road height.

4. The Proposal

- 4.1 The submitted proposal seeks permission for a three bedroom dwellinghouse. The proposal has living room, dining room, kitchen, utility and cloakroom at ground floor. The first floor has three bedrooms –all en-suite and a bathroom.
- 4.2 The design is L shaped to ensure the existing large trees in the park are not harmed and development is kept away from the existing substantial trees, with the corner of the dwelling facing into the site and across the park. The outer corner has a curved wall which faces onto Lavender Road.
- 4.3 The building has been designed to have a modern appearance, with a sedum roof, grey metal aluminium windows with elongated glazing, recessed panels in the brickwork and clear glazed balconies.
- 4.4 The exterior of the building has been extensively designed to work with the Green Space designation and seeks to improve the biodiversity for the site and to ensure existing qualities within the site are maintained and improved.
- 4.5 The scheme includes a fully set out landscaping scheme. This includes the planting of 11 various native trees within the site (5 along the western boundary to form a planting buffer and 4 along the southern boundary with the park to reinforce this boundary and 2 in the southern corner. The evergreen hedge is to be retained and hedging installed to reinforce and upgrade the existing hedge and will go around most of the perimeter of the site with a native copse mix in the eastern area. Raised herb beds are proposed to be added, along with wildflower meadow grass in the periphery of the lawn area. Additionally, there is a proposed shed on the eastern area which includes a bat roost in the roof area to provide habitat improvements.

5. Planning Policy

5.1 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.

5.2 The Development Plan for Worcester now comprises:

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

5.3 The following policies of the SWDP are considered to be relevant to the application proposals:-

SWDP 5 - Green Infrastructure
SWDP 6 - Historic Environment
SWDP 21- Design
SWDP 22- Biodiversity and Geodiversity
SWDP 24- Management of the Historic Environment
SWDP 25- Landscape Character
SWDP 26- Telecommunications and Broadband
SWDP 27- Renewable and Low Carbon Energy
SWDP 29 -Sustainable Drainage Systems
SWDP 30- Water Resources Efficiency and Treatment
SWDP 33- Waste
SWDP 38- Green Space

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

5.4 The Waste Local Plan was adopted 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)
- WCS17 (Making provision for waste in new development)

Material Considerations

1. National Planning Policy Framework (NPPF)

5.5 The updated version of the National Planning Policy Framework (NPPF) was published and came into effect on 24th July 2018. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It constitutes guidance for local planning authorities and decision takers and is a material planning consideration in determining planning applications.

- 5.6 All the policies in the NPPF constitute Government's view of what sustainable development in England means in practice: an economic role, contributing to a strong, responsive, competitive economy; a social role, supporting vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment with accessible local services that reflect the community's needs; and an environmental role, protecting and enhancing our natural, built and historic environment. Economic, social and environmental improvement should be sought jointly and simultaneously.
- 5.7 Paragraph 38 of the NPPF encourages Local Planning Authorities to approach decision taking in a positive way and to foster the delivery of sustainable development. Local Planning Authorities are advised to approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

2. National Planning Practice Guidance

- 5.8 On 6th March 2014 the Government also published National Planning Practice Guidance (NPPG) that comprises, amongst other matters: Air Quality, Health and Wellbeing, Noise, and Use of Planning Conditions.

3. Supplementary Planning Documents

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

- Design Quality SPD
- Planning for Health in South Worcestershire SPD
- Renewable and Low Carbon Energy SPD (July 2018)

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

- 5.10 LTP4 set out issues and priorities for investment in transport infrastructure, technology and services, focussed on supporting travel by all modes. In accordance with national and local objectives, a series of local transport-specific objectives are identified in the LTP4:
- "To support Worcestershire's economic competitiveness and growth through delivering a safe, reliable and efficient transport network.
 - To limit the impacts of transport in Worcestershire on the local environment, by supporting enhancements to the natural environment and biodiversity, investing in transport infrastructure to reduce flood risk and other environmental damage, and reducing transport-related emissions of nitrogen dioxide, particulate matter, greenhouse gases and noise pollution. This will support delivery of the desired outcomes of tackling climate change and reducing the impacts of transport on public health.
 - To contribute towards better safety, security, health and longer life expectancy in Worcestershire, by reducing the risk of death, injury or illness arising from transport and promoting healthy modes of travel.

- To optimise equality of opportunity for all of Worcestershire's citizens with the desired outcome of creating a fairer society.
- To enhance the quality of life for Worcestershire's residents by promoting a healthy, natural environment, for people, wildlife and habitats, conserving our historic built environment and preserving our heritage assets."

1. Worcestershire County Council Streetscape Design Guide (2018)

- 5.11 The 'Streetscape Design Guide' (SDG) was produced to aid architects, engineers, planners, developers, designers and other professionals in preparing transport infrastructure related to new developments. It is to be considered in conjunction with Manual for Streets 1 and 2, as well as the Design Manual for Roads and Bridges.
- 5.12 Chapter 4 relates to 'Planning for Parking' and seeks to provide an approach as to how car parking in Worcestershire should be provided to support development in a manner which embraces the NPPF. It is considered that if the applicant is the end user that they are well placed to assess operational demands but all sites must be considered against a planning use class to ensure they equally address the needs of future users. Therefore applications should provide a suitable evidence base to ensure vehicles are not displaced onto the highway to ensure highway safety is not compromised and maintain the free flow of traffic to the benefit of the local economy. This document only reflects a small part of managing vehicle demands and therefore should be read alongside the Local Transport Plan (above) which contains policies to promote sustainable travel through the provision of physical infrastructure and travel planning initiatives.

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

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

The following are the minimum requirements:

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

* In Rural parishes of Redditch this should be increased to 4 spaces.

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

6. Planning History

6.1 The site has been the subject of the following application:

- P16E0206- Proposed new dwellinghouse- Approved with conditions- 22nd June 2018
- P15E0264- Withdrawn incomplete -19th August 2018
- P14E0098- withdrawn – 17th June 2014

7. Consultations

7.1 Formal consultation has been undertaken in respect of the application. The following comments from statutory and non-statutory consultees have been received in relation to the proposals:-

Worcester City Council Planning and Conservation Officer:

"I note the changes between this revised scheme and the one upon which I commented previously.

I also recall the comments that had been received upon the scheme as originally submitted, notably from the Conservation Advisory Panel.

The application site is a difficult one, constrained by history and the root balls of mature trees. In design terms there are few if any coherent cues towards any particular architectural style or period. Part of the road has the backs of houses in Gheluveld Park, and the other has polite terrace villas, whose coherence has been diminished through the loss of original features such as windows and front walls. Therefore, a modern approach to design – as here – is appropriate.

Overall, I think that this revised scheme works much better, and addresses most of the concerns raised in the received comments.

Of particular note is the removal of a second-storey element, which has reduced the visual impact of the proposed dwelling; whilst the decision not to render elements of the building has also further diminished its presence in the streetscape.

I am particularly impressed with the submitted landscape scheme. This is extraordinarily detailed and contains many innovative ideas. I particularly like the 'woven' fencing proposed. Appropriately conditioned, this should produce a very satisfactory scheme.

Materials will need to be conditioned. There are some good suggestions in the proposals – such as brick string courses – but these will only be successful when executed in the most appropriate materials."

West Mercia Constabulary: No objection

Worcester City Council Archaeology Officer: conditions required.

Worcester City Council Landscape and Biodiversity Consultant:

" There are a few amendments required; to increase the size of the standard trees to 12-14cm, to change the species of the road and all boundary hedges to a mixed native hedge* (ie not Golden privet), and extend this hedge/native planting strip all along the southern boundary as well. Also a copse area should be introduced at the end of the garden as per the sketch provided. The position of the new building now means that the existing large tree offsite in Gheluvelt Park is not adversely affected, with its RPA clearly shown as undisturbed. However that area should be temporarily fenced off so that no storage or other disturbance occurs to the root area, and no level changes from existing should take place either.

Although this area is green infrastructure and only community use allowed as per SWDP policies, it is a small area and given the above the applicant has increased the biodiversity value a great deal from the existing position, *as well as addressing the boundary setting to the park and adjacent green infrastructure (increasing this green boundary strip at the building to 2.5 metres)* with new native planting, meadow area, a native green roof and new bat roost.

However despite all the above, the development is still contrary to policy, but the committee may or may not wish to allow an exception, in this case only, due to the planning history and the biodiversity enhancement provided.

*The mix should include a small proportion of native evergreens such as Holly and Privet, this proportion could be increased for the roadside hedge if desired, as well as more Hornbeam, often classed as semi-evergreen. "

Please note- All of the requested changes have been altered and amended in the revised latest Landscaping Plan to the satisfaction of the Landscape and Biodiversity Consultant, with the only exception being the siting of the building which continues to have a 2 metre gap to the rear boundary of the site rather than a 2.5 metres as requested.

The scheme has been discussed at length with the landscape scheme brought forward which was specified largely by the Landscape and Biodiversity Consultant with plant types specified and constraints of the site led by the constraints regarding the Green qualities of the site, which are included and addressed in the fully specified landscaping scheme.

Former Tree Officer- Worcester City Council: There is no Tree officer currently in post, however before leaving Worcester City Council the former Tree Officer met with the applicant on site and discussed the level of clearance on the site. He 'did not see that the trees around the roadside boundary would be worthy of a TPO, a brief visual assessment made them look densely infected with ivy with poor crowns.'

'As the large impressive tree (the swamp Cypress) is on WCC land I did not consider it for a TPO and I did make it clear to the developer any unauthorised works was not to be carried out.'

Emails from June 2018.

South Worcestershire Land Drainage Partnership: No objection, subject to a condition regarding sustainable urban drainage.

Worcester City Council - Cleaner and Greener: general comment regarding bin provision

Highway Authority: no objection - Further to the deferral comment the applicant has submitted an amended plan showing a reduction to a 3no. bedroom dwelling and 2 parking spaces within the curtilage which complies with policy requirements and there is no further objection to raise. It is noted that there is a shed for cycle parking which meets standards and the access to the parking area is to be surfaced in a bound material. Any dropped kerb works that are required to enable access must be carried out by WCC contractors Ringway as per the note below. The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted and consultation responses from third parties the Highway Authority concludes that the proposal would not be contrary to Para. 109 NPPF and therefore there are no justifiable grounds on which an objection could be maintained.

A condition is requested requiring access, turning area and parking facilities and provided including cycle parking prior to occupation.

Conservation Area Panel:

'I did visit the site this morning and have some observations to share - in no particular order -

1. Most of the existing vegetation has already been cleared (see photo).
2. The key tree is outside the site and is (I think, a sequoia). I did a quick measure and the girth is about 4.2m - a big tree. The root protection zone should therefore be 4.2x12. (in accordance with BS5837) = huge. However, the RPZ will be capped at 15m radius. See my diagram that shows a 15m radius circle to somewhat bigger than the architect's. I may be wrong, so we need more evidence on this.
3. Our comments from last night probably still stand in that, a, some development is fine (previous consent makes this 100% the case), b, a modern design might be appropriate but c, such a scheme needs to have a better relationship with the park, have a better relationship with the adjacent properties and relate better to the street. More robust supporting information is needed on ecology and arboriculture - i.e. a full study on the two existing trees even if they are outside the site.
4. The application does mention, briefly, some ecological enhancements, but this is not demonstrated in the scheme. I would not be happy with these being conditioned as they are, according to the applicant, integral to the scheme. If, for example, they are planning to remove the remaining existing vegetation, then this is important and needs to be considered now. We have seen, all too often, this type of information coming to light when it is too late.
5. There is evidence of badgers very close by (large hole in the undergrowth) but this is not mentioned or addressed.
6. The 'Tree protection officer' simply responds about archaeology and does not mention this very important tree - why / why not ?

7. If the architect is going to give us a proper view of the proposals, then at least the correct relationship between the proposed building and the existing trees should be accurate - the trees shown look nothing like the actual ones in the background.'

Neighbour and other third party comments: There have been a number of objections to the scheme, however as yet I have not received amended or revised comments regarding the final proposed scheme.

3 Lavender Road - Concerns regarding highway safety especially near footpath to park. The position of the dwelling would dominate the bungalow and street
Loss of light and impact on outlook

64 Lavender Road - Support development of the site but consider the scheme to be not inkeeping with the surrounding properties, especially as three storey in height.

5 Kepax Gardens - Concerns regarding increase in footprint of 20%, concern regarding the tree and root protection zone

6 Kepax Gardens - Impact on character of area and impact on neighbouring amenity with 6 metres between the proposed dwelling and their property opposite including overlooking

8 Kepax Gardens - Overlooking the rear amenity area, height of 3 storey, concerns regarding the contemporary design and being out of character

9 Kepax Gardens - Impact on outlook onto Ghulevelt Park, concerns with design and style of dwelling, impact on highway safety and traffic

Mr & Mrs Faultless- address not given - Impact on privacy of bungalows of no 3 and 5, the position of the proposed dwelling on building line especially in regarding to 3 & 5 Lavender Road and Tower Road.

Subsequent to these comments the scheme has been amended, in part to address the neighbours concerns.

7.2 Members have been given the opportunity to read all representations that have been received in full. At the time of writing this report no other consultation responses have been received. Any additional responses received will be reported to members verbally or in the form of a late paper, subject to the date of receipt.

7.3 In assessing the proposal due regard has been given to local residents comments as material planning considerations. Nevertheless, I am also mindful that decisions should not be made solely on the basis of the number of representations, whether they are for or against a proposal. The Localism Act has not changed this, nor has it changed the advice that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it is founded on valid planning reasons.

8. Comments of Deputy Director - Economic Development and Planning

8.1 Following a comprehensive site visit and assessment of the submitted plans, the main issues raised by the proposals are as follows:

- The principle of the proposed development;
- Design and appearance;
- Impact on Green Space;
- Impact on neighbouring residents' amenities;
- Impact on the Historic Park and landscape quality of the area;
- Biodiversity within the site; and
- Highways and footpaths.

These matters will now be considered in turn.

The principle of the proposed development

- 8.2 Residential development of the site would change the use of the site, which is currently vacant, from its former use as garden area relating to 1 Lavender Road. The constraints of the site in terms of proximity to the Historic Park and the large established tree on land owned by Worcester City Council, afford its own restrictions on both design and development opportunity. The assessment of these issues will be carried out later in the report, however if the application does not meet the relevant requirements there would be an objection to the principle of development as being an unsuitable site for the proposed development.
- 8.3 Policy SWDP 38 states that development should only be undertaken for recreation or community use. The policy states this should be considered in conjunction with the other policies which specifically relate to the assessment of the Green Space and the biodiversity of the site and how this can be assessed to ascertain if there is improvement to the area which is designated as protect and enhance in the SWDP.
- 8.4 The site is within the boundary of the designated Historic Park as part of its relationship to 1 Lavender Road, and so policies SWDP 6 and SWDP 24 are highly relevant to assess whether the impact is acceptable. Throughout the park the historic Park has different established character areas. The suitability of the development is considered in terms of the impact of the historic asset of the conservation area to assess whether it is acceptable.
- 8.5 Notwithstanding the above, due consideration must also be given to what, if any, impacts the proposal will have, specifically in relation to the character of the site and, as well as highway safety and the biodiversity within the site, together with the impact on neighbour amenities. These issues will be considered in detail in later sections of this report.

Design and Appearance

- 8.6 Policy SWDP 21 seeks to ensure that, amongst other matters, all new development will be of high quality design and integrate effectively with its surroundings with consideration given to siting and layout; relationships to surroundings and other developments; open spaces; mix of uses; sustainability and energy performance; scale, form and massing; links connectivity and access; detailed design and materials; appropriate facilities; landscaping and biodiversity; public realm, and; creating a safe environment.
- 8.7 These policy requirements are consistent with the aims and objectives of the NPPF which attaches significant weight to the importance of design of the built environment and identifies it as a key aspect of sustainable development.

High quality design goes beyond aesthetic considerations including the architecture of individual buildings to encompass the integration of new development into the natural, built and historic environment. When considering the merits of the submitted proposal it is therefore important to consider how the design and layout of the proposed development will integrate with the setting of the site, and its relationship with the river and its surroundings and how it will function as a sustainable form of development for future residents.

- 8.8 These issues are covered principally in the Design and Access Statement. This provides an assessment of the site context and explains and illustrates the proposed development.
- 8.9 The modern design is considered to be appropriate in this context where the street has grown incrementally and it demonstrates that this is the most modern infill. Furthermore, given the lack of relationship with the adjacent development it would be discordant to have a design which was reflective of either of these styles.
- 8.10 This approach is supported the conservation Officer who is supportive of the design. The conservation Area Panel supports a modern design approach, but were not convinced of the three storey design which has since been revised.
- 8.11 The bespoke design of the scheme has been led by the constraints of the site most particularly the established tree which focused development on the North West areas due to the significant root protection zone. These include the green/sedum roof to lessen the visual impact, the willow fence adjoining the boundary with the park to soften the barrier between the public and residential areas, the replenishment of the hedge and new hedges to other boundaries to improve the established character along Lavender Road and having a wilder outer areas to blend with the surrounding areas rather than a more traditional residential landscape character.
- 8.12 The built form uses a red brick with texture panels and horizontal banding as illustrates on the submitted plans to look less boxy and provide a material which is well used in the local environment. The windows are grey aluminium with glazed balcony the slender uprights of the balcony to lessen the massing on the river bank, the natural material on the side elevation intended to blend rather than be obvious have all been led by these conscious design choices. This is most apparent in the landscaping and external areas which have been designed to limit the domestic appearance and retain the natural design approach to the site.
- 8.13 In this respect I consider that the design is a positive aspect of the proposal and would be a good example of development in the city, a view supported by the Planning and Conservation Officer. This relates to the approach promoted in SWDP21 which states 'New and innovative designs will be encouraged and supported where they enhance the overall quality of the built environment.'
- 8.14 The proposal would result in an acceptable form of development that responds in a positive manner to particular site constraints and opportunities and would achieve a satisfactory standard of design, layout, scale and appearance. In this regard I am satisfied that the site has the capacity and potential to accommodate the proposed development in an acceptable manner and would be appropriate for this sensitive site. It has been developed to a degree where the principles of massing and siting can be shown to be both realistic and well located in terms of the surrounding development and landscape setting.

Furthermore I consider the quality of the proposed design to be satisfactory in terms of the amenity of the proposed residents of the building.

- 8.15 As discussed by Dr Collins, the use of high quality materials is an essential component of the scheme to secure the quality of the site, and I would recommend that the exact nature of the finishing materials and hard landscaping within the site be subject to a condition requiring submission of details in order to ensure these are appropriate.

Impact on Green Space

- 8.16 The site lies within an area designated as being Green Space in the SWDP wherein policy SWDP 38 applies. Both national and local policy requires development proposals to be sympathetic to their landscape setting and encourages the creation and conservation of green open spaces and green corridors within and on the periphery of settlements.
- 8.17 Bringing forward development on the site within Green Space inescapably creates tension with the above policy and it is accepted that there will inevitably be some impact, but that impact is of a kind which would inevitably occur at any site upon which development might occur. In my opinion, it is significant that policy SWDP 38 does not specifically preclude development. In particular, the policy allows for development which is not community / recreational use that does not compromise the essential quality and character of the Green Space. To satisfy this requirement, there needs to be consideration of the works associated on site rather than off-site. As such, the test of acceptability cannot rest solely on either: (i) the visibility of the development or (ii) its effect on openness. It is inevitable that any new development of the site would be visible, because any new development would be visible.
- 8.18 Although the site is identified as part of the city's Green Space in the SWDP, relevant policies (SWDP 5, 22 and 29) anticipate the possibility of some development on Green Space and provide that development in such areas may be allowed should other material considerations outweigh its designation.
- 8.19 Whilst the site is designated as Green Space, the proposals are not entirely inconsistent with the aims and objectives of the designated Green Space policies, noting the following:
- The proposed development will be set within a landscaped context which will ensure the overall character of the green space will be maintained and enhanced;
 - There are opportunities to enhance the green space with new planting and this area of landscaping coming under positive management, this is especially true of the riverbank which from the public footpath is the most visible aspect of the site;
 - In terms of the specific aspects of Green Space policy it would still retain its ecology and landscape roll and it would be improved with on site linking to other parts of the green space network to retain its continuity.
 - The development complements the aims of the aims of the Green Space policy in that it retains its overall landscape contribution and enhances it with new planting and management.
 - Although the land upon which the proposed development would be sited is not considered 'surplus to requirements'. Overall there is considered to be an improvement in the quality of the Green Space and the management of the site as well as the initial planting would allow for betterment.

8.20 Alongside this, the proposal anticipates a high standard of design and landscaping to mitigate the impact on the area. There is a general presumption within policy that certain criteria should be met for new developments in such areas. These include that buildings should be of a scale, design and density appropriate to the Green Space, and adequate screening and landscaping are incorporated where possible. I consider that the proposed scheme accords with such criteria and would provide an acceptable development in Green Space terms.

Impact on neighbouring residents' amenities

8.21 Policy SWDP 21 requires that new development does not have a significant adverse effect on neighbouring amenity. This is consistent with paragraph 127 of the NPPF that requires planning policies and decisions, amongst other matters, to ensure a high standard of amenity for existing and future users of land and buildings. Due consideration must therefore be given in the determination of this application to the impact on the amenity of adjoining land users.

8.22 The scheme has been altered to have no rear facing windows on the upper floor and a single rear facing window on the south elevation to limit overlooking or a perception of overlooking. There is a distance of 10.5 metres between the central point of the neighbour's front facing window and the rear corner of the proposed dwelling.

8.23 The plans clearly demonstrate the levels and relationship between no 3 and the proposed property. The window layout of the rear facing bedroom and living room not clash with the front facing windows of 3 Lavender road and have been sited away from the side elevation. The topography means that there is not a direct window to window relationship which the ground level of No 3 being mid-floor level on the new proposed dwelling

8.24 This, along with consideration within the design regarding orientation, room layout and natural ground levels means the relationship between the dwellings would not result in overlooking.

8.25 The distance between the dwellings and the relationship between them I consider acceptable by virtue of separation distance and the angle of development in relation to one another.

8.26 The proposal would be visible from the front facing windows, but at a distance of 10.5 metres to the nearest corner there is sufficient distance for it to not be harmful. The massing if the built form of the proposed dwelling would be clear from within the front amenity area of no 3 Lavender Road. However this in itself does not result in harm.

8.27 It would impact the outlook significantly from front facing windows with views of the upper storey of the proposed dwelling being visible however due to the distance and the siting of the proposed dwelling being skewed away from the boundary I consider the massing would not generate a harmful effect. The landscaping scheme includes 7 trees to be planted along this boundary which is currently overgrown and ill kempt. There would be a degree of betterment in the tree panting and would- in time- limit the impact of the proposed built form on this front outlook.

- 8.28 The neighbours in Kepax Gardens have objected with concerns of overlooking to their rear gardens. There is a distance of approximately 8 metres between the proposed dwelling and the rear boundary of the dwellings at Kepax Gardens, all who have well established rear boundaries. The distance between bedroom 3 window and the rear elevation of No 8 Kepax gardens is 19 metres. The Design Guide would expect 20 metres separation distance between two storey dwellings, however the highway between them reduces the relationship between the dwellings and I consider the 19 metres is sufficient separation distance and the level of overlooking is acceptable.
- 8.29 With respect to any concerns that may be raised by neighbouring residents regarding the development and the impact of the additional traffic along Lavender Road whilst I may be sympathetic, the proposal includes off road car parking as well as an area to access and pull off the road before parking.

Impact on the Historic Park and landscape quality of the area

- 8.30 The proposal is within the designated area of the Historic Park although the site was sold to the owner of 1 Lavender Road a number of years ago under right to buy.
- 8.31 The proposed dwelling will be visible from within the park from a number of vantages near the bridge crossing the stream adjacent to the tennis courts and around this area. However the trees and supplemental planting will, once established, limit the intrusive nature of built form along the bank and boundary of the park.
- 8.32 The principle impact would be members of the public within the nearby area of the park, although the willow fencing and trees will street much of the massing and the green roof will add to the landscape character of the area.
- 8.33 The impact would be limited given the design efforts to limit the visual intrusion of the built form; furthermore improvements to the bank at the side of the footpath would be an improvement, with small trees and planting along this area instead of the current brambles and growth. The top area of the site would introduce built form; however this is prevalent already in this area which has limited positive value.
- 8.34 Policy SWDP Policy 25 requires that development proposals are appropriate and integrate with the character of the landscape and conserve the important landscape characteristics. Paragraph 17 of the Framework recognises the intrinsic character and beauty of the countryside as a core planning principle. Chapter 11 of the NPPF makes reference to the protection and enhancement of valued landscapes, the weight to be given to criteria based policies, such as landscape character designations, and the need to create, protect, enhance and manage green infrastructure. That there must be an impact on the landscape from the proposed development is undeniable. The nature of the application site would be changed from vacant land to domestic. That would be true irrespective of what mitigation is proposed by means of layout or landscaping to reduce the impact of the proposed development. The issue is how significant that impact would be.

- 8.35 The general conclusion is that, in a localised context, landscape and visual impacts would arise, these impacts are of an acceptable nature.
- 8.36 In landscape character terms this development further urbanises the periphery of the park, however given it is sited within a residential area of the city this is not unacceptable. The proposal has benefits to the park and I consider it would relate well to the Historic Park and form part of the character of the park within the established residential areas. The improvements in the landscape quality of the area would have a degree of betterment for the Historic Park in accordance with the aims of SWDP 6 and SWDP 24.
- 8.37 However given changes to the local context in terms of Lavender Road, I consider the site does operate as a gap site, with the site being divorced from 1 Lavender Road by virtue of ownership and being vacant. Given the efforts made in the design to lessen the impact as well as improve the wider setting of the site I consider on balance it is acceptable and would not generate harm.

Biodiversity of the site

- 8.38 The City Council's Landscape and Biodiversity Adviser has been involved in extensive negotiations on this scheme and have raised no objections to the proposal subject to final detailing being controlled through relevant conditions.
- 8.39 Relevant legislation includes the Wildlife and Countryside Act (1981) (as amended); the Countryside and Rights of Way Act, 2000; the Natural Environment and Rural Communities Act (NERC, 2006); and the Conservation of Habitats and Species Regulations (2010) and the EU Habitats Directive. Local planning authorities have a legal obligation to consider whether European protected species are likely to be affected by a proposed development.
- 8.40 The Natural Environment and Rural Communities Act 2006 requires that "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." Further, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010), Regulation 9(5) provides that "a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions". A Local Planning Authority is a competent authority for the purpose of these regulations and is exercising a function in deciding whether or not to grant a planning permission.
- 8.41 Paragraph 109 of the NPPF states that the planning system should contribute to the natural and local environment by protecting and enhancing valued landscapes and minimising impacts on biodiversity. In addition, paragraph 118 of the Framework seeks to ensure that development proposals incorporate measures for biodiversity enhancement. SWDP Policy 22 seeks to protect wider biodiversity and is consistent with the Framework in so far as the planning system is required to perform an environmental role in protecting and enhancing the natural environment.
- 8.42 The landscaping plan has wildflower grass meadow around the periphery which has better biodiversity benefits above domestic lawn, it has areas which benefit from tree shade as well as more open areas for a variety of species, and a variety of tree to be planted depending on the area and conditions of that part of the site.

- 8.43 The hedge will be supported with 39 metres of already established hedge to reinforce and add quality to the existing hedge boundary of the site. Conservation Area advisory Panel raised queries regarding the root protection area of the
- 8.44 The scheme has been designed to retain the existing landscape qualities of the site, those within and those beyond it -within the park. The Root protection area has been considered by the Landscape Architect and our Landscape and Biodiversity Consultant to ensure the built form is appropriately sited to ensure it is not harmed. However conditions which secure its safeguarding during construction should be applied, if approved.

Highways and footpaths

- 8.45 The proposal allows for car parking to the east of the dwelling with an area for pulling off the highway and manoeuvring into the parking spaces.
- 8.46 The Highway Authority has been consulted on the amended proposals that seek to address concerns originally raised regarding visibility and access onto the highway. As amended, the Highway Authority has no objection to the proposal, subject to recommended conditions..
- 8.47 There have been comments from neighbours regarding the lack of footpath on this stretch of highway. I agree that this is not ideal but does not according to the Highways team make the proposal unacceptable.
- 8.48 With regard to cycle storage provision is made within a garden shed which, given its proximity to the entrance and highway, is considered acceptable to both the LPA and Highway Authority.

9. Conclusion

- 9.1 The NPPF identifies a series of the components that are considered critical to achieving sustainable development. In my opinion, the above assessment of the planning application proposals against the planning policy framework demonstrates that the application responds to the requirements of the adopted planning policy within the development plan and addressed material considerations relevant to the determination of the application.
- 9.2 Whilst the assessment is not an exhaustive list of all policies that are potentially applicable to this site, it seeks to address how the proposals respond to the key planning criteria in the planning policy framework against which the planning application will be determined. Whilst the type of development is unable to meet the requirements of the Green Space policy SWDP 38 I believe that the level of improvement in the natural environmental qualities of the site from the existing position and considerable and ought to be given due weighting. The opportunity to secure a development which has biodiversity benefits beyond the previously approved scheme and is a landscape led design makes it an opportunity for the site to be a modern infill in the road which has such a variety of character.
- 9.3 The built form has been designed to address the site and to ensure that the amenity of neighbouring residents is not compromised with careful placement of windows and built form.

As such it would not generate a harmful impact on neighbours to the degree it is harmful. It would introduce a new addition to the road and would be prominent addition along the street; however this is not in itself harmful.

- 9.4 The bespoke design would add visual interest along the higher level of the periphery of the historic Park and secures an improvement in the boundary to Lavender Road with tree planting and hedge improvements. The proposal safeguards the retention of the large Swamp Cypress which forms part of the character of the Park with the opportunity to safeguard during the construction process.
- 9.5 Having regard to the totality of the policies in the Framework, I consider the proposed development is sustainable when looking at its social, economic and environmental credentials in the round. The adverse impacts of the development do not significantly and demonstrably outweigh the benefits- particularly the biodiversity improvements and the improvements to the visual quality of the site. Overall it is considered that the proposals constitute an environmentally, socially and economically sustainable form of development that accords with the Framework and the Development Plan as a whole.

Ward: Claines
Contact Officer: Sally Watts –Tel: 01905722172,
Email:sally.watts@worcester.gov.uk
Background Papers: None