



**Report to: Planning Committee, 18<sup>th</sup> April 2019**

**Report of: Deputy Director – Economic Development and Planning**

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**Subject: APPLICATION P18C0468: DEMOLITION OF EXISTING BUILDING AND ERECTION OF 9 DWELLINGS AT WORCESTERSHIRE COUNTY SCHOOLS LIBRARY SERVICE, SHERWOOD LANE**

**1. Recommendation**

**1.1 The Deputy Director – Economic Development and Planning recommends that:**

- i. the Planning Committee is minded to grant planning permission, subject to the conditions set out in section 10 of this report and the applicant and all persons having an interest in the land, entering into an agreement under Section 106 of the Town and Country Planning Act in accordance with the agreed Heads of Terms; and**
- ii. subject to the Deputy Director - Governance being satisfied with the nature of such an Agreement, to delegate to the Deputy Director of Economic Development and Planning approval to grant the planning permission.**

**2. Background**

- 2.1 The application was received on 25<sup>th</sup> October 2018 and the target date for determination has been extended to 18<sup>th</sup> April 2019.
- 2.2 The application is referred to the Planning Committee for determination as it does not fall under the scheme of delegation.

**3. The Site and Surrounding Area**

- 3.1 The application site is located on the south side of Sherwood Lane and contains the former Worcestershire schools library building. The building itself is single storey in height and set back within the plot. The southernmost part of the site is undeveloped. The site is located in a predominantly residential area and a public right of way runs to the west of the application site. The site is approximately 0.5 hectares in size.
- 3.2 The route of an existing sewer runs through the southern end of the site, and up to the eastern boundary with a 6m easement. Additionally, a badger sett is present to the south of the site; this has a 'no dig' zone of 30 metres around it.
- 3.3 The site itself is vacant and is allocated for residential use in the South Worcestershire Development Plan. Policy SWDP 43/f allocates the site for the development of 15 dwellings. The supporting text to this policy notes the following:

*"The foul drainage from this development is expected to connect to the mains system and be treated at Worcester Bromwich Road sewage treatment works. The 2014 South Worcestershire Water Cycle Study (WCS) Addendum Report has identified that there is limited spare capacity at these works and there could be constraints in the receiving sewerage network. Developers should consider these issues early in the planning process in consultation with Severn Trent Water and have particular regard to the WCS and policies SWDP7 and SWDP30."*

3.4 The supporting text to this allocations policy also notes the following:

*"To include about 50% Green Space for open space, habitat improvement and links to the Green Space network."*

#### **4. The Proposals**

- 4.1 The submitted proposal seeks consent for the erection of nine dwellings following the demolition of the existing building. The dwellings would be accessed from Sherwood Lane to the north of the site. The proposed dwellings would be sited on the northern-most part of the site and the southern-most part of the site would remain as open space in line with the expectations of allocations policy SWDP 43.
- 4.2 The proposed dwellings would utilise the existing access point. It is proposed that the northern-most dwelling would be a dormer bungalow. This dwelling would address Sherwood Lane and be set back within the plot. The remaining 8 proposed dwellings would be accessed off an internal circulation road: each of these properties will be two storeys in height and includes six semi detached and two detached market dwelling houses.
- 4.3 The proposed dwellings would be constructed using a traditional palette of materials, including red facing brickwork, grey concrete roof tiles and black rainwater goods. The proposed dwellings would have a pitched roof, eaves brick detailing, simple roof lines and gabled bays, bay windows and chimneys consistent with local design characteristics.
- 4.4 As proposed, the southern half of the site would remain as open amenity grassland with cut grass paths running through this. Some additional planting is proposed within this grassland. The draft heads of terms to the required S106 Agreement (appendix 1) sets out that Public Open Space will be laid out as approved no later than the date on which 7 dwellings are first occupied. Having received written confirmation from the City Council that the Public Open Space has been laid out and equipped to its reasonable satisfaction the Public Open Space will be maintained and managed in accordance with a Landscape Masterplan for a minimum period of 12 months and retained as publicly accessible areas. The draft heads of terms sets out that upon expiry of the said 12 months the Council will be invited to inspect the Public Open Space and upon confirmation from the Council that the Public Open Space has been properly maintained to its reasonable satisfaction the Owner and the Developer may (at their discretion) either:-
- offer to transfer the Public Open Space to the City Council or such other body nominated by the City Council; or;
  - transfer the Public Open Space Area to the Management Body.

The applicant has agreed to these draft Heads of Terms.

- 4.5 As proposed, the larger dwellings (including the dormer bungalow) would be provided with garages in addition to off-road car parking spaces. The four 3-bed semi detached dwellings are provided with off-road car parking and a secure cycle store area in the rear garden. Bin storage is located in the north-western corner of the site close to Sherwood Lane.
- 4.6 Unit 1 comprises a dormer bungalow which addresses Sherwood Lane. This single storey structure would incorporate one pitched dormer window in the front and two pitched dormer windows in the rear elevation to facilitate the creation of living accommodation within the roof space, whilst reducing the height and massing of the property down in line with the existing single storey dwellings which sit either side of the plot on Sherwood Lane. This unit is set back within the plot with two car parking spaces which would be accessed directly from Sherwood Lane with a further space and garage to the rear. This unit accommodates five bedrooms.
- 4.7 Unit 2 comprises a two storey detached dwelling with a detached garage and two further car parking spaces to the side. This unit would have a pitched roof with the gable end to the front elevation facing into the application site. This property would have three bedrooms.
- 4.8 Plots 3 and 4 are located towards the south of the site and form a pair of large semi-detached dwellings, each accommodating four bedrooms and an integral garage. This pair of dwellings would address the open space to the south of the site. Plot 3 has been designed to be dual-fronted to provide street presence to the highway running through the site as well as the open space to the south. Two pitched gable ends would project beyond recessed garage and first floor accommodation. A further two off road car parking spaces are provided to the front of each property.
- 4.9 Plot 5 forms a detached four bedroom dwelling to the west of the application site. The front elevation of this property faces into the application site and the rear garden abuts the public right of way running to the west of the site. The dwelling accommodates four bedrooms and incorporates a pitched gable projection to the front elevation. A detached garage and further parking spaces are provided to the side of the dwelling. The first floor windows in the rear elevation of this property are obscurely glazed to 1.8 metres to safeguard the amenity of the neighbouring residents to the west of the site.
- 4.10 Plots 6, 7, 8 and 9 are located to the west of the site and form two pairs of three-bedroom semi-detached dwellings. The front elevations of these properties face into the application site meaning that the rear gardens abut the public right of way running to the west of the site. Plots 6 and 7 would incorporate obscure glazing to the first floor windows in the rear elevation to safeguard the amenity of the neighbouring residents to the west of the site.
- 4.11 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.

## **5. Planning Policy**

5.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations."

5.2 The Development Plan for Worcester now comprises:

- The South Worcestershire Development Plan (SWDP), which was adopted on 25<sup>th</sup> February 2016, and;
- The Worcestershire Waste Core Strategy, which was adopted on 15 December 2012

### **South Worcestershire Development Plan**

5.3 The policies of relevance to this development proposal include:

SWDP 1	Overarching Sustainable Development Principles
SWDP 2	Development Strategy and Settlement Hierarchy
SWDP 4	Moving Around South Worcestershire
SWDP 5	Green Infrastructure
SWDP 21	Design
SWDP 22	Biodiversity and Geodiversity
SWDP 27	Renewable and Low Carbon Energy
SWDP 29	Sustainable Drainage Systems
SWDP 43	Worcester City

### **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 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 An updated version of the National Planning Policy Framework (NPPF) was published and came into effect on 24<sup>th</sup> July 2018. The terminology and paragraph numbers may differ somewhat but the broad objectives of the revised NPPF is consistent with that of the previous original NPPF. 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 (NPPG)**

- 5.8 On 6<sup>th</sup> March 2014 the Government also published National Planning Practice Guidance (NPPG) to complement the NPPF. This has been revised and updated in the meantime and comprises, amongst other matters, air quality, design, housing and economic land availability assessment, noise, travel plans, transport assessments and statements in decision-taking, flood risk and coastal change, use of planning conditions, flexible options for planning permissions, and planning obligations.

## **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
  - Developer Contributions SPD
- 5.10 The Planning for Health SPD primarily focuses on the principal links between planning and health. It provides guidance and interpretation of the SWDP from a public health perspective. The SPD addresses following nine health and wellbeing principles:
- Sustainable development
  - Urban form - design and the public realm
  - Housing and employment
  - Age-friendly environments for the elderly and those living with dementia
  - Community facilities
  - Green infrastructure and play spaces/recreation
  - Air quality, noise, light and water management
  - Active travel

- Encouraging healthier food choices

The Design Quality SPD was adopted on 5<sup>th</sup> March 2018 and replaces the previous Supplementary Planning Guidance Note 3: Design (SPG3). Both documents encourage high standards of design for development proposals in accordance with the aims and interests that the NPPF seeks to protect and promote in this regard. The Design Quality SPD is consistent with the planning policies in the SWDP.

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

5.11 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."

#### **5. Worcestershire County Council Streetscape Design Guide (2018)**

- 5.12 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.
- 5.13 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.

- 5.14 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. The New Homes Bonus**

- 5.15 The 'New Homes Bonus' is a Government scheme which is aimed at encouraging local planning authorities to grant planning permissions for the building of new homes in return for additional revenue. The Government provides additional funding for new houses by matching funding the additional council tax raised for new homes with an additional amount for affordable homes for six years. Having regard to Section 70 (2) of the Town and Country Planning Act 1990, the New Homes Bonus is statutory and a local finance consideration in the determination of planning applications. As such, it is a material planning consideration.

## **6. Planning History**

- 6.1 There is no recent planning history relevant to this planning application.

## **7. Consultations**

- 7.1 Formal consultation, including the display of site notices has been undertaken in respect of the application. The following comments from statutory and non-statutory consultees have been received in relation to the proposal:-

**Worcester City Council Planning Policy Officer:** No objections

**Worcester City Council Landscape and Biodiversity Adviser:** No objections

**Worcester City Council - Archaeological Officer:** No objection subject to condition

**West Mercia Constabulary:** No objections

**South Worcestershire Land Drainage Partnership:** No objections

**Severn Trent Water Ltd:** No objection subject to condition

**Lead Local Flood Authority:** No objections subject to conditions

**Highway Authority:** No objection as amended, subject to recommended conditions (set out as conditions 13, 14 and 15 of paragraph 10 of this report).

7.2 **Neighbours:** Objections have been raised on grounds relating mainly to the following matters:

- Scale and type of dwellings proposed out of keeping with the character of the area: principle of two storey semi-detached properties;
- Density of development;
- Overlooking of nearby properties and loss of privacy;
- Increase in traffic and potential on-road car parking;
- Concerns regarding site access for emergency vehicles and refuse trucks;
- Maintenance of field to the south of the site, and;
- Impact on badgers and wildlife

7.3 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.

7.4 In assessing the proposal due regard has been given to local residents and other interested parties 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 the Deputy Director – Economic Development and Planning**

8.1 In assessing the merits of this proposal I consider the following to be the main issues for consideration in the determination of this application:

- Principle of development;
- Design and layout of the proposed development;
- Quality of living environment proposed;
- Impact on the highway network;
- Impact on neighbouring amenity;
- Sustainability; and
- Ecology.

These will now be considered in turn.

### **Principle of Development**

8.2 Within the South Worcestershire Development Plan the application site is allocated for residential development (Policy SWP 43/1). The principle of residential development on this site is therefore policy compliant and considered to be acceptable.

8.3 The SWDP allocates the site for an indicative 15 dwellings. The submitted proposal seeks consent for 9 units, a lower number than allocated.

This is the result of site constraints, including a sewer easement and badger sett which have limited the developable part of the application site. Furthermore, the number of units proposed as part of this application has been reduced in response to Officer feedback and neighbour comments to reduce the height and density of the development at the site frontage at Sherwood Lane to be in keeping with the surrounding properties. Whilst the proposed development does come forward with 6 fewer units than has been allocated in the Development Plan, nevertheless it is noted that this enables a low density development in keeping with the character of the area.

- 8.4 The site is located within a predominantly residential area. It is considered that the proposed residential use would be compatible with neighbouring land uses and consistent with the policy designation. The proposed use of the site for residential development is therefore considered to be acceptable in principle. Furthermore the provision of a bungalow to the site frontage is welcomed.

### **Design and layout of the proposed development**

- 8.5 The submitted proposal seeks consent for the erection of 9 dwellings. These dwellings step up in height from the dormer bungalow to the frontage to the remaining two storey dwellings in the centre of the application site. The site is located in a residential area and many of the properties in Sherwood Lane and the surrounding streets are single storey in height. Given this, the proposal has been amended to reduce the height of the dwelling at the site frontage, allowing the development to better integrate with the surrounding properties. Whilst the proposed dormer bungalow is slightly taller than the two bungalows either side of it (19 and 23 Sherwood Lane) it relates well in terms of eaves level and it is Officer opinion that the additional roof height and massing would not be harmful to the character of the area. The remaining 8 dwellings would be set back within the site and would stand two storeys in height. However, given their siting within the site it is Officer opinion that they would not be significantly visible or harmful to the single storey character of the area. On balance, it is considered that the scale of the dwellings would be appropriate to the application site and its surroundings and the proposal would accord with the aims and interests that policy SWDP 21, the NPPF and the design quality SPD seek to protect and promote in this regard.
- 8.6 The proposed dwellings would be traditional in their design, incorporating many design features found in the locality, including gable projections and chimney stacks. A traditional palette of materials is proposed. On balance, it is considered that the design of the proposed units and palette of materials proposed would be appropriate and in keeping with the character of the area.
- 8.7 The proposed development seeks to develop the northern half of the site and retain the southern half as amenity grassland. This accords with the expectations of the SWDP site allocation and presents an opportunity for betterment and public access to this open space.
- 8.8 Neighbour concerns expressed regarding the density of the development are noted. The proposed density is low and the site is proposed to be developed for 6 fewer dwellings than is set out in the site allocation. Approximately half of the site will remain as open space. Whilst the concerns are noted it is officer opinion that the density makes efficient use of the site whilst remaining in keeping with character of the surrounding area.

## **Quality of living environment proposed**

- 8.9 As proposed, it is Officer opinion that the occupants of the proposed dwellings would be afforded adequate standards of amenity in terms of amenity space provision, privacy and outlook and this will be further enhanced by the level of open space provision within the development. On balance, the quality of living environment proposed is considered to be acceptable in accordance with the aims and interests that policy SWDP 21, the NPPF and the design quality SPD seek to protect and promote in this regard.

## **Impact on the highway network**

- 8.10 The submitted proposal provides 22 car parking spaces in total (garages are not included in this calculation). This represents 3 spaces for the 5-bedroom dwelling, 2 spaces for each of the 3 bedroom dwellings and 3 spaces for each of the 4 bedroom dwellings. Each of the units without a garage will be provided with a shed for secure cycle storage in the rear garden. The submitted proposal makes adequate provision for car and bicycle parking. The access to the site and general layout are considered to be acceptable, as confirmed by the lack of objection from Worcestershire County Council Highways Team who have been involved throughout the application process and have shaped the layout under current consideration. As such, the proposal is considered to accord with all relevant national and local planning policy in this regard.
- 8.11 Neighbour concerns regarding the increase in traffic generation, the potential for on-street parking and site access for emergency vehicles and refuse vehicles are noted. The layout has been informed by guidance from the County Council to ensure that the road layout can accommodate the refuse vehicles whilst also providing an adequate level of car parking. Noting the lack of objection from the County Highways team and the fact that the site is allocated for a greater number of dwellings than is currently proposed the proposal is considered to be appropriate with regards to the impact on the highway network.

## **Impact on neighbouring amenity**

- 8.12 The submitted proposal has been amended to ensure that the impact on neighbouring amenity is reduced. The first floor rear windows to plots 5, 6 and 7 would be obscurely glazed to ensure that there will be no resultant overlooking to habitable room windows and rear amenity space associated with 10 and 11 Franklin Close, which sit to the west of the application site. This is shown on the submitted plans and will also be controlled by condition as set out on the plans list.
- 8.13 The concerns of neighbouring residents are noted. In this regard, the test is not whether there will be any loss of amenity but, rather, whether the loss will reduce neighbouring residents' amenity below a reasonable level such that it justifies a refusal of consent. In this case, it is not considered that the proposed development would equate to an unacceptable degree of harm to justify planning permission being refused on these grounds. The site layout is such that the proposed development would not give rise to opportunities for loss of light or overlooking. Adequate separation to site boundaries is proposed and is considered to be acceptable and consistent with the design quality SPD and the aims and interests that policy SWDP 21 and the NPPF seek to protect and promote in this regard.

## **Sustainability**

- 8.14 Policy SWDP 27 requires all new developments over 100 square meters gross or one or more dwellings to incorporate energy generation from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements, unless it has been demonstrated that this would make the development unviable. This application is not supported by an energy statement which sets out how that requirement would be met and it is therefore recommended that a condition be attached to the permission requiring the submission and approval of a renewable technologies statement. This condition is set out on the plans list.

## **Ecology**

- 8.15 Concerns expressed regarding the impact of the proposal on badgers and wildlife are noted. The application is supported by a preliminary ecological appraisal, a badger assessment and a preliminary bat roost assessment. The preliminary ecological appraisal found an active badger sett in the south-east corner of the site, following which a badger assessment was commissioned. A bat survey, carried out in December 2018, found no evidence that the existing library building is used by roosting bats and offered moderate potential for foraging and commuting bats. The report concludes that the likelihood of development proposals having any significant impact on bats is considered to be negligible. The report sets out some recommendations regarding the removal of felt roofing, the installation of bat boxes and the validity of the report. Conditions to this affect are recommended accordingly.
- 8.16 Badgers are subject to protection as laid out the Protection of Badgers Act 1992. It is an offence to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so, or intentionally or recklessly interfere with a sett, which includes damaging or destroying a sett, obstructing access to the entrance of a badger sett, and disturbing a badger whilst it is occupying a sett. Badgers are also given protection from killing or taking by certain means under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended).
- 8.17 The assessment notes that this sett is a subsidiary or outlying sett. The area surrounding the sett will not be developed as part of this proposal: it is located within the area of amenity grassland. The assessment confirms that if any work is carried out within the grassland area (e.g. to enhance it as a public 'Green Space') sensible precautions must be taken to avoid disturbing the badger sett. For example, landscaping and tree planting should not be done in close proximity to the sett – it is recommended that a competent ecologist is consulted if any machinery is to be used or any digging will be done within 30 metres of the sett. Public access to the area should be carefully planned to avoid the longer term impact of increased pedestrian and dog disturbance near the sett. Care must also be exercised to prevent badgers being harmed by development activities on the northern part of the site. Safe working practices to include covering open trenches or using escape ramps, and not leaving chemicals unsecured overnight must be followed.
- 8.17 I have not received any objections to the proposal from the City Council's Landscape and Biodiversity Adviser or Worcestershire Wildlife Trust and, subject to the recommended conditions, I consider that the proposal will not give rise to harm to the protected species found within the site.

## **9. Conclusion and planning balance**

9.1 I acknowledge all comments received as part of the consultation process and I consider that all material planning issues have been considered. The submitted proposal seeks consent for a residential development on a site which is allocated in the current development plan for residential use. In terms of planning balance this weighs strongly in favour of granting planning permission for the proposal. Adequate provision has been made for car parking and site access: this also weighs in favour of granting approval for the application. Meeting the expectations of local residents regarding how a site will be developed is often a difficult task: in this case there is clearly a strong preference for the whole site to be developed as bungalows, and whilst the layout has been amended to provide one at the site frontage this has not been reflected on the remaining 8 dwellings. That being said it is officer opinion that the layout will not harm the character of the surrounding area and I can see no reasonable justification to insist upon the provision of bungalows throughout the site or to refuse the application on these grounds. In my opinion, the proposal is acceptable in accordance with the aims and interests that the South Worcestershire Development Plan Policies 5, 14 and 21 and the aims and interests that the National Planning Policy Framework seek to protect and promote in this regard. The proposal will enable the applicant to maximise use of the site in an appropriate manner.

## **10. Recommended conditions**

10.1 In the event that members resolve to grant planning permission the following conditions are recommended:

1.) The development must be begun not later than the expiration of three years from the date of this permission.

For the following reason:-

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2.) The development hereby approved shall be carried out in complete accordance with the submitted plans, except where otherwise stipulated by conditions attached to this permission.

For the following reason:

For the avoidance of doubt and to secure a satisfactory form of development in accordance with policy SWDP21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

3.) The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

For the following reason:

This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

- 4.) If during the course of the works hereby approved any of the following features of interest are uncovered, the local planning authority shall be notified immediately and no works affecting such features shall take place until they have been inspected by persons authorised by the local planning authority and a scheme for their retention and/or treatment agreed in writing.

Schedule of features of interest:-

Archaeological remains of prehistoric or Roman date  
Archaeological remains of Civil War date

For the following reason:-

To allow the historical and archaeological potential of the site to be realised in accordance with policies SWDP6 and SWDP 24 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

- 5.) Twenty one days before any development is commenced resulting in any excavation within the site, written notice shall be given to the local planning authority, whereupon the local planning authority shall, within 21 days of receipt of such notice, specify in writing to the developer which persons authorised by the local planning authority shall be allowed access to the site whilst any excavations are in progress for the purpose of archaeological investigation. This access shall allow for a period of up to one day for unencumbered archaeological recording to take place within the trenches if in the opinion of the City Archaeological Officer features of interest are revealed.

For the following reason:-

To allow the historical and archaeological interest of the site to be recorded in accordance with policies SWDP6 and SWDP 24 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

- 6.) Provision shall be made before any dwelling is occupied for the storage and collection of refuse in relation to that dwelling in accordance with the scheme hereby approved.

For the following reason:-

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

- 7.) Samples of facing, roofing and surfacing materials shall be submitted to and approved by the local planning authority in writing prior to implementation as part of the development hereby approved. The development shall not be carried out otherwise than in accordance with such approved details.

For the following reason:-

To ensure the satisfactory appearance of the completed development and to comply with policy SWDP 21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

- 8.) During the construction works hereby approved no operations including deliveries to or from the site shall be carried out on the site other than between the hours of 07.30 to 18.00 Mondays to Fridays inclusive and 08.00 to 13.00 on Saturdays and no operations shall be carried out at all on Sundays or on statutory Bank Holidays.

For the following reason:-

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

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

For the following reason:-

To ensure the satisfactory landscaped appearance and visual and environmental quality of the completed development in accordance with policies SWDP 5 and SWDP 21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

- 10.) Full details of the following matters including any details shown on the submitted plans shall be submitted to and approved by the local planning authority in writing prior to installation.

Schedule:-

External lighting  
Signage (to prevent badger disturbance to open space)

The development shall not be undertaken other than in full accordance with such approved details.

For the following reason:-

Insufficient details were submitted for these matters to be fully and properly considered in respect of the approval hereby granted and policy SWDP 21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

- 11.) No works or development shall take place until infiltration tests have been carried out in accordance with BRE Digest 365, or such other guidance as may be agreed in writing by the Local Planning Authority. The results of the tests shall be submitted to and agreed in writing by the Local Planning Authority and the agreed recommendations shall be implemented in full prior to the first use of the development hereby approved.

Reason: To ensure that the site can be adequately drained in accordance with policy SWDP29 of the South Worcestershire Development Plan.

- 12.) No works in connection with site drainage shall commence until a SuDS management plan which will include details on future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The approved SuDS management plan shall be implemented in full in accordance with the agreed terms and conditions and shall be managed and maintained in accordance with the approved maintenance plan and thereafter.

Reason: To ensure that the site can be adequately drained in accordance with paragraph 165 of the NPPF 2018 and policy SWDP29 of the South Worcestershire Development Plan.

- 13.) The development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 010 Proposed Site Plan rev P.

Reason: To ensure conformity with submitted details.

- 14.) The development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

For the following reason:-

To reduce vehicle movements and promote sustainable access.

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

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.

- A highway condition survey, timescale for re-inspections, and details of any reinstatement.

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

For the following reason:-

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

**Informatives:**

- 1.) This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email [worcestershirevehicle.crossing@ringway.co.uk](mailto:worcestershirevehicle.crossing@ringway.co.uk). The applicant is solely responsible for all costs associated with construction of the access.
- 2.) It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particular 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.
  - 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 a site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

- 3.) For the use or reuse of sewer connections, either direct or indirect, to the public sewerage system the Applicant will be required to make a formal application to STWL under Section 106 of the Water Industry Act 1991. The Applicant may obtain copies of current guidance notes and application form from either the STWL website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting the STWL Development Services Team (Tel: 0800 707 6600).

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**Background Papers:** P18C0468