1. **Background**

1.1 The application was registered on 21 June 2019 and was due for a decision on 16th August 2019. An extension of time for the determination of the application has been agreed until 20 December 2019 to allow determination by the Planning Committee.

1.2 The application has been referred to the Planning Committee at the request of Councillor Alan Amos on the following grounds:

   - Concerns about backland development
2. **The site and surrounding area**

2.1 The application site is located on the west side of Malvern Road to the south west of the City Centre and in the Bedwardine Ward. The site currently contains one dwelling and a former area of garden and a former tennis court. The site is surrounded by houses and bungalows on Malvern Road, Sherwood Lane, Charnwood Close and Hudson Close, and a care home at Stanhope Court.

2.2 The site has an area of 0.46ha, most of which is originally the rear garden of ‘Mayfield’. It is bordered by hedges on all sides and has been separated off from the current ‘Mayfield’ property and is currently unused as a garden. Vehicular access is to be gained from Malvern Road at the eastern end.

2.3 Dwellings within the area are predominantly two storeys in height along Malvern Road and the majority of properties to the rear of the site are bungalows.

2.4 The site is not located in a Conservation Area and is not in an area where the natural environment policies of the South Worcestershire Development Plan apply.

Location Plan

3. **The proposals**

3.1 The proposed development is a block of 6 x 2 bedroom flats at the eastern end of the site close to Malvern Road and 3 x 3 bedroom bungalows towards the western end of the site. A new access road would be created to serve the development, along with parking and new green infrastructure.
3.2 The application is accompanied by a full set of plans together with a suite of supporting documents that include:

01045_01_Location Plan  
02045_02_Existing Site Plan  
03045_03_Existing Building Heights Plan  
10K, revision: 1045_10K_Proposed Site Plan  
11E, revision: 1045_11E_Proposed Site Plan  
12C045_12C_Proposed GI Plan  
13C045_13C_Proposed Building Heights  
14A045_14A_Previous Scheme Overlay  
42B045_42B_Proposed Street Scene  
60A045_60A_Plots 1-6 GF Plan  
61A045_61A_Plots 1-6 FF Plan  
62A 045_62A_Plots 1-6 SF Plan  
63A 045_63A_Plots 1-6 Elevations  
64A045_64A_Plots 1-6 Elevations  
65 045_65_Plot 7  
65A 045_66_Plot 8  
67A 045_67A_Plot 9 Plans  
68A 045_68A_Plot 9 Elevations  
SP02, revision: LVehicle tracking assessment  
SP01SP01 Vehicle tracking assessment  
SK01Access arrangement

3.3 In accordance with Article 15 (7) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), full details of the application have been published on the Council’s website. As such, Members will have had the opportunity to review the submitted plans and documents in order to familiarise themselves with the proposals prior to consideration and determination of the application accordingly.

4. **Planning Policy**

4.1 The Town and Country Planning Act 1990 ('the Act') establishes the legislative framework for consideration of this application. Section 70(2) of the Act requires the decision-maker in determining planning applications/appeals to have regard to the Development Plan, insofar as it is material to the application/appeal, and to any other material consideration. Where the Development Plan is material to the development proposal it must therefore be taken into account. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application/appeal to be determined in accordance with the Plan, unless material considerations indicate otherwise.

4.2 The Development Plan for Worcester now comprises:

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

**South Worcestershire Development Plan**

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

SWDP1 Overarching sustainability principles
The Waste Core Strategy for Worcestershire - Adopted Waste Local Plan 2012-2027

4.4 The Waste Local Plan was adopted by Worcestershire County Council on 15 November 2012 and is a plan outlining how to manage all the waste produced in Worcestershire up to 2027. The following policies are relevant to this application:

WCS1 (Presumption in favour of sustainable development)
WCS3 (Re-use and recycle)
WCS17 (Making provision for waste in new development)

Material Considerations

1. National Planning Policy Framework

4.5 The latest version of the National Planning Policy Framework (NPPF) was published and came into effect in February 2019. 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.

4.6 The NPPF outlines a series of considerations against which delivering sustainable development should be assessed. 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.

4.7 The Government believes that sustainable development can play three critical roles in England: an economic role, contributing to a strong, responsive, competitive economy; a social role, supporting vibrant and healthy communities; and an environmental role, protecting and enhancing our natural, built and historic environment.

2. National Planning Practice Guidance

4.8 On 6th March 2014 the Government also published National Planning Practice Guidance (NPPG) that has been updated in the meantime and comprises, amongst other
matters: Design, Determining a planning application, Health and Wellbeing, Noise, and Use of Planning Conditions.


4.9 The National Design Guide illustrates how well-designed places can be achieved in practice. It forms part of the Government’s collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

4. Supplementary Planning Documents

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

- South Worcestershire Design Guide DPD

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

- Developer Contributions SPD

  The Developer Contributions SPD - was adopted by the South Worcestershire Councils on the 20th October 2016. The Developer Contributions SPD sets out the South Worcestershire Councils’ approach to seeking developer contributions via the SWDP for infrastructure or environmental improvements required as a result of development. The SPD provides guidance about when planning obligations will be expected, the scale of developer contributions, and how developer contributions will be used.

- Affordable Housing SPD

  Adopted Affordable Housing SPD - The Affordable Housing Supplementary Planning Document covers the administrative areas of Worcester City Council, Malvern Hills District Council and Wychavon District Council and was adopted by The South Worcestershire Councils on the 20th October 2016. The SPD explains the details of the South Worcestershire Development Plan (SWDP) policies that relate to the provision of affordable housing. It is a guide intended to help developers, landowners, and applicants applying for planning permission, registered providers and others who are seeking to provide or benefit from affordable housing.

- Renewable and Low Carbon Energy SPD

  The SPD relates to policy SWDP 27 of the South Worcestershire Development Plan, which seeks to promote a percentage of energy requirements on qualifying development sites to be provided from renewable energy and/or low carbon sources. The policy also requires large scale development to examine the potential for decentralised energy and heating networks, and also sets out the policy approach for stand alone renewable and low carbon energy schemes (with the exception of wind turbines).
5. Worcestershire’s Local Transport Plan (LTP4) 2018 – 2030

4.11 LTP4 set out issues and priorities for investment in transport infrastructure, technology and services, focused 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."


4.12 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.

4.13 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.

4.14 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

4.15 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.

5. Planning History

5.1 The site has been the subject of the following planning applications:

10245 - Informal opinion - Use of land as housing estate. Refused Apr 18 1952
13019 - The use of former orchard land as an extension to garden and erection of a tennis court. Approved Oct 5 1956
17523 - Alterations to house. Approved Sep 6 1963
17523/1 - Extending existing dwelling house. Approved Oct 2 1964
17523/2 - Steelwork calcs for alterations to house. No decision made Jan 2 1964
17523/3 - Erection of a patio. No decision made Jan 2 1964
69/1214 - The provision of 2 bed sitting room flats, 2-2bed flats and 2-1bedroom flats. Conditional approval Dec 19 1969
69/1238 - Outline application erection of one detached chalet bungalow. Refused Dec 19 1969
8788 - Porch. Approved Dec 17 1948
P09C0379 - Demolition of attached garage. Erection of new detached garage to serve no. 282, and erection of six detached dwellings and associated parking. Withdrawn Nov 2 2009
P13C0377 - Proposed conversion of dwellinghouse to a residential care home for five residents with learning disabilities. Approved Oct 7 2013
Pre-application Engagement

The proposals were the subject of a pre-application advice request from the Council. The conclusion of that advice was as follows:

“For the reasons set out above, I conclude that the Council would be likely to resist the type of backland development proposed in the draft plans due to its impact on the character and appearance of the surrounding area. Any development on the site would need to have a positive street presence and be sited in the location presently occupied by Mayfield.”

Since that advice was issued, the applicant has moved the proposed block of flats from the back of the site to the front of the site. The current proposal is now considered to be a comprehensive re-development of the site rather than backland development (see below).

Public Consultation

The applicant carried out some pre-application consultations with the residents of neighbouring properties.

6 Consultations

6.1 Formal consultation has been undertaken in respect of the application. The following comments from statutory and non-statutory consultees and interested third parties have been received in relation to the original and amended proposals and are summarised as follows:

Neighbours and other third party comments:

6.2 Objections have been received from the occupants of neighbouring dwellings on grounds relating to the following matters:

5 Stanhope Court:

“Stanhope Court was created to provide secure accommodation in a peaceful environment for elderly residents. This is a warden controlled property. Months of building works followed by a mini housing estate with the noise from cars mowers, dogs etc will ruin our quiet lives. We will be invaded front and back. The following residents agree - number 16 and number 12.”

14 Sherwood Lane:

“I have no objection to the proposed scheme subject to a planning condition requiring the retention of the existing hedge at its current height of 10’ which currently abuts the northern boundary of numbers 14 to 20 Sherwood Lane, and provides a natural and established secure habitat for wildlife. It has been suggested that a restrictive covenant on the development might achieve this requirement but I am conscious that this could potentially be varied or released in the future, whereas a specific planning condition would secure the position for the privacy of the owners/occupiers of numbers 14 to 20 Sherwood Lane.”

and

“My comments/objections with regard to the application are:-
A. HIGHWAY CONCERNS I note the recommendation from Worcestershire County Council in their letter of 16th August for refusal of the previous scheme which only involved the erection of 8 dwellings. Given that the new scheme involves 9 dwellings presumably the reasons for the recommended refusal also apply to the new scheme, including the concerns over the unacceptably steep gradient and accessibility concerns, and in particular the question of whether adequate visibility splays can be achieved, as presumably this would involve private land on either side of the application site. I do appreciate that the new scheme now involves 6 of the 9 dwellings within one apartment block, but presumably the same issues with regard to volume of traffic will still apply, given the proposed number of occupants within the development.

B. BACKLAND DEVELOPMENT PRECEDENT I refer to the comments in the Consultee Comment received on 30th July, 2019 from the City Council Landscape Officer, Chris Dobbs, with regard to the previous development in which he raised considerable concerns over any form of garden backland development, which it would appear would be in breach of various planning policies and, if approved, would create a dangerous and unacceptable precedent for garden backland development in this locality. I note in particular Mr Dobbs’ concluding comment that even if issues were addressed with regard to design and layout “the need to develop garden backland in this way is not really proven or advisable”.

C. GENERAL OBSERVATIONS Whilst the above concerns appear to be fundamental to any approval of the current application and clearly need to be addressed by the Planning Committee, I would not be adverse to an alternative layout which addressed the following:-

1. PROXIMITY TO BOUNDARY OVERBEARING This could perhaps be alleviated by relocating plot 9 onto the northern boundary of the site which would have the dual advantage of providing plot 9 with a southerly aspect rather than northerly and would not overlook any adjacent dwelling(s) as it would adjoin open backland of numbers 270/272 Malvern Road. The village green could be relocated on the southern boundary of the site where it abuts numbers 14 to 18 Sherwood Lane thus ensuring a green buffer zone between the existing established dwellings in Sherwood Lane and the proposed new dwellings. Whilst there would be no strong case for development of backland at all (indeed the contrary would appear to be true) should any application for this site be approved, then I would expect the existing green hedge boundary to be retained where it is at no less height than its' current height of 10' to provide the continued natural green boundary affording sanctuary for wildlife and a measure of privacy and a sound buffer from the proposed new dwellings for the residents of Sherwood Lane, and trust that this would be embodied as a planning condition in any approval that may be granted for the site.”

18 Hudson Close:

“There appears to be a great difference between some of the plans we have received. The access footpath to the rear of plots 4-7 differs from drawing No.12 proposed infrastructure plan and the general landscape layout version A. The plans we had from Lockley homes differ from the ones they have submitted for planning. A footpath and green buffer zones are different on some plans. Also one set of plans does not show bin/cycle shed. Drawing 12 and 108 indicates continuous path all round, another set has path part way and filled in then with dense trees/shrubs. Which scheme are you going to consider. As stated our plans, ie residents around the proposed building site differ to what is on line. Also we at No.18 have a long fence which is held together with
ivy from the derelict garden of 282. If this is stripped off the fence will fall apart. Please we need your response to the questions before one can submit a final comment.”

and

“Not quite sure why you need a village green, why not give more green space to the bungalows or even some outdoor space for the apartments. Village green space will probably be used for dog walkers or kids playing ball. I suppose you could put Private Road at the entrance, for access only. That is the only concern I have with the new plans.”

and

"First of all surely you must need a "fresh application" the plans now submitted are very different to the original. First of all there were going to be bungalows in keeping with what is around. Now you are putting one dormer bungalow with rooms upstairs. The bungalow by us No.7 now has a much higher roof structure which we believe in the winter will block whatever sunlight we might get. It looks as though we will just have a horrible wall to look at. Bungalows are low buildings. Is it not possible to put back plots 7 and 8 as they were in the first place. Our concerns as said are plots 7, 8, and 9. They are not in keeping with what is around us.”

and

"First of all the new plans are completely different to the original plans which were perfectly acceptable. The bungalow at No.7 which is by my property appears to have an unnecessary high roof line for a bungalow. At the moment we enjoy the sun rise in the winter, this now will be completely obliterated for the first part of the day behind the roof line. As there is no upstairs there seems little point to having such a high roof line. Also Plot 9 now appears to be a dormer bungalow, which does have an upstairs, so its now not a bungalow anymore and not in keeping with the surrounding properties.”

**10 Charnwood Close:**

"I have concerns with the Boundary/Green Buffer. The type of proposed trees to be planted can grow to some considerable height. Who would be responsible for maintaining the upkeep of the trees? The wooden fence at the back of Mayfield is rotten and dilapidated on the boundary to Charnwood Close. The fence is only held together by the thickness of the ivy. The ivy has been a problem and has grown too high for it to be cut back from my property. There has in the past been a problem with the growth of trees not being maintained, these trees became too tall and too wide thus blocking out light from my property and plants in the garden.”

**12 Charnwood Close:**

"Very concerned regarding the green buffer area that surrounds the planning application. In particular how wide is it going to be, who maintains this area, will there be access for me to get into this area (if no maintenance is planned), who is going to monitor the area to ensure the work is done. This is because there already is a problem with Ivy and bind weed growing over my fence at the back of my garden. I am also concerned with the height of the trees that are planned to be planted in the buffer area and other areas running parallel with Charnwood Close. There were trees planted there
previously that had to be removed due to the restriction of light to the bungalows in Charnwood Close, and I would not want this to happen again.”

203 Malvern Road:

"Having lived in our property since 1986. In this time we suffered a compulsory purchase order on the front of the property having lost a TPO’d tree that came down in the 1987 storm. The council took 3 m of a land across the whole frontage of our garden to improve visibility due to the bend in the road directly between us and 282 Mayfield being dangerous! This bend has caused numerous accidents and a couple of nasty ones in the last 18 months. We still have a restricted view pulling out and I have a concern that particularly with the gradient of the land at 282 a reasonable number of vehicles using it would create even more safety issues. Local residents had to complain to the council to get a salt bin installed at the bottom of Sherwood lane as in icy conditions it is completely lethal. I can’t imagine this driveway being any better. Not only that the proposed flats at the front of the site are ‘massive!’ Is this an opportunity to wedge more people in so you can earn more money from the site. This house is set up much higher than the other side of the road as it is and is a normal detached house (albeit with a very tall/pitched roof) Why not replace with a normal size house. I know there are flats next door but they are within a Georgian property which was a former nursing home. So this property is an awkward one to fill if not divided up. There is no need to come up to meet that scale purely for developers profit being to the detriment of everyone else who lives close. I feel so sorry for the people that live in 270/272 Malvern Road These are appalling plans it is classic greed and shouldn't be allowed.”

270 Malvern Road:

"Prior to the submission of the previous scheme, Lockley were most considerate in that they personally consulted all the surrounding residents and took into account most of our comments prior to their application.

For this application there has been no such consultation; had there been, most of our objections could probably have been resolved. The proposed 6 flat building intended to replace the existing house is 3 storey, out of scale with every other building surrounding the site, bar a small part of Stanhope Court. The original proposal was for a replacement house on the site, with Lockley pointing out at length that it would be "in keeping with the other Georgian properties" in Malvern Road. Also, following discussion, Lockley modified their original designs in order to reduce roof lines to make them more in keeping with existing buildings. This is not now the case with the proposed block of 6 modern flats. Lockley appear to have changed their reasoning in order to continue to accommodate 9 dwellings on the site.

In previous discussions with Lockley we indicated that the "Georgian House" was acceptable. Drawing 045 64 Plot 1-6 elevations This is the view from 270 Malvern Road. Having rotated the building by 90 deg. the result is an unrelieved slab of brick wall higher and more than twice the length of the existing Mayfield elevation overlooking and overpowering the southern aspect of 270. Whilst we appreciate that Lockley have avoided the inclusion of overlooking windows, we would suggest that this elevation is an unwarranted intrusion on the southern aspect of 270 and is another consequence of the perceived need to maintain 9 properties on the site. We object to this elevation."
Drawing 045 11B Proposed site plan On the previous scheme, a green buffer was shown surrounding the site. This now appears to have been removed, particularly along the north side of the site. Additionally, the existing hedge has been removed along part of its length, particularly at the north edge to the parking lots 4. We were given assurances personally by Lockley that existing boundary infrastructure would be retained. It now appears that this is not the case. Why not, and why is a perfectly healthy and well maintained screening hedge being removed? This is not acceptable.

Drawing 045 51A Proposed visual This drawing shows the existing hedge on the north boundary retained and bordered by a new fence as originally promised. This is in contradiction to 045 11B. As shown on 045 51A the boundary hedge retention and fence provision is acceptable. (The hedge between 270 and 272 is shown as partially blank. This is not the case on the ground). Could Lockley confirm that in accordance with previously given verbal assurances the site is to be completely fenced and the existing hedges retained. The character impact review provided is out of date, it refers to the previous application."

and

"A few months ago Lockley put together a very good development and took into consideration neighbour concerns especially regarding roof pitch and windows overlooking surrounding properties. Several months down the line, out of the blue, the development has changed completely without any consultation as to the impact on neighbours to a very poorly laid out development. The proposed extensive north wall of the flats presents an appearance which will give a feeling of being in prison, with the height of the 3 storey flats towering and dominating the 270/272 properties - the top flats even have balconies overlooking these properties. It beggars belief that Lockley's think that this an improvement on the original application submitted in June. Why 3 storey apartments? - 2 would be more acceptable but obviously not so lucrative for the developer. None of the original response comments can be taken into account as they are only relevant to the original application which had already been submitted and is now on the scrap heap, therefore I am starting from scratch with comments on this new proposed development. I am now having to look at a huge building with the north brick wall of the apartments dominating 270/272, which is completely out of character - the main building itself is taller and longer than any property it is going to replace. No wonder Lockley chose not to show us the plans before submitting them as if this is their idea of more suitable development heaven help what is a bad one. If the Council truly feels that this development is in keeping with Malvern Road please could Lockley and the Council show where the other three storey flats have been built and so close the next door neighbour's boundary depriving sky and sunlight. I was under the impression that Lockley were quality builders, this is a huge disappointment for them to come up with something as poor as this - where is the imagination and flair you would expect from them. I would invite the Council and Lockley to come and have a look at the design "from the other side" - living with daylight restrictions and a massive brick wall, which is higher and more that twice as long as the building it is going replace - it might as well have barbed wire and sirens attached to it. I am not sure what I have done to deserve this eyesore. Come and tell me why you believe it is suitable and would you, were you an existing resident, be happy to live with such a monstrosity. Come on Lockley, you can do much better than this - living in Malvern Road has always been a pleasure so please don't do this to me. Lockley have provided a Character impact Review with their application. This is totally irrelevant as it refers to their previous set of plans and does not include a true impact assessment which is as described above Rather than be totally critical, a suggestion. Could the replacement for Mayfield be rotated by 180 deg (and reduced in height) and moved to the south side of the plot. The monstrous brick wall would then be adjacent to the large conifers that
exist and would be largely hidden from Stanhope Court by this hedge which I understand is to be retained. A reduction in height would minimise the overlook to 270 and 272.”

268A Malvern Road:

I am writing to object very strongly to the amended plans for 284 Malvern Road. My comments concern the proposed building at the front of the property. It is a major departure from previous versions of the plan and it will have a dramatic impact on the outlook and light levels, both indoors and in the garden of my (adjacent) property. This PDF file contains annotated photographs. I would however very much welcome a visit from yourself or any other committee members to see the situation first hand. My wife and I very worried at the prospect of this latest development.

My garden between my property and no.284 is not wide, and I would now be closely confronted with a building 27.5m long and over 10m high. Of this, the area of plain flat brickwork is 23.8m long and over 7m high. The ‘Character Impact Review’ document submitted with these plans does not cover the latest proposals - it refers to a smaller very different building. This one will have a significant impact on my property. Also, how can a 3 storey plain brick wall of 167square metres be “in keeping with the surroundings”? Another submitted document left unaltered from the previous applications is the ‘Statement’.

Referring to para.10 “The developer Lockley Homes have undertaken extensive communication with the surrounding neighbours to gauge design feedback and conclude with a scheme that is both in keeping with the surrounding area, and mindful of local residents’ concerns”. This latest scheme has appeared out of the blue with no consultation. **It is different enough to be considered a new departure** and is patently not mindful of its closest neighbours’ concerns. My wife and I spend most of the day time hours in our dining room. (We are retired and spend a lot of time at home.) When sitting at the table working, I realistically estimate that the proposed building would halve the area of clear sky visible. Instead of a view past the existing house to distant trees, we would have a brick wall and reduced light levels (please see photo) The kitchen also faces the proposed building. The light levels are already

272 Malvern Road (original proposals):

"I am writing to object very strongly to the amended plans for 284 Malvern Road. My comments concern the proposed building at the front of the property. It is a major departure from previous versions of the plan and it will have a dramatic impact on the outlook and light levels, both indoors and in the garden of my (adjacent) property. This PDF file contains annotated photographs. I would however very much welcome a visit from yourself or any other committee members to see the situation first hand. My wife and I very worried at the prospect of this latest development.

In particular, I object to the proposed erection of a 3 storey dwelling shown as plot 1-6 apartments in the supporting documentation. If built as proposed, I believe these apartments, with their large windows and balconies, would have a direct line of sight to the two upstairs bedrooms at our property at 268A Malvern Road. Hence the proposed development would remove the privacy we currently enjoy in these rooms.

I have attached three images showing the line of sight between the proposed development and our house at 268A Malvern Road, and the views from both bedrooms of our house that would be affected. In the photos I have not precisely calculated the position of the proposed development but have tried to show that windows and balconies anywhere in the blue boxes will have views into our bedrooms.

I have no objection to the bungalows shown as plot 7,8 and 9 in the supporting documentation or the open space, car parking and road infrastructure.
affected by the existing building. The new one will be higher and extend a lot further. My rear garden is narrow. The artist’s impression of the rear of the property appears on several documents but it has one inaccuracy - the hedge between my garden and my immediate neighbour is drawn with a gap as if it is one wide contiguous area - it isn’t - my garden is narrow. The proposed three storey (plain brick!) wall would be in close proximity to the party hedge and extend along about half of it. It also would impair the view from our summer house (see photos). I have been supportive of the previous versions of the planned development (and also of earlier submissions by different companies), but not this. PLEASE not this. Do look for yourself.”

6.3 The following comments have been received from consultees -

**Worcester City Council - Archaeological Officer:**

"I refer to comments I made on a previous application for this site, several years ago (P09C0379): This development covers a substantial area which has potential for the prehistoric and Roman as well as later periods. It is adjacent to the former St John's Nurseries where finds of prehistoric flintwork and other material were made. The gravel terraces along the Severn were favoured locations for prehistoric and Roman occupation and the potential of the St John's terrace, which had previously been largely unexplored, was highlighted by the discovery of an important site of late Iron Age and Roman date on the Sainsbury's development. Mayfield is also close to roadways which would have been the scene of fighting during both Civil War battles (1642 and 1651), and burials which can be related to one or other of these have been found in the surrounding area. It would be appropriate to require an archaeological field evaluation and appropriate mitigation to be secured through an archaeological investigation condition as set out below. The condition includes a pre-commencement element so should be agreed with the applicant.

Recommendation: Archaeological investigation No development shall take place until a written scheme of investigation (WSI) for an archaeological field evaluation and mitigation has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.”

**Worcester City Council - Landscape and Biodiversity Adviser:**

(Original proposals): "The scheme represents considerable over development and is garden backland especially unsuitable for dense housing layouts, or indeed any development as based on NPPF guidance. It is out of character for the area which has dwellings with substantial or adequate gardens at less density. Sites like this could possibly accommodate something near or part of the existing dwelling as long as substantial amenity space was provided in terms of gardens and buffer space, perhaps for biodiversity enhancement. In any case the layout does not provide even 20% GI as per SWDP policy (this must be functional GI and exclude any rear gardens/road verges etc). In order for any backland garden development to be considered at all, schemes need to be especially creative in design and layout, be in character with the area, and
consider the policies and guidance in place. If precedence is to be avoided they must
be very individually designed for the site and area. Even then the need to develop
garden backland in this way is not really proven or advisable.”

(Amended proposals): "20% GI would appear to have been provided however previous
comments still broadly apply. Just because a rear garden/amenity space is large does
not mean it can be mostly developed.”

**Worcester City Council – Tree Officer:**

(Original proposals): "I’ve been out to look at the above and have no overall objections
to the proposed new housing on the site.

I am concerned about the trees to the front of the site and want to be sure that there
is no level change either side of the existing access drive. If there is a level change a
site specific Arboricultural Method Statement will be needed as these trees are an
important landscape feature in the streetscene and we need to ensure they are being
protected during the development, so they can be retained.”

(Amended proposals): "I’ve been studying the revised plans for the above application.
I’ve no overall objection to the development, however I am concerned by the loss
and/or damage to the trees at the entrance of the site. All the trees have been given a
C retention classification, which I would agree with. But that doesn’t then automatically
result in them being expendable. The trees do add to the local street-scene and to lose
them would be detrimental to the local amenity.

My main concerns are with necessary level changes to allow the new access road and
footpath and how that will affect the trees in question. If some of the trees are to be
retained I will need an AMS of how that can be achieved at this stage and not as a pre-
start condition.

If, for highways or other reasons, these trees can not be retained or fully protected
during the development, there would need to be some large replacement trees planted
both sides of the entrance to compensate for their loss.”

**Worcester City Council – Planning Policy:**

"The main SWDP policy considerations for this planning application are: SWDP 4, SWDP
5, SWDP 13, SWDP 14, SWDP 21, SWDP 26, SWDP 27, SWDP 28, SWDP 29, SWDP 30,
SWDP 33 and SWDP 39.

**SWDP 4** – ‘Moving around South Worcestershire’ requires under part A ‘Managing
Travel Demand’ that proposals must demonstrate that the layout of development will
minimise demand for travel, will offer genuinely sustainable travel choices, will address
road safety and is consistent with the delivery of the Worcestershire Transport Plan
objectives.

**SWDP 5** – The site area is approximately 0.46 hectares. SWDP 5 states that for
greenfield housing developments of less than 1ha but more than 0.2ha (gross) – 20%
Green Infrastructure (GI) is required (excluding private gardens). According to the
definition of Previously Developed Land in the NPPF, land in built-up areas such as
residential gardens is excluded from the definition. This site is therefore considered to
be greenfield land."
**SWDP 13** – The gross density of this site for 8 dwellings (7 dwellings net) would be 17 dwellings per hectare (dph). Inclusion of 20% green infrastructure increases the density to 22 dph. Windfall developments are assessed against the density criteria of parts B, C, D and E of SWDP 13.

Part C states that housing density will be greater on sites with a high level of accessibility, including sites located in or close to city and town centres, or close to public transport stations.

Part E states that sites within the city of Worcester should achieve an average net density of 40 dwellings / ha.

The NPPF, at paragraph 122 ‘Achieving appropriate densities’, states that planning policies and decisions should support development that makes efficient use of land, while taking into account (amongst other criteria) the desirability of maintaining an area’s prevailing character and setting (including residential gardens).

**SWDP 14** - All new residential developments of five or more units, having regard to location, site size and scheme viability, should contain a mix of types and sizes of market housing. The mix will be informed by the latest Strategic Housing Market Assessment and / or other local data, for example, Neighbourhood Plans, Parish Surveys, Parish Plans and developers’ assessments.

**SWDP 21** – ‘Design’ requires all new development to be of a high quality design which integrates effectively with its surroundings, in terms of form and function, whilst also reinforcing local distinctiveness.

The policy requires these matters to be addressed through a Design and Access Statement. This should cover (amongst other criteria): siting and layout, relationship to surroundings and to other development, neighbouring amenity, scale, height and massing, flexible design, links, connectivity and access, and creating a safe and secure environment.

**SWDP 26** – ‘Telecommunications and Broadband’ states that for broadband, new development should be provided with superfast broadband or alternative solutions where appropriate, e.g. mobile broadband and / or Wi-Fi. Wherever practicable, superfast broadband capacity should be incorporated to agreed industry standards. Developers and infrastructure providers should seek to facilitate this through early engagement.

**SWDP 27** – ‘Renewable and Low Carbon Energy’ states under part A ‘Incorporating Renewable and Low Carbon Energy into New Development’ that to reduce carbon emissions and secure sustainable energy solutions, all new developments over 100 square metres gross or one or more dwellings should incorporate the generation of energy 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.

**SWDP 28** – Management of Flood Risk

In order to minimise the impacts of and from all forms of flood risk, other than sites allocated in this Plan all development proposals must clearly demonstrate that the Sequential Test, as set out in the latest version of the Strategic Flood Risk Assessment (SFRA), has been applied.
If the Sequential Test has been satisfied, development proposals, other than those allocated in this Plan, must also satisfy the Exception Test in all applicable situations as set out in the latest version of the SFRA.

All development proposals must adhere to the advice in the latest version of the SFRA (see SWDP 28 for further details).

The site is located in flood zone 1 and so is at the lowest risk of flooding.

**SWDP 29** – ‘Sustainable Drainage Systems’ requires all development proposals (as appropriate to their nature and scale) to, amongst other criteria, demonstrate through a Water Management Statement that site drainage and runoff will be managed in a sustainable and co-ordinated way that mimics the natural drainage network. Part iv further states that for proposals on a greenfield site, the post-development surface water run-off rate will not increase.

**SWDP 30** – 'Water Resources, Efficiency and Treatment’ requires all development proposals to demonstrate that there are or will be adequate water supply and water treatment facilities in place to serve the whole development. For housing proposals, it must be demonstrated that the daily non-recycled water use per person will not exceed 110 litres per day.

**SWDP 33** – Waste states that proposals for new development should incorporate adequate facilities into the design to allow occupiers to separate and store waste for recycling and recovery unless existing provision is adequate.

**SWDP 39** – 'Provision for Green Space and Outdoor Community Uses in New Development’ requires development proposals exceeding 5 dwellings to make provision for (all applicable) Green Space and outdoor community uses as set out in Table 10, together with secure arrangements for its long-term management and on-going maintenance.

In cases where it will be impractical and inappropriate to deliver all the (applicable) open space typologies on site, developer contributions towards off-site provision will be sought and secured through a legal agreement.

**Conclusion -** In summarising the observations above, subject to compliance with the above policies, there is no objection to this planning application from a planning policy perspective.”

**Worcestershire County Council (Highway Authority):**

(Original proposals): “Worcestershire County Council acting in its role as the Highway Authority has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Transport Planning and Development Management Team Leader on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 recommends that this application be **deferred**. The justification for this decision is provided below.

Whilst there is no objection in principle to the proposed development, it must be constructed to adoptable standards in accordance with the Streetscape Design Guide and at 8 dwellings, the proposal exceeds the criteria for a shared private drive. Therefore the design criteria for the Pedestrian Prioritised Street are applicable.
The access width of 5m with 6m radii is acceptable however a detailed plan should be provided not least to demonstrate that the gradient issues have been addressed. Adequate surfacing and drainage must be provided. It is noted that vehicular visibility splays have been indicated however pedestrian visibility should also be demonstrated on the access for the protection of those using the adjoining footway.

Within the site, the applicant must demonstrate that the design speed of 15 mph can be maintained and it is noted that there are road markings indicated in 2 locations the details of which should be provided as explanation because speed reduction should be achieved via variations in characteristics such as road width and / or alignment rather than markings.

Moreover the site road is proposed as a 'shared surface' which doesn't conform to the Pedestrian Prioritised Street criteria and any departure from standards must be fully justified to include consideration for vulnerable road users in a residential setting. The design speed will be relevant here. It is noted that the applicant refers to 100 vph in Manual for Streets.

However, in a 'shared surface' scheme the provision of statutory services will be under the carriageway which will necessitate the closure of the road during maintenance periods whereas in line with Pedestrian Prioritised Street criteria, services are under an identified service margin. Moreover refuge provision would be expected in a shared surface scheme to enable pedestrians step clear of the carriageway if they needed to.

Visibility must be provided and maintained on each of the access points (i.e. to garages and parking) and whilst tracking has been shown for a refuse vehicle the applicant should confirm that it is the same refuse vehicle as currently in operation in Worcester City.

Vehicular and cycle parking should comply with standards and as a point of clarification, Plot 1 (4no. bedroom dwelling) is shown on plan as having 2 parking spaces and Plot 2 (2no. bedroom bungalow) is shown as having 3 spaces. The applicant should be aware that garages do not count as parking though will qualify as cycle parking if measuring 3m x 6m or 6m x 6m.

It is acknowledged that the site has sustainable credentials however the information relating to sustainable access in the Transport Statement will need to be presented in the form of a Welcome Pack to promote sustainable travel options to future residents and a draft should be submitted and approved in writing prior to first occupation.

Finally a 'Bin + Cycle Store' is shown on plan opposite Plot 1 presumably for Plot 1 and occupants should not be expected to cross the carriageway to access this provision.

The Highway Authority therefore submits a response of deferral until the required information has been provided and considered.”

And

"Worcestershire County Council acting in its role as the Highway Authority has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Transport Planning and Development Management Team Leader on behalf of the County Council, under Article 18 of the Town and Country
Planning (Development Management Procedure) (England) Order, 2015 recommends that this application be **refused**. The justification for this decision is provided below.

The proposed development comprising the erection of 8 dwellings at 282 Malvern Road is required to comply with the policy and parking standards in the adopted Streetscape Design Guide. The quanta of 8 dwellings exceeds the design criteria for a Private Shared Drive therefore by default and given the road widths proposed the criteria for the Pedestrian Prioritised Street are applicable and the site must meet the published street characteristics.

The proposed layout fails to comply with the required standards in terms of the carriageway width and lack of service margins on both sides. Furthermore the longitudinal section of the access shows a gradient of 1:20 for the first 10m followed by a gradient of 1:8.3 for 20m which is not acceptable. A gradient of 1:8.3 would be unacceptably steep for persons with disabilities or the elderly and consequently represents an accessibility issue. Therefore safe and suitable access for all users has not been clearly shown.

Moreover visibility splays at the site access have been provided on the basis of a wet weather adjustment having been made on the speed data. Given that the survey period of the data was a week, it is unlikely that the road remained dry all of that time and the length of the survey would be expected to even out wet and dry times. Therefore the wet weather adjustment is not appropriate. Speeds on the northbound approach require a splay to the south of 94m which does not appear to be achievable.

It should be noted that the refuse vehicle tracking as submitted is based on the incorrect refuse collection vehicle.

Whilst not a refusal reason per se, it should also be noted that the trip rates in the TRICs report do not reflect the average car ownership level of the area. However on balance the uplift to an acceptable rate makes no difference to the overall impact given the small scale of the proposal.

The overall layout of the site does not conform to local policy in the Streetscape Design Guide and it has not been demonstrated that the site is accessible by all users which is contrary to Paragraph 108 NPPF. The lack of visibility represents a highways safety hazard which is contrary to Paragraph 109 NPPF.

The Highway Authority has undertaken a robust assessment of the planning application and concludes that there would be a severe impact and therefore recommends that this application is refused.”

Following extensive consultations between the Highway Authority and the applicant, the scheme was amended to the currently proposed site layout. The final comments of Highways are as follows:

“Worcestershire County Council acting in its role as the Highway Authority has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Transport Planning and Development Management Team Leader on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 has **no objection subject to conditions.**
**Observations**

Further to the previous refusal comment, there have been extensive discussions between the applicant and the Highways Authority during which the visibility splays and gradient issues at the access have been resolved. Tracking details relevant to the correct refuse vehicle specification have also been provided and the Highways Authority considers that the design layout of the site is now acceptable.

A vehicular crossover will be required where the prospective highway meets the private drive and the rumble strip indicated on plan will need to be removed however these points can be resolved at the Section 38 stage.

The parking provision for the 3 bungalows and 6 apartments is in line with policy and it is confirmed that the residential spaces include circulation space. Cycle parking for the bungalows can be accommodated within the garages however further details are required of the proposed provision for the flats to ensure that the cycle parking is sheltered, secure and accessible.

A Welcome Pack will be required and guidelines as to acceptable contents are provided separately. A construction environment management plan is required which will cover all works associated with the site including the demolition of the existing dwelling.

The Highway Authority has undertaken a robust assessment of the planning application and 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.”

**South Worcestershire Land Drainage Partnership:**

“The Applicant has stated ‘sustainable drainage system’ on the application form and in the Water Management Statement the Applicant includes both infiltration and nil-infiltration options. The use of soakaways is acceptable in principle subject to site and ground conditions being suitable. Reference to a soils map reveals that ground conditions at this location are likely to be suitable for infiltration drainage methods and there will need to be sufficient space available in the proposed site layout to accommodate soakaways with the required minimum clearances to buildings, site boundaries and any root protection zones, without affecting any existing drainage systems that serve present buildings.

The Applicant should follow a sustainable approach to surface water management (SuDS) and the recommended drainage hierarchy: source control-watercourse-sewer to control additional surface water generated by new roof and paved areas, so that the proposed total rate and volume of runoff from the site is no greater than greenfield run-off rates and volume. Refer to EA Surface Water Management Advice Note for Worcestershire and the latest EA advice on climate change allowances (+40%) that came into force on 19th February 2016.”

and

“Thank you for your re-consultation request regarding additional drainage strategy information submitted by the Applicant since my previous comments dated 25th June 2019. The additional information provided by the Applicant - WMS and Structa Drawing Numbered 5565/1510/P1 - proposes SuDS to mitigate surface water run-off generated by the new development. My previous comments stand but my recommended condition should now be as follows:
**Condition:** No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include: i. a timetable for its implementation, and ii provide a management and maintenance plan for the lifetime of the development which shall include robust arrangements to secure the operation of the scheme throughout its lifetime.”

6.4 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.

6.5 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.

7. **Comments of Deputy Director of Economic Development and Planning**

7.1 Policy SWDP1 of the South Worcestershire Development Plan sets out overarching sustainable development principles and these are consistent with the Framework. The various impacts of the development have to be assessed and the benefit and adverse impacts considered, to establish whether what is proposed is sustainable development. Taking the above matters into account I consider the main issues raised by the proposal relate to the principle of development and whether the development would be sustainable, having regard to the 3 dimensions of sustainability set out in the Framework: economic, social and environmental, in particular with regard to:

1. The economic role;

2. The social role:
   - residential amenity;

3. The environmental role:
   - design;
   - landscape character and visual impact
   - biodiversity;
   - access, car parking and highway safety;
   - drainage and flooding;
   - energy conservation.

These issues will now each be considered in turn.

**The Principle of Development**

7.2 The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This
is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

7.3 The NPPF sets out the Government’s view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.

7.4 Policy SWDP 1 contained within the South Worcestershire Development Plan echoes the NPPF’s requirements for ‘sustainable development’ and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.

7.5 Worcester City Council has an up-to-date Local Plan which was adopted on 25th February 2016 and can demonstrate in excess of a 7 year housing land supply. The presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.

7.6 The NPPF sets out the emphasis for Local Planning Authorities to resist inappropriate development of residential gardens. Whilst the rear garden is segregated from the dwelling, nevertheless it was formerly part of the garden of the host properties and remains capable of being used as such. Guidance set down in the National Planning Policy Framework (NPPF) sets out a preference for development on ‘brownfield’ sites. Following the re-classification of garden land, private rear gardens are no longer defined as 'brownfield' sites and are classified as development on greenfield land. The principle of residential redevelopment of this site for residential use would thereby be inconsistent with the guidance set out in the NPPF. Specifically the NPPF states (paragraph 111) that: “Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed.” This guidance is a significant material consideration in the determination of any proposals for the redevelopment of this site.

7.7 The definition of ‘previously developed land’ within the Glossary to the Framework specifically excludes ‘land in built-up areas such as residential gardens’. Therefore, as the site was formerly residential garden within a built-up residential area and is still capable of being used as such, it is not ‘previously developed’ or ‘brownfield’ land.

7.8 Whilst the efficient use of land and the use of previously developed or brownfield land is encouraged by the Framework, it does not specifically preclude development in residential gardens. Rather, paragraph 70 of the Framework says that ‘where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development in residential gardens, for example where development would cause harm to the local area.’

7.9 However, the South Worcestershire Development Plan (SWDP) does not contain any policies that specifically resist inappropriate development in residential gardens. Policy SWDP 2 of the Development Plan sets out the development strategy for the area, which, for housing, involves focussing most development on the urban areas. Part B of Policy SWDP 2 provides that windfall development is acceptable within development
boundaries. Nevertheless, the Framework does indicate that, when considering the efficient use of land, the desirability of maintaining an area’s prevailing character and setting, including residential gardens, should be taken into account in decision-making.

7.10 The application site is located in a predominantly residential area and the erection of further residential units is considered to be compatible with the adjoining land uses and is considered to be an efficient use of this land. Whilst the application site comprises land that was formerly private amenity space and is still capable of being used as such and is greenfield in nature, nevertheless the principle of the proposed development is not entirely unacceptable providing the wider impacts of the development are not adverse to a significant extent.

7.11 As such, it is important to consider whether the site has the capacity to accommodate the proposed development and whether the development of this site would have an adverse impact on the character and appearance of the site and surrounding area and neighbouring residents' amenities, and whether a site of this size has the capacity to deliver a high quality residential development which meets the needs of future occupants including the provision of adequate access, parking and private amenity space.

**Sustainable Development**

1. **The economic role**

7.12 In the short term the proposal would see the creation of construction jobs for the construction period of the project and some on-going opportunities for the provision of goods and services. In my opinion, this weighs in favour of granting planning permission.

2. **The social role**

7.13 The NPPF states that the planning system needs to perform a number of roles, including a social role in supporting strong, vibrant and healthy communities, by providing a supply of housing required to meet the needs of present and future generations. This is reflected in policy SWDP 2 and policy SWDP 13 that encourages the re-use of previously developed land.

7.14 Policy SWDP 14 states under part A that all new residential developments of five or more units, having regard to location, site size and scheme viability, should contain a mix of types and sizes of market housing. The mix will be informed by the latest Strategic Housing Market Assessment and/or other local data, for example, Neighbourhood Plans, Parish Surveys, Parish Plans and developers’ assessments. In this respect, the development would provide 6no. 2-bed apartments and 3no. 3-bed bungalows rather than a mix of types and sizes of market housing. As such, there would be some conflict with policy SWDP 14. However, the provision of bungalows is welcomed offering some variety within the local housing market and the development would contribute towards the five year housing land supply within Worcester and the City Council’s provision of housing and, as such, this is welcomed and weighs in favour of the proposal overall.

**Residential Amenity**

7.15 The site lies adjacent to residential properties located within Malvern Road, Sherwood Lane, Charnwood Close and Hudson Close. Policy SWDP 21 requires that new
development does not have a significant adverse effect on neighbouring amenity.

7.16 Policy SWDP 21 requires amongst other matters that new development should provide an adequate level of privacy, outlook, sunlight and daylight, and should not be unduly overbearing. This is consistent with paragraph 128 of the NPPF that has one of its core principles planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. 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. Similarly, Pertinent advice is also contained in the South Worcestershire Design Guide SPD (SWDG SPD), which was adopted by the City Council on 6th March 2018.

7.17 Objections were raised by the residents of 270 and 272 Malvern Road in relation to a previous version of the scheme. The block of flats has now been moved close to the southern boundary and away from 270 and 272 Malvern Road. Whilst the windows would face these properties, the separation distance would now be around 22m and the residents have not objected to the amended scheme to date. This separation distance complies with the requirements of the design guide. Whilst I note the objection from 268a Malvern Road, that property is around 55m away from the block of flats. At such a distance, there should not be a significant risk of unacceptable overlooking.

7.18 Moving the block of flats to the southern side of the site has meant it would be closer to Stanhope Court. There would be a blank wall facing the boundary, although for much of its length it would be screened by trees that are proposed to be retained. I have applied the 45 degree rule to the first floor windows of the nearest wing of Stanhope Court. The 45 degree rule would clearly be infringed by the proposed building, but would be mitigated by the screening currently afforded by the existing tall conifer hedge in between which would remain. The nearest point that the new building would be visible from the windows of Stanhope Court would be more than 12m away. The wall would be on the north side of Stanhope Court, so there are no concerns in relation to direct sunlight to the building or grounds.

7.19 I note that there was an objection from 203 Malvern Road about the appearance of the flats from the road. Whilst the flats would be of a more modern design than the adjacent properties, I consider that their scale and massing is appropriate to their location adjacent to Stanhope Court.

7.20 The bungalows on Sherwood Lane are located around 30m from the southern side boundary of the site. Due to the orientation, the new bungalows proposed adjacent to the southern boundary (Plots 8 & 9) would not affect daylight or sunlight to the bungalows. They would mostly have roofs sloping away from the shared boundary. The intervening distance is well in excess of the 20m minimum required by the Design Guide. There are some existing hedges on the boundary and additional hedge planting is also proposed.

7.21 The bungalows on Charnwood Close to the west of the site would be around 20m from Plots 7 & 8 of the new development. This would comply with the minimum separation distance in the Design Guide. Whilst Plots 7 & 8 include rear windows extending into the rear gables, there are no upper floors proposed that would cause concern through overlooking. There are some existing hedges on the boundary and additional hedge planting is also proposed.

7.22 The dwelling at 18 Hudson Close would be around 14m from the nearest bungalow on Plot 7. It would, therefore comply with the 45 and 25 degree rules in relation to
impacts on the rear windows of No.18. Whilst Plot 7 would be clearly visible it would only be one storey and would slope away from No.18. The plans show a new hedge is to be planted to augment the existing 1.8m high fence.

7.23 The development is also satisfactory in terms of internal room sizes and the area of external amenity space proposed.

7.24 Overall, I consider that the development is acceptable and would not cause undue levels of harm to the surrounding neighbouring residents and their amenity though overbearing or overshadowing and that the relationship between the existing and proposed development is acceptable and meets the requirements of the Design SPD and policy SWDP 21- Design.

7.25 In the interests of ensuring amenity is safeguarded for adjacent neighbours, I consider that it would be reasonable and necessary to remove permitted development rights for household extensions and out-buildings to plots 7, 8 and 9. A condition to this effect is recommended accordingly.

7.26 The introduction of the proposed development could give rise to potential noise and disturbance for the occupiers of the surrounding properties as a result of demolition works, the movement of construction and related traffic, and from construction works. This weighs against granting planning permission. However, it is important to recognise that the movement of traffic will not be constant during construction works. There will inevitably be higher volumes at the start when material from the demolition works and site preparation works is excavated and removed from site and from the delivery of construction materials and workers vehicles. There will be peaks and troughs of movements through the construction period and as a result the risks and management will alter during this period.

7.27 Consideration also needs to be given to potential mitigation measures which may be used to reduce the impact on local residents. As noted above, disturbance during construction is to be expected and is not normally a material planning consideration as this would not be permanent. Nevertheless, it is possible to reduce the degree of intrusion during this time. For example, a construction environment management plan (CEMP) to specify working hours and delivery times, parking for operatives vehicles, how operations will be undertaken during the construction phase, the sequence that would be undertaken for construction and the envisaged construction period. In setting these controls the impact on the amenity of the neighbours would be reduced to a minimum during the construction period and can reasonably be secured by way of an appropriately worded planning condition.

7.28 Whilst I accept that there would be some impact upon amenity from noise associated with construction traffic, nevertheless this must be balanced against the duration of the construction period, the nature and frequency of traffic movements. Overall, whilst the temporary adverse impact on local residents during the construction phase is recognised, nevertheless it is considered that these can be suitably mitigated.

3. The environmental role

Design

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

7.31 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. This is reflected in corresponding Planning Practice Guidance on design and the National Design Guide.

7.32 The application site is located on the west side of Malvern Road, which is typified by large properties. The proposed development would be sited next to Stanhope Court, a substantial building to the south, and could be successfully incorporated into the street scene. The development would appear as a sensitively designed addition to the street scene and would not, in my view, have a detrimental impact on the character and appearance of the location.

7.33 The proposal relates to its surroundings in that it has a large building close to Malvern Road and bungalows to the rear. Having looked at the immediate surroundings, there are already other developments with access drives behind the properties on Malvern Road. The scale, height and massing of the proposed dwellings is similar to the existing residential properties in the surrounding area. I consider that the proposed development would be of a high quality and would use materials that are appropriate to the location.

7.34 In this regard, I consider that the proposal has rationalised the constraints and opportunities of the site, including the orientation and relationship to the surrounding residential properties, and I am satisfied that the site has the capacity to accommodate the development in an acceptable manner in terms of its layout and design. The size and scale of the development would be acceptable in the local context of the site and surrounding development and it would not appear to be incongruous or overbearing within the local context.

**Landscape Character and Visual Impact**

7.35 The site is located in an area characterised by open green space, although the site is not classified as green space for the purposes of the South Worcestershire Development Plan.

7.36 In accordance with policy SWDP 5, 20% of the site is required to be green infrastructure. The applicant has provided an area of ‘village green’ as well as some structural planting along the northern boundary. The plans show the total to be 927m² on a site with an area of 4600m² that equates to 20%.

7.37 The Landscape and Biodiversity Adviser has raised concerns about the scheme being backland development. Since those comments, the number of bungalows to the rear has been reduced and the flats moved to the front of the site. The green infrastructure proposed would be concentrated along the northern boundary to create a structural corridor. Whilst I note the concerns raised by the Landscape and Biodiversity Adviser I consider that, on balance, the scheme is acceptable in this regard.
Biodiversity

7.31 An ecological appraisal has been undertaken and concludes as follows:

- The site is considered to be of low value to wildlife;
- There are no signs of bat activity or occupation in the outbuilding, and it is considered unsuitable for bat roosting or hibernation;
- None of the trees surrounding the building contain any features such as decay cavities, woodpecker holes, fissures and exfoliating bark, that would be considered suitable for bat roosting and/or hibernation, and the site is thought to be of low interest to bat foraging;
- A total of five species of birds were observed. Of these one was a Species of Medium Conservation Concern (RSPB Amber list); Dunnock, whilst the rest were all Species of Low Conservation Concern (RSPB Green list). Although no old or in-use birds’ nests were found, the bushes provide potential nest sites;
- There is no standing water or other wetland features, and the site is not suitable for breeding amphibians. Similarly it is thought to have negligible potential for reptiles, and no specific surveys are considered necessary;
- There are no signs of badger or rabbit activity, but there was widespread evidence of foxes, with scats, play areas, sleeping platforms, and discarded prey items throughout;
- It is concluded that there is low potential for invertebrate assemblages, in particular those species listed as a priority in the UK Biodiversity Action Plan and/or Local Biodiversity Action Plan.

7.32 The Council’s Tree Officer raised concerns about the potential impact on trees at the front of the site adjacent to the road. He requested that an Arboricultural Management Statement is provided to demonstrate how these trees would be managed during the development. A suitable condition is therefore recommended accordingly.

Impact on heritage assets

7.33 The site does not contain any listed buildings but is within an Archaeologically Sensitive Area Policies SWDP 6 and SWDP 24 which seek to protect and enhance designated and non-designated heritage assets and guide against development that would cause substantial harm to the significance of any heritage asset. Policy SWDP 6 states that “Development proposals should conserve and enhance heritage assets, including assets of potential archaeological interest”.

7.34 In this respect, the City Archaeological Officer has recommended that a condition is added to any consent requiring archaeological investigations.

Access and Highway Safety

7.35 Access to the site would be from a reconfigured junction with Malvern Road and provision for 2no. car parking spaces per unit are proposed in accordance with the parking standards set out in the Streetscape Design Guide. The Highway Authority has no objections to the amended proposals that seek to address the concerns raised regarding the access arrangements from Malvern Road, road gradients, car parking and cycle parking.
Four conditions are recommended relating to visibility splays, turning areas, parking, cycle parking, residential welcome packs and a Construction Environmental Management Plan.

I am satisfied that sufficient parking provision and turning space, and improvements to the access, are proposed to cater for the 9 dwellings on this site and meet the appropriate highways standards.

**Flooding and Drainage**

The South Worcestershire Land Drainage Partnership has no objection to the amended proposals, subject to 2 conditions which are recommended accordingly.

**Affordable Housing**

As the application is for 9 dwellings it is below the threshold and there is no requirement for affordable housing as part of the development.

**Energy conservation.**

Policy SWDP 27 (Incorporating Renewable and Low Carbon Energy into New Development) seeks to reduce carbon emissions and secure sustainable energy solutions in all new development over 100 sq. metres gross or one or more dwellings. This should be achieved by incorporating energy generation from renewables 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. Policy SWDP 27 goes onto say that large scale developments (those of 100+ dwellings or non-residential schemes of 10,000+ square metres) should examine the potential for decentralised energy and heat networks but again refers to viability.

An energy statement has been submitted and a condition is recommended to secure the requirements of policy SWDP 27 for at least 10% of energy to be generated onsite from a renewable or low carbon source.

**Planning obligations**

It is recognised that new development can create the need for new or improved infrastructure and community facilities. Planning obligations mitigate the impact of development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2012 and as policy tests in the National Planning Policy Framework.

In accordance with Community Infrastructure Levy Regulations 2012, the applicants are willing to enter into a legally binding agreement to deliver contributions to provide improvements to the infrastructure that the development will impact upon. This legal agreement will be made under Section 106 of the Town and Country Planning Act 1990 (as amended).

The following Heads of Terms have been identified:
Public Open Space

In lieu of the provision of sporting, play, allotments and informal open space to pay to the City Council a financial contribution as follows:

6 x 2 bedroom dwellings @ £1,521.60 = £9129.60
3 x 3 bedroom dwellings @ £2028.80 = £6086.40

Total contribution = £15,216
The sum shall be paid on or before commencement of development.

7.43 Draft Heads of Terms for a s106 Agreement have been agreed with the applicants and are attached as Appendix 1.

8. Conclusion and planning balance

8.1 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, and is in accordance with, the requirements of the adopted planning policy within the Development Plan and material considerations relevant to the determination of the application.

8.2 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.

8.3 The Council can currently demonstrate in excess of a 7 year housing land supply, and therefore, its relevant housing policies are not out of date. Where a development is found to be sustainable development, a presumption in favour applies. In accordance with Policy SWDP 1 the decision taker should grant planning permission for such developments, unless material considerations indicate otherwise or, where specific policies in the Development Plan or material considerations indicate development should be restricted.

8.4 This development would assist in delivering the objectively assessed housing need for South Worcestershire over the plan period to 2030 ensuring that there is an adequate supply of land for housing. Whilst there are some conflicts with policy SWDP 14 in terms of the mix of housing proposed, nevertheless the provision of 3no. bungalows is considered to be a benefit to the local housing market. These are factors in support of the development to which weight should be attached.

8.5 The proposed development would result in some economic benefits; employment during construction and thereafter upon the occupation of the dwellings it is likely that the occupants would contribute towards maintaining the vitality of local services and facilities. For this role of sustainable development, the balance would clearly be in favour of granting planning permission.

8.6 With regard to the social role, the delivery of 9 homes in this location would contribute to the continued economic and social sustainability of the City. This is a factor to which I also attach weight in favour of the proposals. There will also be benefits in the open space enhancements which form part of the proposal.
8.7 In respect of potential adverse impacts, the proposal has generated a high number of objections and many of these focus around impacts on neighbouring residents. However, for the reasons set out in my report I consider the proposal would not have an unacceptable impact on neighbouring residents’ amenities or the amenities of future residents. The Landscape and Biodiversity Adviser has also raised concerns and which are to be given appropriate weighting in the determination of this application.

8.8 On balance, I am of the opinion that the submitted scheme has indicated more than sufficient detail to warrant approval. In fact, it is considered that the proposal is a well designed site utilising the full potential of the site within a sensitive location.

8.9 I acknowledge all comments received as part of the consultation process and consider all material planning issues have been considered in the determination of this application. Having regard to the totality of the policies in the Framework, I consider that he proposed development is sustainable when looking at its social, economic and environmental credentials in the round. The adverse impacts of the development (taking into account the considerable importance and weight to be given to the less than substantial harm to the significance of the heritage assets) do not significantly and demonstrably outweigh the benefits. 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. As such it is recommended that planning permission be granted.

9. **Recommended conditions**

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

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

   **Reason:** To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

   01045_01_Location Plan
   02045_02_Existing Site Plan
   03045_03_Existing Building Heights Plan
   10K, revision: 1045_10K_Proposed Site Plan
   11E, revision: 1045_11E_Proposed Site Plan
   12C045_12C_Proposed GI Plan
   13C045_13C_Proposed Building Heights
   14A045_14A_Previous Scheme Overlay
   42B045_42B_Proposed Street Scene
   60A045_60A_Plots 1-6 GF Plan
   61A045_61A_Plots 1-6 FF Plan
   62A 045_62A_Plots 1-6 SF Plan
   63A 045_63A_Plots 1-6 Elevations
   64A045_64A_Plots 1-6 Elevations
Reason: To ensure compliance with the approved scheme.

3. The development hereby approved shall not be occupied until the access including visibility, turning area and parking facilities shown on Drawing No. 10J Propose Site Plan have been provided. These areas shall thereafter be retained and kept available for their respective approved uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

4. The development hereby permitted shall not be first occupied until sheltered, secure and accessible cycle parking to comply with the Council’s adopted Streetscape Design Guide has been provided for the apartments x 6 in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council’s parking standards.

5. The development hereby approved shall not be occupied until the applicant has submitted in writing to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development

Reason: To reduce vehicle movements and promote sustainable access.

6. 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 associated vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement as required.
A highway condition survey, timescale for re-inspections, and details of any reinstatement as required.

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.

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

7. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include: i. a timetable for its implementation, and ii provide a management and maintenance plan for the lifetime of the development which shall include robust arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure a satisfactory means of disposal for surface water without increasing the risk of flooding to the site or elsewhere.

8. No development shall take place until a written scheme of investigation (WSI) for an archaeological field evaluation and mitigation has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To allow the historical and archaeological potential of the site to be recorded in accordance with policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

9. No development shall take place until an Arboricultural Management Plan to protect existing trees has been submitted and approved by the Local Planning Authority.

Reason: To ensure protection of the mature trees that exist within the site.
10 Prior to the occupation of any part of the development hereby permitted details of renewable or low carbon energy generating facilities to be incorporated as part of the development shall be submitted to and approved in writing by the local planning authority. The details shall demonstrate that at least 10% of the predicted energy requirements of the development will be met through the use of renewable/low carbon energy generating facilities. The approved facilities shall be provided prior to any part of the development hereby permitted being first occupied or in accordance with a timetable submitted to and approved by the local planning authority as part of the details required by this condition.

Reason: To ensure the proposed development includes sufficient renewable/low carbon energy generating facilities to comply with Policy 27 of the South Worcestershire Development Plan 2016.

11 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: To maintain the visual and environmental quality of the site and surrounding area in accordance with policies SWDP 5 and SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

12 Notwithstanding any details shown on the submitted plans samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be submitted to and approved in writing by the local planning authority prior to use as part of the development hereby approved.

Reason: To ensure the satisfactory appearance of the completed development and to comply with policy SWDP 21 of the South Worcestershire Development Plan.

13 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 0730 to 1800 Mondays to Fridays inclusive and 0800 to 1300 on Saturdays and no operations shall be carried out at all on Sundays or on statutory Bank Holidays.

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.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other order revoking and re-
enacting that Order with or without modification), the approved dwellings on plots 7, 8 and 9 shall not be extended, nor shall any structures be erected within the curtilage of the said dwellings, dwelling without the grant of further specific planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with policy SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other order revoking and re-enacting that Order with or without modification), no new windows, rooflights or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the dwellings on plots 7, 8 and 9 without the grant of further specific planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with policy SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

All the existing trees, shrubs and hedges indicated on the approved drawings to be retained shall be protected by suitable fencing as shown in 6.2 Barriers and ground protection of BS5837:2012 or such alternative as may be agreed in writing by the local planning authority. Such fences shall be erected at no less than the distances required to attain the undisturbed root protection areas in m2 calculated for each individual tree or groups of trees from Annex C & D BS5837:2012. With regard to shrubs and hedges such fences shall be erected at a distance set out in the submitted plans. All such fence(s) shall be erected before any materials are brought onto the site or development commences. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence(s), nor shall any changes in ground level be made unless previously agreed in writing by the local planning authority.

Reason: To ensure that those trees and shrubs to be retained are not subject to damage either as a result of works carried out on site or during the carrying out of such works in accordance with policies SWDP 21 and SWDP 25 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

The level of the land within the fenced areas the protected trees in accordance with condition 16 shall not be altered without the prior consent in writing of the local planning authority, nor shall any materials be stored
or any activities allowed within the areas so defined.

Reason: To maintain the visual and environmental quality of the site and surrounding area in accordance with policies SWDP 21 and SWDP 25 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

The design of the foundations for the proposed development shall take account of both nearby trees and any approved landscaping or tree planting as part of the said application, and must be as prescribed in appropriate guidelines (BS 5837:2005, BRE Digests 240:1980, 298:1985 and NHBC Standards, Chapter 4.2) as a minimum standard. The foundations must be constructed to withstand any influence of existing trees or proposed landscape vegetation with regard to future potential indirect / direct tree related building damage. No development shall take place until there has been submitted to and approved in writing by the local planning authority full details of the proposed foundations to include their dimension and position in relation to existing ground levels.

Reason: To protect existing trees on site, to ensure that trees and vegetation proposed as part of the approved development details can be protected in the light of both actual and perceived risk of building damage and to comply with policies SWDP 5 and SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

All excavations to be undertaken within 3 metres of the stems of existing trees on site shall be undertaken in accordance with NJUG Publication Number 10 "Guidelines for the Planning, Installation and Maintenance of Utility Services in Proximity to Trees".

Reason: To ensure that existing trees are not damaged through the loss of roots, to maintain the visual and environmental quality of the site and surrounding area and to comply with policy SWDP 25 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.