<table>
<thead>
<tr>
<th>Application Number</th>
<th>19/00670/FUL &amp; 19/00671/LB</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Address</td>
<td>Mount Battenhall, Battenhall Avenue, Worcester, WR5 2HP</td>
</tr>
<tr>
<td>Description of Development</td>
<td>Erection of 3no. apartment units as part of the existing retirement community – 2no. additional apartments in a first floor extension to the host property and 1no. apartment in a small extension to the stables building</td>
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<tr>
<td>Case Officer</td>
<td>Paul Collins</td>
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<tr>
<td>Applicant</td>
<td>ERL (WORCESTER) LTD</td>
</tr>
<tr>
<td>Ward Member(s)</td>
<td>Battenhall Ward</td>
</tr>
<tr>
<td>Agent</td>
<td>Conor Layton</td>
</tr>
<tr>
<td>Reason for Referral to Committee</td>
<td>In accordance with the adopted Scheme of Delegation</td>
</tr>
<tr>
<td>Expiry Date</td>
<td>17 October 2019</td>
</tr>
<tr>
<td>Key Issues</td>
<td>The principle of development and whether the proposal would be sustainable form of development having regard to the 3 dimensions of sustainable development in terms of its economic role, social role and environmental role.</td>
</tr>
<tr>
<td>Web link to applications</td>
<td><a href="https://plan.worcester.gov.uk/Planning/Display/19/00670/FUL">https://plan.worcester.gov.uk/Planning/Display/19/00670/FUL</a> &amp; <a href="https://plan.worcester.gov.uk/Planning/Display/19/00671/LB">https://plan.worcester.gov.uk/Planning/Display/19/00671/LB</a></td>
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<tr>
<td>Recommendation</td>
<td>The Deputy Director - Economic Development and Planning recommends that the Planning Committee grants planning permission and listed building consent subject to the conditions set out in section 9 of this report.</td>
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1. **Background**

1.1 The application was registered on 22 August 2019 and was due for a decision on 17 October 2019. An extension of time for the determination of the application has been requested to allow determination by the Planning Committee.

1.2 The application has been referred to the Planning Committee in accordance with the adopted Scheme of Delegation.

2. **The site and surrounding area**

2.1 The application site is located south west of the city centre within substantial grounds, c.2.6 hectares in total, and consists of Battenhall Mount, a grade II* listed building that was constructed between 1863-67 as a family home, with later extensions, and three ancillary buildings, all grade II listed in their own right, known as The Stables, The Lodge (Gatehouse) and the Gardener’s Cottage. The site is also located within the Battenhall Villas Conservation Area. Consent has been granted for three new contemporary villa buildings which are to be used as additional retirement accommodation and various extensions to the
above buildings. Work has commenced upon the above buildings.

3. The proposals

3.1 This application relates to two areas of the previously consented scheme (The Stables and the host property) which can be seen in the site location plan above (Drawing No.0660/807). The consented Battenhall Mount Retirement Community included a total of 100 No. apartment units, plus ancillary rooms to support the community. This application is for an additional 3No. apartments as part of the same retirement community, as follows:

(A) The grade II listed Stables - addition of a single storey extension to provide an additional 57.5m² of Gross Internal Area (GIA) which will be used as an additional apartment. This would be accommodated in part in a former single-storey motorcar garage with a modern extension on it street-facing frontage. The proposed extension to the north east of the stables building takes the overall proposed footprint area of the building to 425 m². Although, this is greater than the footprint of the previously consented scheme (under P18B0059/P18B0194), it represents a reduction in the overall footprint of the stables building from what currently exists on site. The proposed extension is defined by its low-level flat roof with castellations to the roof parapet. The proposal seeks to ensure these key features are maintained.

(B) The previously consented extension to the grade II* listed host property – addition of 2No. apartments to the first floor over the consented restaurant extension. This will provide an additional 208m² of GIA. Although larger than the previously consented scheme, the proposed extension will be lower than the
recently demolished 1950s school block building and the proposed ridge will sit beneath the eaves of the host property.

In terms of footprint, the proposed scheme is only 1.5% bigger than the consented footprint.

3.2 The application is accompanied by a full set of plans together with a suite of supporting documents that include:

1. 0660 225 E Stables Proposed Floor Plans Consented
2. 0660 221 F Host Property Proposed Gf Plan Consented
3. 0660 271 A Host Property Proposed Elevations Sheet 1 Consented
4. 0660 222 F Prop Ff Plan Consented
5. 0660 272 A Host Property Proposed Elevations Sheet 2 Consented
6. 0660 275 Stables Proposed Elevations Consented
7. 0660 804 F Prop Roof Plan Stables
8. 0660 803 F Prop Gf Stables
9. 0660 811 F Ff Layout Host Property
10. 0660 801 G Prop Elevations Stables
11. 0660 815 F Roof Plan Host Property
12. 0660 810 F Gf Layout Host Property
13. 0660 813 B Prop. Elevation Host Property
14. 0660 814 B Prop. Elevation Host Property
15. 0660 812 G Prop. Elevation Host Property
16. 0660 809 Proposed Block Plan
17. 0660 808 Block Plan Consented
18. 0660 807 Location Plan
19. 0660 Battenhall Mount Design And Access Statement Addendum Aug 2019 Compressed
20. Heritage Statement V3 19.08.19
21. Land Contamination Report
22. 0660_810 (G) Host Property - Ground Floor Layout
23. 0660_811 (G) Host Property - First Floor Layout
24. 0660_812 (I) Host Property - Elevation A
25. 0660_813 (D) Host Property - Elevation B
26. 0660_814 (D) Host Property - Elevation C
27. 0660_815 (G) Host Property - Roof Plan
28. CGI 01
29. CGI 02
30. Existing A
31. Existing B
32. Existing C
33. Existing D

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 History**

4.1 The application site has a planning history related to its former use as a school. Of most direct relevance to the current application are:

- P16B0575 and L16B0065 - demolition of modern structures, conversion, change of use and new build to create a care community with communal areas and facilities, (consented on 21 July 2017).

- P18B0059 - Variation of Condition 2 of Planning consents P16B0575 & L16B0065; (Granted under delegated powers on 25th May 2018).

- P18B0194 - Variation of condition 4 following approval of L16B0065 to enable partial demolition prior to a contract for redevelopment works being let. Granted under delegated powers on 27th June 2018.

- 1900676 & 1900677LB - Alteration, extension and change of use of existing building to create 2no care apartment units as part of approved scheme within main building has also been submitted and is referred to the Planning Committee for determination by the Planning Committee.

- Planning application 19/00593/VAR for the variation of condition 2 of application P18B0059 has also been submitted and is referred to the Planning Committee for determination by the Planning Committee.

**Pre-application Engagement**

Site meetings were held with the applicants and their agent’s on 25 March 2019; 30 May 2019, and 03 July 2019 to discuss and refine details of these applications.

5. **Planning Policy**

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

5.2 Paragraph 200 of the NPPF states that “Local Authorities are called to look for opportunities for new development within conservation areas and the setting of heritage assets to enhance or better reveal their significance” and that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area” (paragraph 130). This is further reflected in South Worcestershire Development Plan policies SWDP 6 and SWDP 24 which seek to protect and enhance designated and non-designated heritage assets and guide against development that would cause substantial harm to the significance of any heritage asset and policy SWDP 21 which sets generic design principles for development proposals.
Policy SWDP 21 requires that all development will be expected to be of a high design quality and integrate effectively with its surroundings and that development proposals must complement the character of the area. Furthermore, proposals should respond to surrounding buildings and the distinctive features or qualities that contribute to the visual and heritage interest of the townscape, frontages, streets and landscape quality of the local area and states that the scale, height and massing of development must be appropriate to the setting of the site and the surrounding landscape character and townscape, including existing urban grain and density.

5.3 The key legal provisions relating to the consideration of heritage assets in the planning system are s72 (1) and s66 (1) of the Planning Listed Buildings and Conservation Areas Act 1990 which state that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area” and “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

5.4 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**

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

- SWDP 6; SWDP 13, and SWDP 21
- SWDP 1 – Overarching Sustainable Development Principles
- SWDP 2 – Development Strategy and Settlement Hierarchy
- SWDP 4 – Moving around Worcestershire
- SWDP 6 – Historic Environment
- SWDP 13 – Effective Use of Land
- SWDP 20 - Housing to Meet the Needs of Older People
- SWDP 21 – Design
- SWDP 27 – Renewable and Low Carbon Energy

The ‘Reasoned Justification’ section of Policy SWDP 20 identifies a need for accommodation suitable for older people (aged 65+). It also states that such proposals should be delivered primarily within Worcester City.

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

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

- WCS1 (Presumption in favour of sustainable development)
- WCS3 (Re-use and recycle)
Material Considerations

1. National Planning Policy Framework

5.7 The revised National Planning Policy Framework was updated on 19 February 2019 and sets out the government’s planning policies for England and how these are expected to be applied and is a material planning consideration in determining planning applications. All the policies in the NPPF constitute Government’s view of what sustainable development in England means in practice: an economic role, contributing to a strong, responsive, competitive economy; a social role, supporting vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment with accessible local services that reflect the community’s needs; and an environmental role, protecting and enhancing our natural, built and historic environment. Economic, social and environmental improvement should be sought jointly and simultaneously.

5.8 Paragraph 38 of the NPPF encourages Local Planning Authorities to approach decision taking in a positive way and to foster the delivery of sustainable development. Local Planning Authorities are advised to approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

2. National Planning Practice Guidance

5.9 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.

3. Supplementary Planning Documents

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

- Design Quality SPD

The Design Quality SPD 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 Quality SPD is consistent with the planning policies in the SWDP.

- Planning for Health in South Worcestershire SPD
The Planning for Health SPD primarily focuses on the principal links between planning and health. It provides guidance and interpretation of the SWDP from a public health perspective. The SPD addresses following nine health and wellbeing principles:

- Sustainable development
- Urban form - design and the public realm
- Housing and employment
- Age-friendly environments for the elderly and those living with dementia
- Community facilities
- Green infrastructure and play spaces/recreation
- Air quality, noise, light and water management
- Active travel
- Encouraging healthier food choices

- 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).

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

5.11 LTP4 set out issues and priorities for investment in transport infrastructure, technology and services, focussed on supporting travel by all modes. In accordance with national and local objectives, a series of local transport-specific objectives are identified in the LTP4:

- “To support Worcestershire’s economic competitiveness and growth through delivering a safe, reliable and efficient transport network.
- To limit the impacts of transport in Worcestershire on the local environment, by supporting enhancements to the natural environment and biodiversity, investing in transport infrastructure to reduce flood risk and other environmental damage, and reducing transport-related emissions of nitrogen dioxide, particulate matter, greenhouse gases and noise pollution. This will support delivery of the desired outcomes of tackling climate change and reducing the impacts of transport on public health.
- To contribute towards better safety, security, health and longer life expectancy in Worcestershire, by reducing the risk of death, injury or illness arising from transport and promoting healthy modes of travel.
- To optimise equality of opportunity for all of Worcestershire’s citizens with the desired outcome of creating a fairer society.
- To enhance the quality of life for Worcestershire’s residents by promoting a healthy, natural environment, for people, wildlife and habitats, conserving our historic built environment and preserving our heritage assets.”

5.12 The ‘Streetscape Design Guide’ (SDG) was produced to aid architects, engineers, planners, developers, designers and other professionals in preparing transport infrastructure related to new developments. It is to be considered in conjunction with Manual for Streets 1 and 2, as well as the Design Manual for Roads and Bridges.

5.13 Chapter 4 relates to ‘Planning for Parking’ and seeks to provide an approach as to how car parking in Worcestershire should be provided to support development in a manner which embraces the NPPF. It is considered that if the applicant is the end user that they are well placed to assess operational demands but all sites must be considered against a planning use class to ensure they equally address the needs of future users. Therefore applications should provide a suitable evidence base to ensure vehicles are not displaced onto the highway to ensure highway safety is not compromised and maintain the free flow of traffic to the benefit of the local economy. This document only reflects a small part of managing vehicle demands and therefore should be read alongside the Local Transport Plan (above) which contains policies to promote sustainable travel through the provision of physical infrastructure and travel planning initiatives.

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

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

The following are the minimum requirements:

<table>
<thead>
<tr>
<th>Bedroom Unit</th>
<th>Spaces, Cycle Spaces</th>
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<tbody>
<tr>
<td>1 Bedroom Unit</td>
<td>1 Space, 1 cycle space</td>
</tr>
<tr>
<td>2 – 3 Bedroom Units</td>
<td>2 Spaces, 2 cycle spaces</td>
</tr>
<tr>
<td>4 – 5 Bedroom Units</td>
<td>3 Spaces*, 2 cycle spaces</td>
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* 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.

Adequate space for heavy goods, delivery and public service vehicles must be made within the site boundary, which should not conflict with the proposed parking arrangements.”

6. Consultations

6.1 Formal consultation, including display of site notices, has been undertaken in respect of the application. The following comments from statutory and non-statutory consultees and interested third parties have been received in relation to the original and amended proposals and are summarised as follows:
**Neighbours and other third party comments:** No comments have been received from neighbouring residents.

**Historic England:** In response to being consulted about these proposals, Historic England commented that: - On the basis of the information available to date, we do not wish to offer any comments. ... It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

**Worcester City Council Archaeological Officer:** There is no archaeological objection to Scheme (B). With Scheme (A) – in the former stable block – there is no archaeological objection to the proposed changes, subject to all areas affected by physical alterations being thoroughly documented by photography, to a greater level of detail than the overall survey already carried out.

**Worcester City Council Landscape and Biodiversity Adviser:** The stables extension is a rather awkward one, it will fill the space giving a set back to the building and view of the original castellation. In similar materials it will appear an unnatural addition. Could it be a lighter, more contemporary construction?

**Worcestershire County Council (Highway Authority):** The parking provision for the site is 100 spaces based on a ratio of 1 space per unit. The applicant put forward evidence from a comparable site in Chester where this level of provision on a 1:1 basis has proven more than adequate to accommodate the parking required for residents, staff and visitors including health care professionals and it has been found that most residents do not make use of their allocated parking spaces. On this basis, it is considered that the parking demand generated by the addition of 5 units will be accommodated within the existing provision within the site and the Highways Authority has no objection to the proposed development.

**Conservation Advisory Panel:** The applications were first considered at the Panel meeting held on 6 November 2019. Panel Members considered that the works to the stable block (A) were acceptable. They also discussed the principal of the second part (B) of the application at length and gave consideration to the proportion of the development in relation to the rest of the site and the design of the additional development. It was felt the addition of a second storey, albeit set back from the road and slightly divorced from the existing building did not enhance the site and specifically the relationship between the existing buildings that are being retained and the consented/new single-storey building. In addition, the panel considered that it added massing and infill that would, in all likelihood, not have been consented as part of the original application. Overall, the Panel objected to the second part (B) of the application on grounds that the development would result in unwanted massing and does not enhance the site.

These comments were fed back to the applicants, who, in response, produced additional detailed drawings and a series of comparative CGI generated illustrations showing views from within and outside the site, contrasting the now demolished school blocks with the consented restaurant block and the current proposed rooftop addition. This additional material was presented to the Panel meeting held on 4 December 2019.
After some consideration, the Panel tempered its previous objection to the second part (B) of the application, accepting the principle of it, but they also maintained their objection to the proposed design. Some of this related to the materials proposed to clad the rooftop addition. The applicants subsequently indicated a willingness to revisit these, which will, in any case, be subject to a dischargeable material condition.

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

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

7.1 Policy SWDP 1 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, establishing whether what is proposed is sustainable development. Taking the above matters into account I consider the main issues raised by the proposal relate to 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 and appearance;
   - impact on heritage assets;
   - access, car parking and highway safety;
   - biodiversity;
   - flooding and drainage

These issues will now each be considered in turn.

**Sustainable Development**

**1. The economic role**

7.2 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, I consider that this weighs in favour of granting planning permission.
2. The social role

7.3 The key aim is to provide additional accommodation suitable for single residents aged not less than 60 years of age or joint residents who are not less than 60 years of age except that one of such persons may be not less than 55 years of age. The two extensions aim to make effective use of the available space within the site. The `Reasoned Justification` section of Policy SWDP 20 identifies a need for accommodation suitable for older people (aged 65+). It also states that such proposals should be delivered primarily within Worcester City. The proposal is therefore considered acceptable in terms of policies SWDP 13 and SWDP 20. As a consequence, it has important social roles which weigh in favour of granting planning permission. However, one must also consider the impact of the development on nearby residents.

Residential Amenity

7.4 The site lies adjacent to residential properties located within Battle Road and Battenhall Avenue. Policy SWDP 21 requires that new development does not have a significant adverse effect on neighbouring amenity. This is consistent with paragraph 127 of the NPPF that requires planning policies and decisions, amongst other matters, to ensure a high standard of amenity for existing and future users of land and buildings.

7.5 Although separate from the original consents granted for development of the application site, the current application needs to be considered in the context of the broader development of the site consented then, and, in particular, in terms of the additional impacts (if any) that these further 3no. residential units would have over and above the 100 no. units already consented. Scheme (A) will largely be unnoticed from outside the site and (B) will present a blind elevation to Battenhall Avenue, thus removing any possibility of overlooking or loss of privacy. In this context it is considered that any such additional impacts are slight and acceptable.

7.6 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, construction works, and from the operation of the site on completion from activities on site and movements to and from the site. Appropriate conditions regarding hours of deliveries and working were set on the original consents, and are reiterated here.

3. The environmental role

Design and appearance

7.7 Regarding Scheme (A), the north eastern end of the former stables building has a low-level flat roof with castellated parapet. This was originally constructed as a carriage store, when the site was owned by Alfred Percy Allsopp, and was later converted to house a motor car. The proposed extension to this seeks to ensure that its key features are not lost or hidden from view; the proposal being for a single-storey extension with a low-level flat roof that sits beneath the castellated parapet capping off the existing building.
During early consultation on site I drew attention to the ornate chimney to the north-west facing elevation off Battenhall Avenue. The importance of both retaining and enhancing this was discussed in some detail. As a solution, a part-glazed roof is proposed around the chimney in order that not only its base remains visible internally within the new apartment, but also that an upwards view of the whole chimney will be maintained.

7.8 Overall, as a small-scale extension, it is proposed to be constructed using buff facing brickwork – to relate to the existing language of the listed building. The new brick, mortar and bonding will be matched to the existing brickwork and imperial in size. This is all considered to respect the character and appearance of the built environment in accordance with policies SWDP 6 and SWDP 21.

7.9 Regarding Scheme (B), the height of the additional rooftop units remains below the ridge/eaves height of the recently demolished 1950s building, and the proposed ridge sits beneath the level of the eaves to the host property. Greater separation between the host property and the extension is provided by the proposed first floor extension when compared to the recently demolished 20th C school extension and a greater set back, of a minimum of 4m, is proposed from Battenhall Avenue.

7.10 The proposed first floor extension is to be finished in a grey metal cladding [as are the new Villas responding to the slate roof of the grade II* listed structure] atop a buff brick ground floor plinth. A new door out from the first floor landing of the proposed extension has been provided on the North-East facing elevation. This proposed door is for maintenance purposes only and will be locked and only used by staff – there is no intention for this roof to be accessible for any purposes other than that stated.

7.11 Whilst the visual impact of the proposed first floor extension is greater than the single-storey scheme previously consented, it offers a significant improvement on what previously existed on site. The former 1950s school building extension completely masked the south east facing host property elevation from outside the site. However, by setting back the first floor, as proposed here, more of this elevation will be visible from outside the site in Battenhall Avenue than ever before.

**Impact on heritage assets**

7.12 Local Authorities are called to look for opportunities for new development within conservation areas and the setting of heritage assets to enhance or better reveal their significance (NPPF paragraph 200), and for new development to make a positive contribution to local character and distinctiveness. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area (NPPF paragraph 130). 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” and “Development proposals will be supported where they conserve and enhance the significance of heritage assets, including their setting”.

7.13 There is a substantial amount of planning case law regarding how a decision taker must address the issue of harm to heritage assets, such as listed buildings. Essentially, this makes it is clear that the decision maker is required to give considerable importance and weight to the desirability of avoiding harm to the heritage asset. There is accordingly a strong presumption, imposed by the Planning Listed Buildings and Conservation Areas Act 1990, against harmful development. This is the case whether the harm is ‘substantial’ or is ‘less than substantial’. There is no specific test in the NPPF of what differentiates substantial harm from other harm for the purposes of national policy. Whilst the judgments are not prescriptive as to where the threshold between ‘substantial’ and ‘less than substantial’ lies, nevertheless case law has been established that for harm to be substantial, the impact on significance is required to be serious such that very much, if not all, of the significance of the asset is eroded, for example by complete demolition.

7.14 An addendum to the original Heritage Impact Assessment for the site was produced by the same consultant and is dated 19 August 2019. This considers the proposals under Scheme (A) in detail and concludes that the additional apartment to the former stable block has a minor impact on visual amenity. The proposals introduce a new brick façade facing Battenhall Avenue, employing matching buff brick; the impact on the visual amenity is minor. Physically, there is the loss of one internal wall which formed a storeroom, with negligible physical impact to the main house.

7.15 Similarly, when considering Scheme (B), the same consultant concluded that the 2 new apartments above the approved restaurant cause no physical harm to the host property. There is a slight visual impact upon the main building, in a direct line from the rear garden to the south with the visual loss of some brickwork and 4 sash windows, however, from the vast majority of positions within the grounds, (and without the site) these are still open to view.

7.16 Outside of the above, the concerns and objection expressed initially by the Conservation Advisory Panel were addressed by the applicants and their agents, who supplied additional detail and illustrations, especially of how the new units in Scheme (B) would look. Whilst the Panel remain sceptical regarding the design of the rooftop units, they do accept the principle of their development. I also note the preference of the Landscape and Biodiversity Adviser for a lighter, more contemporary construction. The design of the units was deliberately chosen to ‘bridge’ the transition between the older grade II* listed house and the new consented accommodation blocks – termed ‘Villas’. Care was taken to pick up on prominent levels and features of the existing listed building whilst also following a similar architectural design as that of the new villas. To this end, the proposed first floor extension is to be finished in a grey metal cladding – responding to the slate roof of the Grade II* Listed structure – atop a buff brick ground floor plinth.
7.17 The City’s Archaeological Officer has raised no objections to either scheme contained in this application, and has asked for recording of the former garage block in Scheme (A) ahead of work commencing. An appropriate condition has been set.

7.18 Historic England has expressed no objections to either part of this proposal.

7.19 Overall I consider the impact of these proposals upon the heritage assets to be measured and acceptable. The changes proposed must be seen on the broader context of the whole application site, and, in particular, to the work being undertaken to the grade II* listed house and its formal landscaped garden, both of which had been subject to many years of neglect. The new unit in Scheme (A) utilises part of the former stable block which, hitherto, had not been found a use in the current scheme; this is therefore much to be welcomed. Also, the 2 units atop the consented restaurant block in Scheme (B) will form a minor addendum to the latter, all of which can be built under the existing and enacted consents, and which already includes a faithful recreation and reinstatement of the characteristic buff brick boundary wall to the site along Battenhall Avenue. In summarising the likely effects of the proposal on heritage assets and having full regard to the policies in the development plan and national guidance it is assessed that the proposed development would result in less than substantial harm to the significance of the designated heritage assets. Taking into account the importance and weight to be given to the statutory duty under s.66(1) and s.72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in the overall balance of considerations, I am of the opinion that the impact on the designated heritage assets would be insufficient for the application to be refused.

Access and Highway Safety

7.20 As a small addition to a much larger consented scheme, the broader issues relating to access and highways safety were given full and due consideration at the time of the original consents. These proposed changes are extensions to the existing permissions and also fall within the C2 ‘Extra Care’ use class. Worcestershire County Council’s Parking Standards states that: -

‘Commercial operators are best placed to understand the needs of their business and to determine how land under their control should be managed’.

7.21 The current proposal will not include the provision of any extra car parking spaces. The previously consented scheme already benefits from an abundance of parking, with five separate car parks across the site totalling 97 spaces. A significant proportion of residents are unlikely to own vehicles. Services will be provided on-site as will care. No additional staff will be required. As such, the addition of 3No. apartments is not considered significant in terms of parking, which was confirmed by the Highways Authority stating that they had no objection to the proposed development.

7.22 In terms of access, Scheme (A) is situated at ground floor with level access for wheelchair users, whilst in Scheme (B) the apartments are at first floor level with a dedicated Equality Act compliant lift to serve them.
**Biodiversity**

7.23 The main consents granted for the application site took full account of, and made due provision for, biodiversity. Indeed, P18B0194 was occasioned by the discovery of bats in one of the buildings proposed for demolition and this consent allowed for a variation in the phasing of demolition on site to allow for appropriate mitigation measures to be implemented. I therefore consider that all matters relating to biodiversity have been fully considered and acted upon appropriately.

**Flooding and Drainage**

7.24 As a minor adjunct to a much larger consented and enacted development, I do not consider that the additional 3no. units proposed here will place any significant additional demand upon, or require any additional arrangements other than those already consented and in place.

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 The following material planning issues are relevant to this application:

- Principle of the development
- Design
- Landscape character and visual impact
- Historic environment
- Access and highway issues
- Biodiversity
- Flooding and drainage

8.3 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.

8.4 The Council can currently demonstrate a 7 year housing land supply, and therefore, it’s 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.

8.5 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 key aim of the proposal is to provide accommodation suitable for older people (aged 60+). This is a very welcome use in the City and I consider the social benefits of this proposal outweigh the loss of the space for other uses and would accord with policy SWDP 20.

8.7 In respect of potential adverse impacts, the proposal has generated no objections from local residents. However, I note the concerns of the Conservation Advisory Panel and the Landscape and Biodiversity Adviser. Nevertheless, for the reasons set out in the report, I do not consider that the scheme would result in an unacceptable degree of harm.

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.

9. **Recommended conditions**

9.1 With regard to planning application 19/00670/FUL, 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

   0660 225 E Stables Proposed Floor Plans Consented
0660 221 F Host Property Proposed Gf Plan Consented
0660 271 A Host Property Proposed Elevations Sheet 1 Consented
0660 222 F Prop Ff Plan Consented
0660 272 A Host Property Proposed Elevations Sheet 2 Consented
0660 275 Stables Proposed Elevations Consented
0660 804 F Prop Roof Plan Stables
0660 803 F Prop Gf Stables
0660 811 F Ff Layout Host Property
0660 801 G Prop Elevations Stables
0660 815 F Roof Plan Host Property
0660 810 F Gf Layout Host Property
0660 813 B Prop. Elevation Host Property
0660 814 B Prop. Elevation Host Property
0660 812 G Prop. Elevation Host Property
0660 809 Proposed Block Plan
0660 808 Block Plan Consented
0660 807 Location Plan
0660 Battenhall Mount Design And Access Statement Addendum Aug 2019 Compressed
Heritage Statement V3 19.08.19
Land Contamination Report
0660_810 (G) Host Property - Ground Floor Layout
0660_811 (G) Host Property - First Floor Layout
0660_812 (I) Host Property - Elevation A
0660_813 (D) Host Property - Elevation B
0660_814 (D) Host Property - Elevation C
0660_815 (G) Host Property - Roof Plan
Reason: To ensure compliance with the approved scheme

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

The development shall be carried out using the materials as approved.

Reason: To protect, conserve and enhance the significance of heritage assets and to ensure that the new materials are in keeping with the surroundings and/or represent quality design in accordance with policies SWDP 6, SWDP 21 and SWDP 24 of the South Worcestershire Development Plan.

4. No development shall take place until a comprehensive photographic survey of all areas affected by physical alterations have been thoroughly documented by photography, to a greater level of detail than the overall survey already carried out

For the following reason:-

To allow the historical and archaeological interest of the buildings 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.

5. During the demolition and construction works hereby approved no operations including deliveries to or from the site shall be carried out on the site other than between the hours of 07:00 to 19:00 Mondays to Fridays inclusive and 08:00 to 13:30 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.
9.2 With regard to application for listed building consent 19/00671/LB, in the event that members resolve to grant listed building consent the following conditions are recommended:

The works to which this Listed Building Consent relates must be:

1. commenced before the expiration of three years beginning with the date of this consent.

Reason: To conform with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The works 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.

0660 225 E Stables Proposed Floor Plans Consented
0660 221 F Host Property Proposed Gf Plan Consented
0660 271 A Host Property Proposed Elevations Sheet 1 Consented
0660 222 F Prop Ff Plan Consented
0660 272 A Host Property Proposed Elevations Sheet 2 Consented
0660 275 Stables Proposed Elevations Consented
0660 804 F Prop Roof Plan Stables
0660 803 F Prop Gf Stables
0660 811 F Ff Layout Host Property
0660 801 G Prop Elevations Stables
0660 815 F Roof Plan Host Property
0660 810 F Gf Layout Host Property
0660 813 B Prop. Elevation Host Property
0660 814 B Prop. Elevation Host Property
0660 812 G Prop. Elevation Host Property
0660 809 Proposed Block Plan
0660 808 Block Plan Consented
0660 807 Location Plan
0660 Battenhall Mount Design And Access Statement Addendum Aug 2019 Compressed
Heritage Statement V3 19.08.19
3. No building operations hereby permitted shall commence until details of the materials to be used in the construction of the works hereby permitted have been submitted to and approved in writing by the local planning authority.

The development shall be carried out using the materials as approved.

Reason: To protect, conserve and enhance the significance of heritage assets and to ensure that the new materials are in keeping with the surroundings and/or represent quality design in accordance with policies SWDP 6, SWDP 21 and SWDP 24 of the South Worcestershire Development Plan.

4. No development shall take place until a comprehensive photographic survey of all areas affected by physical alterations have been thoroughly documented by photography, to a greater level of detail than the overall survey already carried out

For the following reason:-

To allow the historical and archaeological interest of the buildings 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.