

|   |  |
|---|--|
| <b>Application Number</b>               | <b>22/00037/RM</b>   |
| <b>Site Address</b>                     | <b>University Park Development, Bromyard Road, Worcester</b>   |
| <b>Description of Development</b>       | Seeking consent for the following reserved matters:<br>Landscaping, Layout, Scale and Appearance.  |
| <b>Expiry Date</b>                      | 19 April 2022. An extension of time has been requested.  |
| <b>Applicant</b>                        | Vistry Partnerships Ltd and Stonewater Ltd   |
| <b>Agent</b>                            | Mr Chris Lane  |
| <b>Case Officer</b>                     | Thomas Gabriel   |
|   | <a href="mailto:thomas.gabriel@worcester.gov.uk">thomas.gabriel@worcester.gov.uk</a>   |
| <b>Ward</b>                             | Bedwardine Ward  |
| <b>Reason for Referral to Committee</b> | Major application and departure from the Development Plan.   |
| <b>Key Issues</b>                       | 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. |
| <b>Web link to application</b>          | <a href="https://plan.worcester.gov.uk/Planning/Display/22/00037/RM">https://plan.worcester.gov.uk/Planning/Display/22/00037/RM</a>  |
| <b>Recommendation</b>                   | <b>The Corporate Director - Planning and Governance recommends that the planning committee approves the reserved matters application subject to the conditions set out in Section 9 of this report.</b>                        |

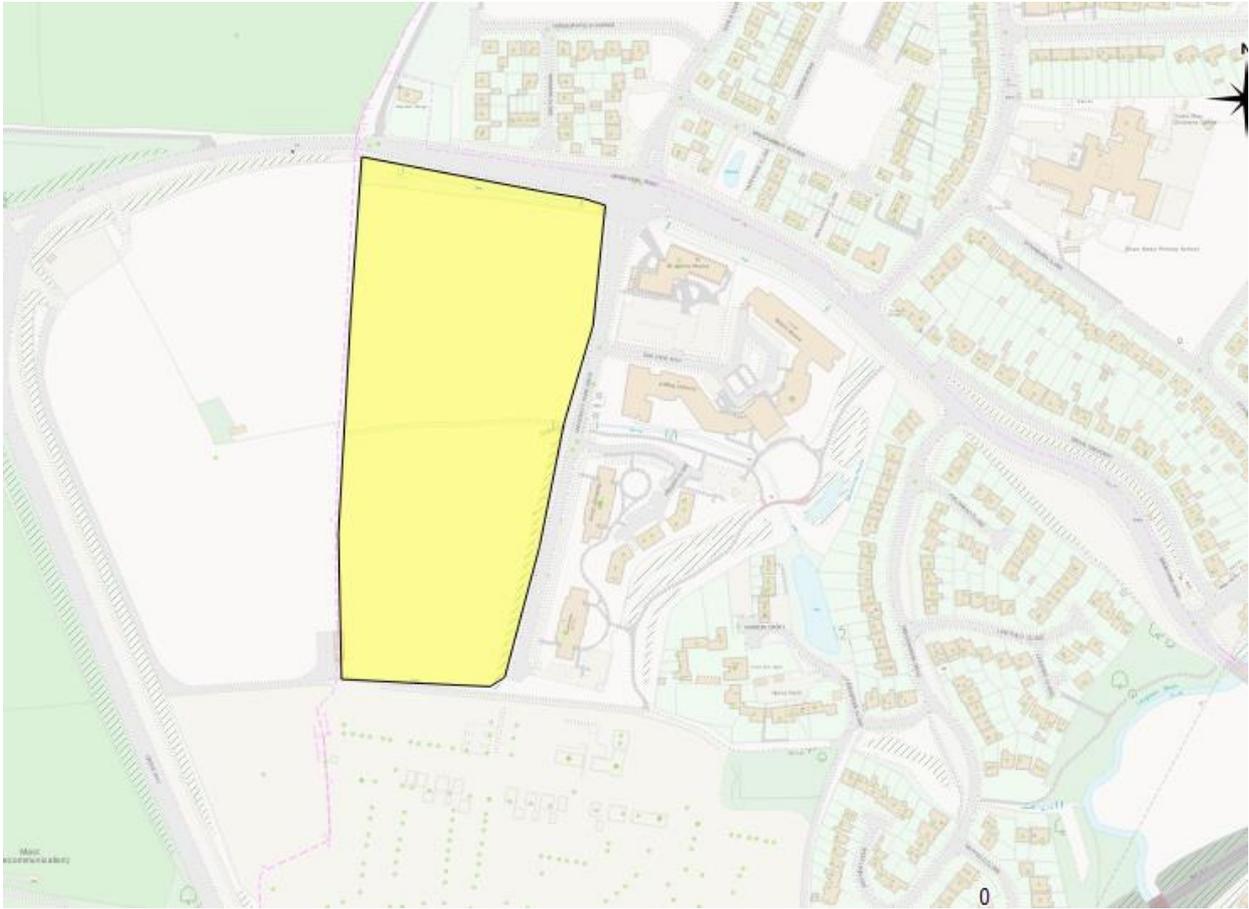
## 1. Background

- 1.1 The application was registered on 18 January 2022 and was due for a decision on 19 April 2022. An extension of time has been requested.

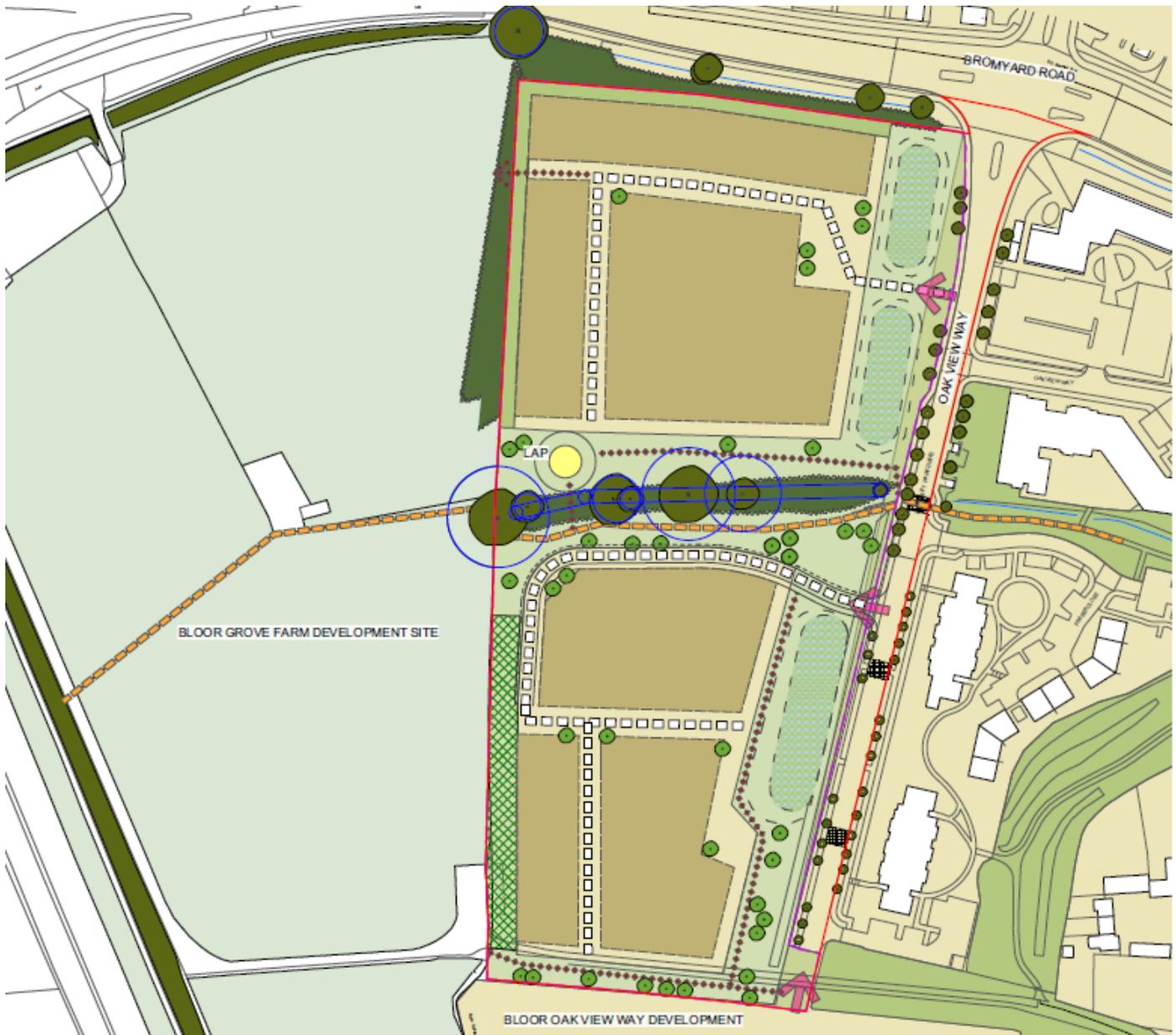
- 1.2 The application has been referred to the Planning Committee as it is a departure from the adopted Local Plan.

## **2. The site and surrounding area**

- 2.1 The application site extends to approximately 4.75 ha (11.74 acres) and lies to the west of the centre of Worcester and adjacent to the City's boundary with Malvern Hills District. It is approximately rectangular in shape and comprises two roughly equal sized parcels lying to the north and south of the hedgerow and trees that formerly ran across the centre of the site.
- 2.2 The northern parcel contained a substantial area of scrub and, towards its north-eastern corner, an area of hardstanding. A raised mound in the southern part of the northern parcel comprises made ground created as it is understood from spoil arising from the development to the east of Oak View Way. The southern parcel comprises semi-improved grassland.
- 2.3 The site is bounded by Bromyard Road to the north, and by Oak View Way formerly known as University Park Drive to the east from which access will be taken. Oak View Way also serves the Sanctuary Care Home development and St John's Medical Centre to the east, as well as the land to the south which has been developed by Bloor Homes following the grant of full planning consent (P18C0175) on 1 February 2019.
- 2.4 Land to west is within Malvern Hills District Council's administrative area. Malvern Hills District Council (MHDC) granted outline planning permission (16/00972/OUT) to Spenhill Developments on 10 July 2018 for the development of that site for up to 150 dwellings (known as Grove Park). Access to the Grove Park site was proposed from Bromyard Road and from the west, with provision for emergency access across the land that is subject to this outline planning application. The Grove Park site is also owned by Bloor Homes.
- 2.5 Further north and to the east are predominantly residential areas interspersed with commercial uses. Land to the south beyond the railway line includes areas of residential development located off Bransford Road and Worcester Golf & Country Club.



**Figure 1. The application site**



**Figure 2 – Outline Planning Permission Indicative Masterplan**

### **3. The Proposals**

3.1 This is a reserved matters application for residential development of up to 120 dwellings. It seeks approval for the following matters;

- a) The appearance of the buildings;
- b) The scale of the buildings;
- c) The layout of the development; and
- d) The landscaping of the development.

3.2 The application is accompanied by a full set of plans and associated documents. As a reserved matters application, it also relies on the extensive documentation previously submitted in relation to the original application 20/00249/OUT.

- VPA12 - PL001 - Location Plan
- VPA12 - PL002Q - Site Plan
- VPA12 - PL101B - Materials and Boundaries Plan
- VPA12 - PL111B - Refuse Strategy Plan
- VPA12 - PL121B - Air Source Heat Pumps Plan

- VPA12 - PL301B - House Type A (ATKINS) - Plans & Elevations
- VPA12 - PL302.1B - House Type B (FRANCIS) Variant - Plans & Elevations
- VPA12 - PL302B - House Type B (FRANCIS) - Plans & Elevations
- VPA12 - PL303B - House Type C (MOUNTFORD) - Plans & Elevations
- VPA12 - PL304B - House Type D (MACARTHUR) - Plans & Elevations
- VPA12 - PL401A Street Scenes
- 21-001-P-05 Rev C - Detailed Soft Landscape Proposals (Sheet 1 of 3)
- 21-001-P-06 Rev C - Detailed Soft Landscape Proposals (Sheet 2 of 3)
- 21-001-P-07 Rev C - Detailed Soft Landscape Proposals (Sheet 3 of 3)
- 21-001-P-09 Rev A – Tree Protection Details (Phase 1)
- 21-001-P-10 Rev A – Tree Protection Details (Phase 2)
- VPA12 Design And Access Statement - Rev B – 1
- Drainage & Levels Reserved Matter Report 12.1.22
- 1101-00-01 Refuse Tracking-Sheet 1
- 1101-00-02 Refuse Tracking-Sheet 2
- 1101-00-03 Drainage Layout - North Sheet 1
- 1101-00-04 Drainage Layout - South Sheet 2
- 1101-00-05 Rev C - Levels Strategy Sheet 1
- 1101-00-06 Rev C - Levels Strategy Sheet 2
- 1101-00-08 Highway Dimension plan-Sheet 1
- 1101-00-09 Highway Dimension plan-Sheet 2
- 1101-06-00 Rev A Emergency Access details
- Planning Statement
- Employment Skills and Local Procurement Strategy
- Street Lighting Design Risk Assessment
- Environmental Design Report
- Private Street Lighting Design

3.3 The design approach to the development is consistent across the site and reflects the surrounding development, with simple elevations and roofs of varying heights. The scheme comprises of four house types;

- A – two bedroom
- B – two bedroom
- C – three bedroom
- D – four bedroom

3.4 The proposed mix is as follows:

- 2bed – 47 units
- 3bed – 62 units
- 4bed – 11 units

3.5 The proposals are for 100% affordable housing and include a mix of affordable housing tenures. It should be noted that this varies from the S106 Agreement completed pursuant to the outline application which sought 30% affordable housing on an 80% social rent and 20% shared ownership split. The proposed tenure mix is as follows:

- Shared ownership – 48 units
- Affordable rent – 26 units
- Social Rent – 38 units
- Rent to Buy – 8 units

However, in accordance with the requirements of the outline planning permission and related S106 Agreement only the provision of 30% affordable housing is enforceable via this reserved matter application. Delivery of further affordable housing will be at the discretion of the applicant and will sit outside the terms of the s106 Agreement.

3.6 Due to the pre-existing s106 Legal Agreement there is no need to consider the Government's First Homes initiative.

3.7 All of the dwellings would be provided with off street parking – 249 spaces in total, predominantly on site though 19 would be adjacent to the properties they serve or nearby the property they serve. The development would be provided with a high-quality landscaping scheme. The proposed layout is shown below in Figure 3:



**Figure 3 – Proposed Site Plan**

3.8 The application is supported by a proposed landscaping scheme incorporating green infrastructure across a large portion of the site area. The green infrastructure will comprise:

- wildflower meadow areas
- wildflower wetland areas
- a variety of ground cover planting
- a Local Area of Play (LAP), and
- a multi-functional space across the centre of the site incorporating retained hedgerows and trees and a pedestrian and cycle link along the alignment of the existing PROW, which is to be retained.

3.9 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 December 2012.

#### **South Worcestershire Development Plan**

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

|         |  |
|---------|--|
| SWDP 1  | Overarching Sustainable Development Principles |
| SWDP 2  | Development Strategy & Settlement Hierarchy    |
| SWDP 4  | Moving Around South Worcestershire             |
| SWDP 5  | Green Infrastructure                           |
| SWDP 7  | Infrastructure                                 |
| SWDP 13 | Effective Use of Land                          |
| SWDP 21 | Design   |
| SWDP 22 | Biodiversity & Geodiversity                    |
| SWDP 27 | Renewable and Low Carbon Energy                |
| SWDP 28 | Management of Flood Risk                       |
| SWDP 29 | Sustainable Drainage Systems                   |
| SWDP 30 | Water Resources, Efficiency & Treatment        |
| SWDP 33 | Waste  |
| SWDP 38 | Green Space                                    |

4.4 This planning application covers part of the site allocated under SWDP 43/18 (University campus, medical centre/care home/close care and extra care housing, business uses, research and development). This application is therefore a departure from the adopted development plan.

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

4.5 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**

### **2. National Planning Practice Guidance**

### **3. Supplementary Planning Documents**

4.6 The following Supplementary Planning Documents (SPD) are relevant to the application proposals:-

- South Worcestershire Design SPD
- Planning for Health in South Worcestershire SPD
- Renewable and Low Carbon Energy SPD
- Developer Contributions SPD
- Affordable Housing SPD

### **4. Other material considerations**

4.7 The following are relevant to the application proposals however they are not formal planning documents or policy and therefore carry limited weight:-

- Worcestershire's Local Transport Plan (LTP4) 2018 – 2030
- Worcestershire County Council Streetscape Design Guide (2020)
- New Homes Bonus

## **5. Planning History**

5.1 20/00249/OUT - Outline planning application for the development of up to 120 dwellings together with access, green infrastructure and associated engineering works. Approved 11 March 2021.

5.2 The outline application was supported by an Indicative Masterplan and an illustrative Layout Plan which indicate a development structure that incorporates green infrastructure across 40% of the site area. The green infrastructure would comprise:

- various public open space typologies which will be available to the local community;
- an ecological buffer area to be managed to support slow worm and other species;
- a Local Area of Play (LAP); and
- a multi-functional space across the centre of the site incorporating retained hedgerows and trees and a pedestrian and cycle link along the alignment of the existing PROW, which is to be retained.

5.3 It is noted that details were submitted in December 2021 to discharge a number of conditions.

## **6. Consultations**

6.1 Formal consultation, including the display of site notices, has been undertaken in respect of the application. The following comments from statutory and non-statutory consultees 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:** 17 letters of comment and objection have been received from residents of some of the surrounding properties that are summarised as follows:

- It is not clear what the application is for;
- The plans omit a public footpath and a row of trees. Some trees have been removed;
- The well-used walkway is being destroyed;
- The development will destroy wildlife;
- The proposal does not appear to have the required amount of green infrastructure;
- The design significantly detracts from the character of the area by removing trees and greenery;
- Additional landscaping should be required. This would help improve the biodiversity of the site and would provide a visual separation to the Bloor estate and would improve the visual amenity of the area. It should also be required to offset climate change;
- Additional parking issues will arise from the development. As parking is already an issue in the area, more parking should be provided in the scheme;
- The additional traffic on the roads may be a problem. There already have been a number of near misses due to no 'Give way' markings;
- Harm to highway and pedestrian safety;
- The one vehicular access to the development may not be sufficient;
- The development would result in increased noise and air pollution;
- The site has a poor permeability with the existing Bloor design;
- The additional pressure for GP surgeries and Worcester Hospital would be too much;
- There may not be sufficient capacity in the local primary schools and a lack of local facilities such as shops;
- The safety of children and the vulnerable adults living at the Sanctuary development opposite the site may be harmed;
- Loss of privacy for existing residents;
- Increased surface water runoff may result from the removal of the trees and vegetation on the site, and the greater levels of hardstanding on the site, leading to increased flooding;
- As the minimum requirement is for 40% green infrastructure, more planting should be proposed;
- The proposal would appear to lack a way to coordinate the needs of the existing communities, neighbourhoods and residents, and focusses on the desires of the developer

**Worcester City Council - Refuse and Recycling:** The bins would need to be stored within the property boundaries and only placed on the public highway on the appropriate scheduled collection day. The bin storage areas on the plan appear to be adequate to house the bins within the property boundaries. The occupants would be responsible for putting the bins out for collection on the scheduled collection day and returning them after collection.

**Housing Enabling Officer:** I am fully supportive of the proposed residential development at Oak View Way. Under current policy arrangements, I understand that the application will not be subject to First Homes requirements. Worcester is a city with an increasingly high need for affordable housing (353 units of social housing shortfall per year within the city). Therefore, as a 100% affordable housing site of 120 units, this will make available much needed affordable housing to those in housing need in the city. I have discussed and agreed with Stonewater an appropriate mix of properties across the site, based on analysis of housing register demand and the SHMA and this includes units for social rent, affordable rent, rent to buy and shared ownership.

There are also a mix of dwellings between two and four beds and will provide 120 much needed affordable homes for households within the City of Worcester. The mix of tenures is envisaged to create a balanced community. This development will contribute to increased quality and choice of affordable housing within the city. The property types proposed all meet the standards laid out in the SPD 2016 and from the plans have good levels of living space and will include measures to increase energy efficiency and thus foster lower running costs for tenants/residents which is welcomed.

**Worcestershire County Council (Highway Authority):** No objection subject to conditions.

The Highway Authority will not adopt Oak View Way at this time, meaning the internal roads would remain private until such time as the situation had changed. However, the Highway Authority makes a number of comments, in terms of good practice, taking account of the requirements of the WCC Streetscape Design Guide (SDG) and considering if the roads might subsequently be put forward for adoption.

As part of the outline application approval, the Applicant agreed to accept WCC's offer to provide personalised travel plans to each future household, including a welcome pack and incentives where needed. The Applicant is to fund this service through a S106 Agreement, which has been concluded, as part of the granting of outline consent.

**Worcestershire County Council - Strategic Planning and Public Health:** These comments will be reported via a late paper or verbally at the meeting.

**Worcestershire Regulatory Services (Air Quality):** It is considered that the recommendations made in respect of the outline application reference 20/00249/OUT are still valid. It is understood that relevant conditions for air quality mitigation measures (namely electrical vehicle charging points, secure cycle parking, and low nox boilers) were attached to the outline application.

**South Worcestershire Land Drainage Partnership:** For the applicant's drainage strategy proposals, statutory consultation is required with the Lead Local Flood Authority, Worcestershire County Council. An Advisory Note regarding proposals to alter existing, or construct new, culverts or carry out works in or on an ordinary watercourse needing Land Drainage Consent is recommended.

**Lead Local Flood Authority:** *The LLFA raised no objection to the outline application subject to imposition of conditions relating to the following: infiltration tests; SuDS Management Plan; surface water design and calculations; and exceedance flow routing plan. No further comment has been received to the Reserved Matters and the conditions were added to the outline planning permission.*

**West Mercia Constabulary Crime Risk Manager:** I note the principles of Secured by Design have been taken into account. Gates to the side of the dwellings that provide access to rear gardens must be robustly constructed, be the same height of the fence (minimum 1.8 m) and be capable of being locked (operable from both sides of the gate). Such gates must be located on or as near to the front of the building line as possible.

**Rights of Way Team:** The development intends to incorporate the definitive line of the footpath on its existing line. We would ask that public rights of way remain open where possible. We would have no objection to the proposals provided that the applicant adheres to a number of obligations with regards to the public right of way.

- 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.
- 6.3 In assessing the proposal due regard has been given to local resident's 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. Planning Assessment**

- 7.1 Policy SWDP1 of the South Worcestershire Development Plan sets out the overarching sustainable development principles and these are consistent with the Framework. The various impacts of the development have to be assessed and the benefits and adverse impacts considered, to establish whether what is proposed is sustainable development. As this is a reserved matters submission, the principle of the redevelopment of the application site has been agreed: the matters to be assessed by this application are those of appearance, scale, site layout and landscaping.

### **Principle of Development and the Outline Planning Permission**

- 7.2 In March 2021 outline planning permission was granted for 120 dwellings. The indicative masterplan and planning conditions to the outline planning permission established a number of factors including the total amount of development on the site. The requirements of the outline planning permission is also necessary to be considered and matters safeguarded through the outline planning permission. Principle matters cannot be added or considered at this stage. It should be noted that the principal access was approved as part of the outline planning permission.
- 7.3 Whilst concerns are noted in respect of the principle of development and the impact on infrastructure, there is no change in the Development Plan or National Planning Policy which would alter the principle of development.
- 7.4 As such the development continues to be considered to be acceptable and would be appropriate in principle.

## **Provision of affordable housing**

- 7.5 The key aim is to provide a quality development of affordable housing which would have a significant social benefit. An appropriate mix of size and tenure of housing would be provided in accordance with the discussion with the Council's Housing Enabling Officer. Such new housing would be built to modern living standards and to provide an increased standard of accommodation and amenity for many. As a consequence, it has important social roles which also weigh in favour of granting planning permission. The proposals are for 100% affordable housing. However, the provision and delivery of the affordable housing was secured as part of the outline planning permission which requires the delivery of 30% of the development as affordable. Delivery of further affordable housing will be at the discretion of the applicant and will sit outside the terms of the s106 Agreement.

## **Crime Risk**

- 7.6 The layout of the proposed development and the number and siting of windows in the dwellings are considered suitable such that there would be an acceptable degree of casual overlooking of the properties and their gardens, such that the opportunities for criminal activity would be limited and the fear of crime arising from the development would be very limited.

## **Residential amenity for future occupiers**

- 7.7 The site lies adjacent to residential properties located in the adjacent Bloor development. Policy SWDP 21 of the Development Plan requires that new development does not have a significant adverse effect on neighbouring amenity. This is consistent with the guidance in 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.
- 7.8 The proposals would include gardens and private amenity space and would be spaced around the site with further green space as part of the development proposals. The gardens are all of a reasonable size in the context of the proposed dwelling.
- 7.9 The layout and siting of the proposed dwellings within the scheme would not give rise to undue overlooking or loss of privacy between them and would not cause harm through visual intrusion or their being of an overbearing appearance. The layout also includes further green space.
- 7.10 Overall, , it is considered that the proposals would be acceptable when considered against development plan policy as a whole.

## **Design and appearance**

- 7.11 Policy SWDP 21 of the Development Plan has a number of criteria that development proposals must comply with in order for it to be considered acceptable in terms of its siting and layout and impact upon the character of the area. The siting and layout of the dwellings in the proposed development are considered acceptable and befitting of a scheme of this nature. Moreover, the proposal would relate well to the adjacent Bloor Homes development, in terms of the size, style and appearance of the dwellings and their layout.



**Figure 4 – Proposed Street Scenes**

**Impact on amenity of neighbours (not part of the development)**

- 7.12 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 construction works. However, such impacts are short term while the development is under construction and, subject to the imposition of a condition relating to a Construction Environmental Management Plan, providing hours of delivery and construction, these are accepted impacts of development schemes.
- 7.13 Overlooking, loss of privacy and disturbance from the operation of the site on and movements to and from the site are potential longer-term concerns. However, the back-to-back distances between the southern- most dwellings in the scheme and those immediately to the south in the Bloor Homes development are, at a minimum of 21.5m, considered sufficient to prevent any harm in terms of overlooking and loss of privacy and visual intrusion from arising. The front to flank distances between the existing dwellings to the west of the site and those opposite in the proposed scheme are also sufficient to prevent harm to amenity through overlooking, loss of privacy and potential overbearing impact.
- 7.14 Worcester Regulatory Services are satisfied that the proposed development would not have an adverse impact upon air quality, given that conditions regarding electrical vehicle charging points, secure cycle parking and low NOx boilers may be imposed upon any permission granted.

**Landscape and Green Space**

- 7.15 Policy SWDP21 and SWDP 22 consider the context of the development in terms of landscaping. The proposals follow the principles laid out in the outline planning permission and the indicative layout.

7.16 The proposed layout and landscaping scheme includes a number of significant elements and native planting and a community orchard as part of the communal greenspace. Indeed the communal planting is more extensive to the northern end of the proposals. The proposals also include appropriate sustainable drainage. The proposals include enhancement to the public right of way running across the centre of the site.



**Figure 5 – Northern Half of Soft Landscape Proposals showing Right of Way**

7.17 Overall, the proposals are considered to be acceptable and in accordance with the outline planning permission and the requirements of Policy and the aims and objectives of the National Planning Policy Framework.

### **Access, car parking and highway safety**

7.18 The outline planning permission established the principal access onto the site. Further to the receipt of amended plans and the clarification of some detail in the application, the Highways Authority is satisfied with the development from the point of view of highway safety and the impact of the development upon the surrounding highway network, and parking and cycle parking provision. The revised layout seeks to address previous concerns and the Highway Authority have made the following comments:

## Access

- 7.19 The site is to be served via two new priority junctions from Oak View Way (formerly known as University Park Drive). Oak View Way connects with Bromyard Road. The two vehicular accesses will be cul-de-sacs with no vehicular link between the northern and southern portions of the site. Access arrangements were approved, as part of the outline consent (Ref: 20/00249/OUT) and, therefore, do not form part of this application.
- 7.20 Oak View Way serves a number of other residential developments, a pharmacy, a retirement home and couple of care homes. However, the road is not adopted as public highway and the Highway Authority is of the opinion its current design and condition are such that WCC would not be prepared to adopt it, without significant changes and clarifications. This means that, at present, any new roads from Oak View Way will not be adopted either.

## Layout

- 7.21 The Applicant has submitted Drg No: PL002/Q 'Site Plan', which shows the amended proposed layout for the site under consideration.
- Relevant dimensions are now shown and are generally acceptable.
  - A number of pedestrian crossing dropped kerbs and tactile paving have been provided. Whilst the Highway Authority would question if the locations follow natural desire lines, this is a minor issue that is not sufficient to recommend refusal.
  - Street lighting details have yet to be submitted. For prospectively adoptable areas, details must comply with WCC Street Lighting design standards.
  - The applicant has confirmed surface water drainage will be subject to the S104 drainage adoption process and this is acceptable.
  - The Applicant has confirmed the layout is designed to a 20mph design speed. Appropriate internal visibility splays at junctions and significant bends are now shown on submitted drawings and are generally acceptable.
  - Cul-de-sac at Units 39, 50-56 – the width of the east footway has been increased to 2.0m, which is acceptable.
  - Turning head at Unit 17 and 22 – details of the proposed emergency access have been provided and are generally acceptable. The link will provide a pedestrian and cycle connection with the adjacent west development.
  - The connecting path between the north and south areas has been amended to provide a 3.5m width, suitable for both pedestrians and cyclists. This is now acceptable.
  - The south access has no footway provided on the north side of the proposed road. The Applicant has confirmed the service strip will continue no services. One street light column would be provided with a carriageway crossing for the electricity supply. The Highway Authority would prefer to see footway provision, as the alternative routing for pedestrians is inconvenient, especially for those with mobility impairments. However, the matter is minor and does not justify refusal.
  - Regarding the lack of a pedestrian/cycle connection with the adjacent residential development, the Applicant has responded that such a link was not a condition of the outline consent nor was the indicative masterplan an approved drawing. The Highway Authority is disappointed such a link is not to be provided and would encourage the applicant to reconsider its provision as it would encourage more active travel trips.

However, the lack of such a link is not sufficient to justify refusal of the application.

#### Vehicle Tracking

- 7.22 The Highway Authority notes that the Applicant has submitted two drawings that show vehicle swept path analysis for an 11.4m long refuse vehicle. Whilst there is some overhang of the proposed footways, this is relatively common within a residential development and it is incumbent on the driver to exercise due care and attention, whilst negotiating the streets and turning areas. The analysis is generally acceptable.

#### Section 38 Agreement

- 7.23 The Highway Authority advises that until such time as Oak View Way is adopted as a public highway, the Highway Authority will not consider any of the proposed residential streets for adoption under the Highways Act.

#### Parking Provision

- 7.24 The Design and Access Statement, provided by the Applicant, advises car parking is provided in driveways or private courtyards and will comply with WCC parking standards. The layout plan confirms this mix of on-plot and courtyard parking. A total of 11 visitor spaces are provided across the site, all located within private courtyards. The Highway Authority is generally satisfied with the suggested car parking provision.
- 7.25 The Applicant is reminded there is a condition attached to the outline planning consent to provide details of ULEV charging facilities. Each dwelling must be provided with a suitable charging facility. Details relating to the level and specification of ULEV provision is detailed within the SDG.
- 7.26 The Applicant has submitted Drg No. PL111/B 'Refuse Strategy Plan', which states a 6' by 2' cycle storage, suitable for two bicycles, is to be provided for each dwelling. These are shown located in the rear garden. The Highway Authority welcomes the provision of cycle parking, and the principle is considered acceptable.

#### Public Rights of Way

- 7.27 The existing Public Right of Way (PRoW) footpath WR-669 is affected by the development. The existing PRoW runs east-west through the site, but the development proposals do not change its alignment, with housing to be built to the north and south. As future residents may be inclined to make use of the PRoW, the Highway Authority is of the opinion it would be desirable for the Applicant improve the PRoW, within the site, by upgrading it with new unbound compact surfacing. This can be covered by a suitable condition, should planning consent be subsequently granted.

#### Travel Plan

- 7.28 As part of the outline application approval, the applicant agreed to accept WCC's offer to provide personalised travel plans to each future household, including a welcome pack and incentives where needed. The Applicant is to fund this service through a S106 Agreement, which has been concluded, as part of the granting of outline consent.
- 7.29 In terms of sustainability, a condition was imposed on the outline permission requiring the provision of ultra- low emission vehicle charging facilities. It is noted that as of 15 June 2022 that Document S of Building Regulations makes vehicle charging points mandatory on all new residential properties. As such whilst the condition has not been satisfied by the Reserved Matters submission, the details would need to be satisfied by the applicant at an appropriate stage. It is not necessary to re-impose the condition.
- 7.30 Personalised travel plans for each of the households, including a welcome pack and incentives, are to be provided in the development.

These will provide details of the alternative means of transport available to the future occupiers of the development, thereby promoting a reduction in the use of the private car and therefore sustainability, in accordance with Policy SWDP4 of the Development Plan and the NPPF.

### **Biodiversity and protected species**

- 7.31 Significant survey work was undertaken in relation to ecological appraisals, protected species and a mitigation strategy in support of the proposals, prior to the submission of the outline planning application. It concluded that there are no known bat roosts and that the site has poor to moderate foraging capacity. It is however recommended that bat boxes are provided and lighting of existing linear features is minimised. This may be achieved by planning conditions in the event of permission being granted.
- 7.32 The site has been assessed as being of local value only for invertebrates. The report suggests that suitable planting and habitats could be provided to support invertebrates on the site. Again, this may be achieved by planning condition in the event of permission being granted.
- 7.33 The presence of slow worms has been recorded in a site survey. Although the population is recorded as low, this would need to be addressed in any future development. Following discussions with the Council's Bio-diversity officer, these are to be retained on site and would again be the subject of a condition.
- 7.34 A total of 28 bird species have been recorded to nest on the site, including 5 with a classification of "Conservation Concern" (either Red or Amber Listed). The survey notes that hedgerows and trees of are particular importance to nesting birds and should be retained where possible: in any future development that involves tree/hedgerow removal, a suitably qualified ecologist must be engaged to check for nesting birds and advise accordingly. Bird boxes should be installed throughout any future scheme.
- 7.35 The applicant's ecological appraisal recommends that a dedicated biodiversity management plan must be developed to ensure appropriate management of the site's ecological interests, especially foraging bats, foraging and nesting birds, reptiles (if retained), invertebrates and especially the botanical interest.
- 7.36 The approach and recommendations detailed within the specialist ecological surveys is supported by the Council's Bio-Diversity officer and the County Councils Landscape & Sustainability Team, who suggest that appropriate suitable conditions be imposed on any approval.

### **Drainage and flooding**

- 7.37 Any further comments of the Lead Local Flood Authority will be reported via a late paper or verbally at the committee meeting.

### **Energy conservation**

- 7.38 In accordance with the current standards in part L of the Building Regulations, the proposed dwellings would be built to be sustainable and energy efficient.

### **Planning obligations**

- 7.39 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.

- 7.40 In accordance with Community Infrastructure Levy Regulations 2012, the applicants would be willing to enter into a legally binding agreement to deliver contributions to provide improvements to the infrastructure that the development will impact upon, including GP surgeries, hospitals and schools. This legal agreement would be made under Section 106 of the Town and Country Planning Act 1990 (as amended).
- 7.41 A s106 Legal Agreement was completed as part of the outline planning permission. This secures contributions towards Education, Transport and 30% Affordable Housing provision. It is not appropriate to seek contributions as part of a Reserved Matters approval. Although the tenures are revised this still provides for a minimum of 30% affordable housing on an 80:20 split of social rent and shared ownership. As such, there is no need to amend the s106 approved as part of the outline planning permission.

### **Human Rights Issues**

- 7.42 Article 8 of the Human Rights Act 1998 (as amended) states that everyone has the right to respect for his private and family life. A public authority cannot interfere with the exercise of this right except where it is in accordance with the law and is necessary (amongst other reasons) for the protection of the rights and freedoms of others. Article 1 of Protocol 1 of the Act entitles every natural and legal person to the peaceful enjoyment of his possessions.
- 7.43 The law provides a right to deny planning permission where the reason for doing so is related to the public interest. Alternatively, having given due consideration to the rights of others, the local planning authority can grant planning permission in accordance with adopted policies in the development plan.
- 7.44 As part of the consideration of this application, human rights issues have been considered in so far as they are relevant. It is considered that an appropriate balance between the interests and rights of the applicants (to enjoy their land subject only to reasonable and proportionate controls by a public authority in the public interest) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties) has been achieved.

### **Public Sector Equality Duty**

- 7.45 In making this decision, the council has had due regard to the requirements of Section 149 of the Public Sector Equality Act 2010, which introduced a public sector equality duty that public bodies must, in the exercise of their functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.46 These considerations are relevant to the duties that decision makers have under s149(1) of the Equality Act 2010.

## **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 fails to fully respond to, and is therefore not in complete accordance with, the requirements of the adopted planning policy within the development plan and the 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 a 5 year housing land supply and the application proposals form part of the supply with the benefit of outline planning permission. The granting of Reserved Matters would add further to the certainty of the deliverability of the site and development. Where a development is found to be sustainable development, a presumption in favour applies. In accordance with Policy SWDP1 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. It would also make a meaningful contribution towards affordable housing need. These are factors in support of the development to which substantial 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. In the short term, the proposal would see the creation of jobs for the construction period of the project. Construction would also help boost the local supply chain. The scheme would also provide a significant level of affordable housing for local people. This in turn would contribute towards the maintenance and vitality of services and facilities. This also weighs in favour of granting planning permission.
- 8.6 With regard to the social role, the delivery of affordable homes in this location would contribute to the continued economic and social sustainability of the City. This is a factor to which significant positive weight. The delivery of S106 contributions would also be significant.
- 8.7 There will also be benefits in the open space enhancements including an orchard and other planting and communal open space in excess of the area shown in the outline masterplan. The landscaping proposals are also an environmental benefit.
- 8.8 In respect of potential adverse impacts, the proposal has generated a number of objections and many of these focus around landscaping and design, parking and highways, and green infrastructure. These are concerns which are to be given appropriate weighting in the determination of this application.
- 8.9 However, there was no objection to the proposal from the Lead Local Flood Authority or the South Worcestershire Land Drainage Partnership at the outline planning application stage.
- 8.10 Notwithstanding this, the appearance and scale of the proposed dwellings and their layout are considered to be acceptable.

- 8.11 However, on balance, taking account of the masterplan approved at outline stage and details submitted to satisfy the Reserved Matters the proposals are acceptable.
- 8.12 All comments received as part of the consultation process and material planning issues have been considered in the determination of this application. Having regard to the totality of the policies in the Framework, it is considered that the Reserved Matters is an acceptable submission.

## **9. RECOMMENDED CONDITIONS**

9.1 It is recommended that the Reserved Matters are approved subject to the following conditions.

1. The development, hereby permitted, shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the Local Planning Authority or where a condition specifically provides that notwithstanding a plan something at variance with the specified Plan will be required:

VPA12 - PL001 - Location Plan

VPA12 - PL002Q - Site Plan

VPA12 - PL101B - Materials and Boundaries Plan

VPA12 - PL111B - Refuse Strategy Plan

VPA12 - PL121B - Air Source Heat Pumps Plan

VPA12 - PL301B - House Type A (ATKINS) - Plans & Elevations

VPA12 - PL302.1B - House Type B (FRANCIS) Variant - Plans & Elevations

VPA12 - PL302B - House Type B (FRANCIS) - Plans & Elevations

VPA12 - PL303B - House Type C (MOUNTFORD) - Plans & Elevations

VPA12 - PL304B - House Type D (MACARTHUR) - Plans & Elevations

VPA12 - PL401A Street Scenes

21-001-P-05 Rev C - Detailed Soft Landscape Proposals (Sheet 1 of 3)

21-001-P-06 Rev C - Detailed Soft Landscape Proposals (Sheet 2 of 3)

21-001-P-07 Rev C - Detailed Soft Landscape Proposals (Sheet 3 of 3)

21-001-P-09 Rev A – Tree Protection Details (Phase 1)

21-001-P-10 Rev A – Tree Protection Details (Phase 2)

1101-00-01 Refuse Tracking-Sheet 1

1101-00-02 Refuse Tracking-Sheet 2

1101-00-03 Drainage Layout - North Sheet 1

1101-00-04 Drainage Layout - South Sheet 2

1101-00-05 Rev C - Levels Strategy Sheet 1

1101-00-06 Rev C - Levels Strategy Sheet 2

1101-00-08 Highway Dimension plan-Sheet 1

1101-00-09 Highway Dimension plan-Sheet 2

1101-06-00 Rev A Emergency Access details

Reason: To define the Reserved Matters approval and to ensure that the development is built in accordance with the approved details.

2. Notwithstanding any details shown on the submitted plans samples of all external facing, roofing and surfacing 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 above ground works. The development shall not be undertaken other than in accordance with such approved details and retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development in accordance with policy SWDP 21 of the South Worcestershire Development Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote.

3. Prior to first occupation of the development details of enhancements to the public right of way shown on Detailed Soft Landscaping Proposals (Sheet 1 of 3) (plan number 21-001-P-05 Rev C) shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented prior to 50% occupation of the development or an alternative agreed timescale.

Reason - To ensure the satisfactory appearance of the completed development and to promote pedestrian movement in accordance with policies SWDP 4 and SWDP 21 of the South Worcestershire Development Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote.

4. All parking and turning areas shall be fully implemented and made available for use prior to the occupation of the dwelling to which they relate. All parking areas shall thereafter be retained for such use.

Reason - To ensure the satisfactory appearance of the completed development and to promote pedestrian movement in accordance with policies SWDP 4 and SWDP 21 of the South Worcestershire Development Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote.