

Application Number	21/01100/FUL
Site Address	Land at London Road, Worcester WR5 2EE
Description of Development	Erection of 61 bedroom care home and associated works including improved access onto London Road
Expiry Date	4 March 2022
Applicant	Arden Croft New Homes Ltd
Agent	Mr Charles Robinson
Case Officer	Tom Gabriel
	thomas.gabriel@worcester.gov.uk
Ward Member(s)	Battenhall Ward
Reason for Referral to Committee	Major application and departure
Key Issues	The principle of development, 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.
Web link to application	https://plan.worcester.gov.uk/Planning/Display/21/01100/FUL
Recommendation	The Corporate Director - Planning and Governance recommends that the Planning Committee refuses planning permission on the grounds set out in section 9 of this report.

1. **Background**

- 1.1 The application was registered on 3 December 2021 and is due for a decision on 4 March 2022.
- 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 within the development boundary of Worcester.



Figure 1 – Site Location Plan

The application site

- 2.2 The application site is in Battenhall Ward and is located on, and to the rear of, the A44 – London Road, the principal entry to the City Centre from the south. The site comprises an overgrown, undeveloped plot of land which was once parkland. The site is bound to the south west by London Road, to the west by a railway, to the north by residential properties and their curtilages along Larkhill Road, and to the east and south by residential properties served by Lark Hill and the A44. Immediately to the west of the railway line that forms the western boundary of the site is a Tesco Express store and a petrol filling station. There are a number of listed buildings in the immediate vicinity of the site along Lark Hill (including the Grade II listed Heron Lodge) and the site is situated within the Larkhill Conservation Area. There are a number of trees and hedgerows on the site. The site forms part of the Green Space Network as identified in the Worcester City Council Development Plan.
- 2.3 The dwellings surrounding the site comprise mainly two storey detached and semi-detached properties comprising a variety of external materials of construction.
- 2.4 The Larkhill Conservation Area Appraisal (September 2017) states;

‘The character of the Lark Hill Conservation Area is one of a planned Georgian development set in landscaped grounds. The distinctive stuccoed houses and large number of mature trees create a picturesque eutopia within a busy wider townscape. The conservation area is relatively small and is bounded to the east by Perry Wood and the rear gardens of Silverdale Avenue (both at higher ground level). To the south is the busy London Road, one of the primary routes to and from the city, and to the north lies the modern development based around Woodside Close and Perry Wood Close.’

2.5 The site is subject to a number of tree preservation orders, is within the Worcester Air Quality Management Area and an Archaeological Sensitive Area and is in Flood Zone 1.

3. The proposal

- 3.1 It is proposed to erect a 61 bed care home on the site (Use Class C2). It would be a modern and contemporary two storey flat roofed building, partially set into the ground. It would be sited on the eastern half of the site with a vehicular access approximately half way along the site's southern boundary. It would serve three parking and turning areas within the site.
- 3.2 The bulk of the accommodation within the building would be at ground floor level. The building would be approximately rectangular in shape and would comprise the accommodation around a courtyard. The main entrance to the building would be in the south western corner of the building along with the operational elements of the building (laundry, kitchen, manager's office, staff room etc) in its southern section. At ground floor level, the other sides of the building would comprise 40 residents' bedrooms served by a corridor. The bedrooms would be either off one or both sides of the corridor and would (with the exception of three bedrooms on the northern side of the building and three on its southern side, all facing the internal courtyard) be served by small individual garden areas. Sited between rows of the bedrooms in the northern section of the building would be two kitchen/ dining areas and two living areas. The ground floor accommodation would also include two nurses' stations.
- 3.3 At first floor level, the building would incorporate 21 bedrooms, a kitchen/ dining area and a living area, a café, a hair salon and a nurses' station. The first floor accommodation would be served by a main staircase (to the left of the hallway from the main entrance to the building), as well as a lift in this location, and an additional staircase in the northern section of the building. The first floor of the building would be partially asymmetrically sited with respect to the ground floor such that the first floor would overhang the ground floor in three areas, mainly within the internal courtyard.
- 3.4 The building would have a flat green roof at ground and first floor levels and green walls. The development would utilise a SuDS drainage strategy.
- 3.5 The proposed development would involve access improvement works and a widening of the access road and would include the restoration of the existing estate railings and cast iron lampposts that flank the access road to the site along its southern boundary (from London Road). The development would be served by 30 parking spaces. Landscaping would be provided on a large portion of the site, principally in its western half, where a number of existing trees and hedgerows would be retained, though enhanced with additional landscaping.



Figure 2 – Proposed Site Plan

The proposed layout

3.6 The application is accompanied by a full set of plans together with an extensive suite of supporting documents as follows:

- Arboricultural Impact Assessment
- Archaeological Evaluation
- Design and Access Statement
- Planning Statement
- Drainage Strategy
- Preliminary Ecological Appraisal Report
- Heritage Impact Assessment
- Landscape Strategy
- Transportation Statement
- Topographical Survey
- Plan 3134 s3 001D Proposed Site Plan (coloured)
- 004 Site Location Plan
- 100D Ground Floor Plan
- 101D First Floor Plan
- 200C Proposed East Elevation with Retaining Wall
- 201C Proposed East Elevation (coloured)
- 202B Proposed South West Elevation
- 203B Proposed North Elevation (coloured)
- 204B Proposed South Elevation (coloured)
- 205B Proposed Elevations (linework)
- 300A Proposed Site Section
- 301A Proposed Building Section

3.7 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 considerations. 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 6	Historic Environment
SWDP 7	Infrastructure
SWDP 13	Effective Use of Land
SWDP 20	Housing to Meet the Needs of Older People
SWDP 21	Design
SWDP 22	Biodiversity & Geodiversity
SWDP 24	Management of the Historic Environment
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

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

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

WCS1	Presumption in Favour of Sustainable Development
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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

4.5 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

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

5. Worcestershire County Council Streetscape Design Guide

6. Relevant Legislation

4.6 The following legislation is also relevant and has been taken into account when considering this application:-

Town and Country Planning Act 1990 (as amended)
 Planning Act 2008
 Planning and Compulsory Purchase Act 2004
 The Town and Country Planning (Development Management Procedure) (England) Order 2015
 Localism Act 2011 - Section 143 (amending S70 of the Town and Country Planning Act 1990) regarding local finance considerations.
 Growth and Infrastructure Act 2013
 Human Rights Act 1998
 Accessibility and Equalities Act 2010
 Natural Environment and Rural Communities Act 2006
 Wildlife and Countryside Act 1981 (as amended)
 Conservation of Habitats and Species Regulations 2010
 Flood and Water Management Act 2010
 Water Frameworks Regulations 2011
 Air Quality (England) 2000 Regulations

5. Planning History

- 5.1 The site has not been the subject of any planning applications, though there have been a number of applications on the surrounding properties:
- 5.2 **P15D0225** Erection of 5 new detached dwellings with associated access and highway infrastructure, open space, green infrastructure, orchard restoration, new

orchard planting and ecological enhancements on land at Lark Hill Road. Approved 22 July 2016.

5.3 **L15D0007** Erection of two detached dwellings adjacent to Heron Lodge. Approved 30 September 2015.

5.4 **L16D0029** Construction of four residential units in unused land to the front of Heron Lodge. Refused 20 January 2017.

5.5 **L17D0043** Provision of two semi- detached dwellings on redundant land adjacent to Heron Lodge as changes to the previous planning approval. Approved 24 July 2017.

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 have been received in relation to the proposal and are summarised as follows:

Neighbours and other third party comments: 32 letters of comment and objection have been received from residents of some of the surrounding properties that are summarised as follows:

- More time should be given to comment on the application as the notification letters were not received until one week after the application had been submitted;
- The application contains contradictory information regarding the removal of trees and the plans have missed off some of the neighbouring properties which would be most affected by the scheme;
- The comments regarding the access road widening and the footpath are contradictory;
- Worcester is fast losing its Green Space and the Green Space that is left should be retained, not destroyed. It should be protected as per a condition of the permission P15D0225;
- Mount Battenhall is a retirement village/ care home that is still being worked on and there are still many spaces there (there are also other care homes in the local area), so there cannot be a shortage of care home places as stated in the submission. There is no need for this application;
- If a new care home is needed, it should be provided on an already built site. There are alternative sites which should be considered in advance of this site;
- The significant additional traffic generated by the development would have an adverse impact upon London Road. The railway bridge hump in London Road would restrict visibility for cars leaving the site;
- The trip generation figures in the Transport Statement are questionable;
- Adverse air quality issues would arise;

- The proposal would have a harmful impact upon the quality of life of the nearby residents in terms of noise, traffic frequency, levels of illumination and overlooking;
- The proposal would dominate the surrounding properties, resulting in a loss of light;
- The site is too constrained for a development of this size;
- The site is very biodiverse and should be retained for its green qualities: the proposal would harm the wildlife on the site. How would the land that is to remain undeveloped be protected during building works?;
- The development would create noise pollution particularly as the documentation does not appear to take into account the impacts of service and delivery vehicles;
- The plans of the development are not clear as to the siting of the proposed piping, vents, generators etc;
- The proposal to drop the scheme into the ground would surely have an adverse impact upon tree root systems;
- Previous proposals to build housing on the land adjacent to this plot which is now owned by 1 Heron Lodge was refused based on maintaining a balance between the amount of green space and retaining the area's uniqueness. If this proposal is given approval, Worcester will have lost another unique part of its history never to be returned;
- Pedestrian safety would be jeopardised;
- The proposal would have an adverse heritage impact;
- The proposal would disrupt the characteristic of the space;
- The site has been allowed to deteriorate to the extent it has in order to make the application more attractive;
- The proposal would not relate to the surrounding properties and its historical context in an acceptable manner;
- Can the works to the road be undertaken without damaging trees?;
- The access road to the development site may not be widened sufficiently for two way traffic;
- Insufficient parking is proposed;
- The Transport Statement is misleading regarding the increase in the levels of traffic on the road network arising from the development;
- Service vehicles using the access road to the site may come in to conflict with pedestrians or other vehicles causing danger;
- The application documents do not discuss construction traffic and the issues they would create;
- Permission to use the access road to the site would not be given;

- The headlights of vehicles leaving the site would shine directly into the residential properties on the southern side of the access road;
- The conclusions in the Arboricultural Report regarding tree removal are questionable;
- The Heritage Statement is misleading;
- It is not known whether the drainage in the area is sufficient to be able to accommodate the development;
- The proposal would negatively impact upon the Conservation Area; and
- Is the decision to be a delegated one?

Cllr Denham: The site has a long and tortuous planning history. I suspect the application may be in breach of local planning policies and wider site conditions. I note that this is down as a delegated decision, although SWLDP have suggested that it is a major application. If officers are likely to recommend approval, I would like to call in the decision for Planning Committee.

Worcester City Council (Conservation Officer): I object to the current proposals in the strongest possible terms.

Adverse impact upon the setting of the listed Heron Lodge and the Lark Hill Conservation Area

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:- In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority... shall 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. I consider that the current proposals strike at the heart of this requirement. As the planning history shows, there has been consistent opposition towards development proposals in front of Heron Lodge upon heritage and landscape concerns. Whilst it is acknowledged that efforts have been made in the current application to minimise these, they do not in any way preserve the setting of Heron Lodge.

Section 69 of the Planning (Listed Buildings & Conservation Areas) Act 1990 defines a conservation area as:- an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance; and Section 72 of the same Act requires the local planning authority, in the exercise of powers in respect of buildings or land within a conservation area to give special attention to the desirability of preserving or enhancing the character or appearance of the area. Specific reference is made to the application site in the Lark Hill conservation area appraisal (2017 – p.23). This states that: - *There remains some evidence of ridge and furrow on the lower slopes of the Heron Lodge grounds which border the London Road, likely dating to medieval times when the area was farmed. The grounds themselves have become heavily overgrown since the original development but have significant landscape value in both form and layout, and through historic association to Heron Lodge. The grounds remain a key area of green space in an otherwise built-up environment, not only as part of the character of the conservation area but in Worcester itself, and as such is recognized as an area of green space in local planning policy. The significance of the grounds not only adds historic value to the conservation area but also enables open views across the grounds towards the orchard area and up to Heron Lodge itself.* I do not consider

that the current proposals could in any way be considered as preserving or enhancing the character or appearance of the Lark Hill conservation area.

Paragraph 199 of the NPPF states:- When considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The latter is of most relevance here. Further, paragraphs 201 and 202 of the NPPF make a distinction between substantial harm or total loss of significance of a designated heritage asset and less than substantial harm to significance.

Worcester City Council (Archaeology): The proposed development may affect heritage assets of known archaeological significance.

The proposed development area (PDA) is within a land parcel that retains some of the last medieval ridge and furrow in the city. Found near the site was a hoard of 12th century silver pennies.

In 2019 a trench evaluation was programmed within the PDA, however only two trenches of six were set within the current PDA. The minimal information that the evaluation provided is not enough to confirm the archaeological potential of the site. Given the scale of the development, and the possible archaeological potential, the likely impact on the historic environment caused by this development may be offset by the implementation of a conditional programme of archaeological works. This will comprise a watching brief of the development area utilising a spit controlled metal detecting survey. R&F should be recorded as should any feature relating to civil war defences/action as well as surviving earlier features/archaeology.

South Worcestershire Land Drainage Partnership: No objection – LLFA to respond on drainage matters as the application is a major scheme.

Worcester Regulatory Services (Air Quality): No adverse comments but given the proposed level of parking, it is recommended that air quality mitigation measures are implemented, together with secure cycle parking facilities and electric vehicle charging points.

Worcester Regulatory Services (Noise): The proposed building is in relatively close proximity to London Road and an active rail line, consequently road/rail noise poses a concern.

WRS advise the building be constructed to achieve internal and external ambient noise levels as per BS 8233:2014, the applicant will likely have to consider glazing and ventilation carefully in order to achieve this. With windows open for ventilation, recommended internal noise levels as per BS8233:2014 would likely be exceeded.

Noise should not preclude the development from going ahead. Should the application be deemed favourable WRS would advise the LPA condition the development to ensure internal noise levels as per BS 8233:2014 are achieved. Should mitigation be required to achieve internal noise levels as per BS 8233:2014, the specifications of any acoustic screening, glazing or ventilation products should be submitted to WRS for review.

Worcestershire City Council (Landscape Officer): The site is entirely city Greenspace and Policy SWDP 38 applies which precludes this type of development. Also some development was allowed to the north in part of the orchard, of which a large part was retained adjacent to this northern boundary. This land was then to act as the remaining greenspace, linked together and with good biodiversity and part of sustainable urban green network planning in the City to which Policy SWDP 38 refers and delivers. There was also a new orchard strip along the northern boundary hedgerow of/on this land as part of the mitigation for the orchard development. In addition, the land was carefully left to retain and complement the setting of Heron Lodge. In this respect the area is not part of a distant setting of some scale but directly adjacent and is in the immediate foreground. It is true that the site has suffered lack of management for ideal biodiversity (although as the eco report says "scrub is of great value for wildlife"), however lack of management should not be a feature that encourages development, and Policy SWDP 38 is at least partly designed to address this.

Any additional comments from the Landscape Officer regarding the amended plans will be reported by way of a late paper or verbally at the meeting.

Worcester City Council (Highways): The Highway Authority has undertaken a robust assessment of the planning application and requests that further information relating to accident data is considered as part of the Transport Assessment to demonstrate that the development is acceptable in highway terms. Consequently, the Highway Authority recommends **deferral**.

Conservation Advisory Panel: This site is a very important and very visible part of the City's Green Network, and the Panel expressed a strong objection in principle to the proposals. Protection of these important green areas is enshrined in both Local and National planning policy and the panel will object to any proposals that would compromise their integrity.

Lark Hill Residents Association: No comments received.

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

7. Planning Assessment

- 7.1 The issues for consideration in this application are as follows;

Principle of development

Impact upon trees, landscaping and biodiversity

Impact upon Heritage Assets

The quality of the accommodation provided

Impact upon neighbour amenity

Impact upon highway safety and the level of parking provided

Principle of development

- 7.2 The application site is designated as Green Space in the Local Plan. Part B of Policy SWDP 38 of the Plan states *'The development of Green Space will not be permitted unless the following exceptional circumstances are demonstrated:*
- i. The proposal is for a community / recreational use that does not compromise the essential quality and character of the Green Space; or*
 - ii. An assessment of community and technical need (using recognised national methodology where appropriate) clearly demonstrates that the Green Space is surplus to requirements; or*
 - iii. Alternative / replacement Green Space of at least equivalent value to the community has been secured in a suitable location'.*
- 7.3 Paragraph 174 of the National Planning Policy Framework 2021 states *'Planning policies and decisions should contribute to and enhance the natural and local environment by:*
- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
 - (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
 - (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'.*
- 7.4 The proposed development of the site as a care home is neither a community use nor a recreational use. The extent and design of the proposed development would also compromise the essential quality and character of the Green Space. While it is noted that an attempt to limit the bulk and massing of the building has been made in terms of its restricted two storey height with flat roofs, it would nevertheless be an extensive building set around a reasonably large courtyard. At its widest, it would be around 48m; at its longest, around 70m. It is noted that the use of green roofs and green walls would assist in the visual integration of the development into its semi- natural surroundings, however this would not disguise the scale, bulk and massing of the proposal and would fail to screen the reasonably extensive parking and turning areas of the site. These impacts would be exacerbated by the proposed widening of the access road. The proposed development would therefore compromise the essential quality and character of this area of Green Space.
- 7.5 Moreover, there has not been an assessment of the need for the Green Space and whether it is surplus to requirements and whether alternative/ replacement Green Space of at least equivalent value to the community may be secured in a suitable location. The Planning Statement submitted with the application merely states the value of the land as Green Space is deteriorating both in terms of value as Green Space and its biodiversity, that it requires management and that the proposed development would permit this, securing the long- term future of the site. However, the Planning Statement does not address the fact that the proposed development would cover approximately half of the Green Space with built form and parking and turning areas. The proposal would have a significant and adverse impact upon the character and quality of the Green Space, a largely natural and unbuilt up expanse of land.

Accordingly, the proposed development is contrary to Policy SWDP 38 of the South Worcestershire Development Plan (2016) and the National Planning Policy Framework (2021).

- 7.6 While the supporting text to Policy SWDP 20 states South Worcestershire has an ageing population and significant growth is predicted in older households and therefore a range of housing is required to meet the needs of older people, it is not considered that this need outweighs the harm that would be caused to the Green Space by the proposed development.
- 7.7 It is not considered that the proposed landscaping enhancements to the western half of the Green Space or the fact that the development would secure the long- term maintenance of this part of the site are sufficient to outweigh the harm that would be caused to the Green Space overall. The proposed development is contrary to Policy SWDP38 and as such, the principle of development is not accepted.
- 7.8 Notwithstanding the in principle objection, it is also important to consider the detailed matters set out.

Impact upon trees, landscaping and biodiversity

- 7.9 Policy SWDP 22 of the Development Plan refers to biodiversity and geodiversity and lists a number of requirements that development proposals should achieve with regard to conservation. It should, wherever practicable, be designed to enhance biodiversity and geodiversity conservation interests. Paragraph 177 of the NPPF states planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils. This existing site comprises a hectare of undeveloped land with a mix of grass, trees and vegetation on it. It is overgrown and uncared for land. The site was formerly part of a slightly larger area of land though it has been reduced to a limited degree in size by previous applications. However, this loss was offset by the provision of a new orchard strip along the northern boundary of the site as part of the mitigation for the orchard development.
- 7.10 With regard to the site and landscaping, the development proposes green roofs for the buildings, a 2.8m high vegetated green retaining wall with the adjacent Heron Lodge, a large area of wildflower meadow with mown paths and a mixture of retained and newly planted trees.
- 7.11 The comments from the Landscape Officer regarding these considerations will be reported verbally at the committee meeting.

Impact upon Heritage Assets

- 7.12 With regard to heritage assets, Policy SWDP 6 of the Local Plan states;

'A. Development proposals should conserve and enhance heritage assets, including assets of potential archaeological interest, subject to the provisions of SWDP 24. Their contribution to the character of the landscape or townscape should be protected in order to sustain the historic quality, sense of place, environmental quality and economic vibrancy of south Worcestershire.

B. Development proposals will be supported where they conserve and enhance the significance of heritage assets, including their setting. In particular this applies to:
i. Designated heritage assets; i.e. listed buildings, conservation areas, scheduled monuments, registered parks and gardens and registered battlefields, as well as undesignated heritage assets.

ii. The historic landscape, including locally distinctive settlement patterns, field systems, woodlands and commons and historic farmsteads and smallholdings'.

- 7.13 Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 states '*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority... shall 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'.*
- 7.14 Section 69 of the Planning (Listed Buildings & Conservation Areas) Act 1990 defines a conservation area as '*An area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'.*; and Section 72 of the same Act requires the local planning authority, in the exercise of powers in respect of buildings or land within a Conservation Area to give special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 7.15 Paragraph 199 of the NPPF states '*When considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'.* The latter is of most relevance here. Further, paragraphs 201 and 202 of the NPPF make a distinction between substantial harm or total loss of significance of a designated heritage asset and less than substantial harm to significance.
- 7.16 Development within Conservation Areas should preserve or enhance the character and appearance of the Conservation Area in accordance with Policies SWDP 6 and SWDP 24 of the Local Plan and Section 16 of the National Planning Policy Framework, while development near listed buildings should not adversely impact upon the setting of those listed buildings. The proposed development would have a significant impact upon the Lark Hill Conservation Area and the setting of the nearby listed Heron Lodge as a result of the quantum of built form and the hardstanding proposed and the visual impact they would have. The Lark Hill Conservation Area and the listed Heron Lodge are considered to be significant heritage assets considering their unharmed nature and historic value. Given the size and extent of the proposed development and the visual impact it would have, it would neither preserve nor enhance the character and appearance of the Conservation Area and would harm the setting of Heron Lodge. It would represent a significant incursion into the Conservation Area and into the setting of this listed building. The proposed widening of the access road to the site would also adversely impact upon the Conservation Area through the visually intrusive impact it would have. In this instance it is recognised that there is less than substantial harm to the heritage assets. However, it is not considered that the public benefit associated with the proposal outweighs the harm.
- 7.17 The development would also intrude into the experience of the heritage assets when viewed on approach from public and private vantage points. The proposed development would also detract from the existing open landscaped character of this part of the Conservation Area that informs an appreciation of the heritage assets and which would be unacceptably compromised and diminished.
- 7.18 The proposal would not relate to the area or the surrounding properties and the historical context of the site in an acceptable manner. The proposal is accordingly contrary to Policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan 2016, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Lark Hill Conservation Area Appraisal 2017 and the National Planning Policy Framework 2021.

The Design and Quality of the Accommodation Provided

- 7.19 The Care Homes for Older People National Minimum Standards (2000) stipulate that the layout of a care home should be suitable for its purpose and that all places are provided in single rooms with a minimum of 12 sqm usable floorspace (excluding en suite facilities). The residents' rooms on the submitted plans are all single and have an area in excess of 13 sqm (excluding the en suite facilities). Moreover, while the rooms are oriented in all directions (including facing into the courtyard), they would all have large windows and would receive enough light during the day to ensure that they would be sufficiently well lit. It is not considered that the limited roof height of the first floor of the development would create too much of an overshadowing impact for the ground floor rooms and the windows that serve them.
- 7.20 The requirements for communal space per resident are 4.1 sqm (250.1 sqm in total). The proposed development would incorporate seven kitchen/ dining or living areas (over the two floors) as well as a multi- function activity room. Cumulatively, these areas would exceed the 250.1 sqm minimum requirement.
- 7.21 It is accordingly considered that the quality of accommodation provided for the future residents of the site would be acceptable. The facilities that would be provided for the staff are also considered to be suitable. The building should be constructed to achieve internal and external ambient noise levels as per BS 8233:2014 in order to provide suitable living conditions for its future occupants. This may be achieved by condition.

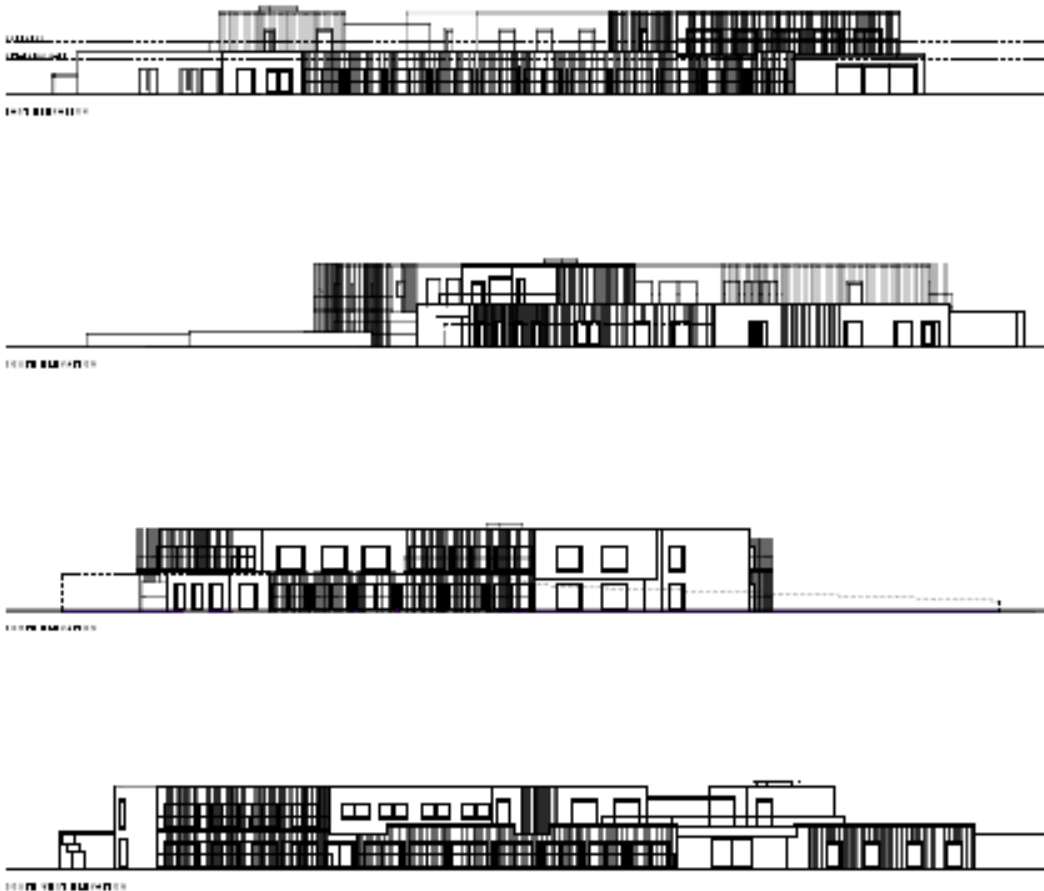


Figure 3 – Proposed Elevations



Figure 4 – Proposed Ground Floor Plan

Impact upon Neighbour Amenity

- 7.22 The proposed development would be partially set into the ground by up to 3m as the land falls from east to west across the site and it would be provided with a retaining wall (to the east). The plans submitted with the application indicate that this wall would be planted and screened with vegetation. The wall would be around 38m from Heron Lodge to the east while the development would be around 25m from the dwellings on the southern side of the access road (and around 30m from the dwellings to the north, along Lark Hill Road). Over these distances and given the limited, two storey nature of the development, it is not considered that the proposal would appear overbearing when viewed from these dwellings or their curtilages.
- 7.23 The development would be substantially larger than neighbouring properties but, on balance, it is not considered that it would dominate them due to its two storey, partially sunk into the ground nature and the distances to the neighbouring residential properties.
- 7.24 Moreover, the views from the dwellings to the north would largely be screened by trees and vegetation on the boundary between the sites. It is also considered that the proposed development would not result in any undue overlooking of or loss of privacy for the occupiers of the surrounding dwellings by virtue of the distances involved. Residents/ staff/ visitors using the grounds of the proposed care home would be sufficiently far from the neighbouring properties so as not to have a harmful impact upon their occupiers through overlooking.



Figure 5 – Proposed Site Sections

- 7.25 By the nature of the development and the current land use, a proposed care home would introduce a significant level of change and activity into an area which currently has limited disturbance. The proposed change and development would generate more movement and activity and consequent noise and disturbance over and above the existing peaceful nature of the site.
- 7.26 While the roads surrounding the application site (in particular, London Road) are busy with high levels of traffic and generate a commensurate level of noise, the application site is reasonably quiet by virtue of it being set back from these roads. It is a pleasant living environment. While the development would introduce a reasonably high level of activity as a result of its nature, likely across much of the day, with maintenance and deliveries, staff movements and visitors, it is not considered that this would represent a significant intrusion into the peaceful living environment of the existing residents surrounding the site.
- 7.27 Associated with vehicular movements in the darker hours, are the potential impacts of the headlights of vehicles leaving the premises, shining into the windows of the properties on the southern side of the access road. This would have the potential to harm the amenities of the occupiers of those dwellings. Concern has been raised by surrounding residents that the development would result in adverse air quality issues arising from the development. However, it is considered that suitable mitigation measures may be put in place in order to address this issue.

Impact upon Highway Safety and the Level of Parking Provided

- 7.28 Access to the development would be achieved by the private drive from A44 London Road which would be widened to 5m to allow for vehicles to pass in opposite directions. The driveway would remain privately maintained but would be provided with give way markings and dropped kerbs with tactile paving at the access to the A44 London Road, and pedestrian and cycle access. While suitable visibility splays may be provided at the London Road junction and provided with suitable drainage and lighting, the junction would be subject to a Road Safety Audit.

- 7.29 The Highway Authority is satisfied with the proposed development in terms of the capacity of the highway network to accommodate the journeys which would arise from the development and in terms of the proposed access arrangements. Moreover, the development would be accessible by means other than the private car, with the nearest bus stops being located on the A44 London Road, 140m from the proposed development. The stops (in both directions) are well served by six services that provide a good level and frequency of services. However, it is not clear whether the bus stops can be accessed via a continuous network of footpaths, dropped kerbs and tactile paving such that suitable accessibility for staff, visitors and residents may be provided between the bus routes and the proposed development, in the interests of making the development more attractive to users of alternative means of transport. An assessment of this may be undertaken in the event of the proposed development being found acceptable in all other regards and improvements to the routes made if necessary.
- 7.30 The proposed development would be subject to a S278 agreement to secure the upgrade and widening of the existing dropped kerb arrangement and issues regarding drainage to avoid water from the site running onto the highway may be secured by condition, in the event of the development being found acceptable. Details of lighting would also need to be agreed by condition in order that they be acceptable from a highway and railway safety point of view. A Construction Environment Management Plan may also be secured by condition to ensure that harm to highway safety would not arise from the development in this regard, in the event that permission for the scheme is granted.
- 7.31 In terms of parking, the development proposes 30 parking spaces of which three would be provided as accessible spaces and a further three as electric vehicle charging points. Two motorcycle bays and three sheltered Sheffield cycle stands would be provided as well. To accompany the cycle parking, staff changing areas would be provided to encourage travel by bicycle. The Development Plan does not have specified parking standards for care homes though the County Council's Streetscape Design Guide states parking standards for care homes are to be based on the operator's requirements, with evidence submitted to justify the proposed provision. The proposed 30 parking spaces represents circa one per two bedrooms in the home. However, no parking is proposed for staff, delivery drivers or any on else. It is accordingly considered that the proposed development would result in a reasonably significant shortfall of parking, leading to parking on the access road to the site and the surrounding residential streets (for example, Lark Hill Road). Given the parking pressure on the surrounding roads, this would result in danger and inconvenience to other highway users. While a Travel Plan may be produced and adopted for the development, it is not considered that it could or would make up for a total lack of staff parking on the site. The proposed development is therefore contrary to Policy SWDP 4 of the South Worcestershire Development Plan 2016, the Worcestershire County Council Streetscape Design Guide 2018 as amended and the National Planning Policy Framework 2021.
- 7.32 While the application was submitted with a collision assessment, it was undertaken with data that the Highways Authority does not consider to be a suitable data source for accident data. In the absence of an analysis with suitable data, the Highway Authority cannot be satisfied that the proposed development would not be sufficiently safe. It is therefore not considered that the information submitted with the application is sufficient for a full consideration of the application with regards to highway safety.

Other issues

- 7.33 The majority of the issues raised by the objectors to the proposed development have been addressed in the preceding paragraphs. The other issues will be discussed here.

- 7.34 Given that the opportunity to make comments on the application exists up until 4pm two days before the date of the committee, sufficient time for such comments to be made will have been available.
- 7.35 Projected figures suggest that Worcester will have a shortfall of specialist older person accommodation over the next 20 years. This application would therefore make a contribution to the provision of such accommodation.
- 7.36 The issues surrounding construction traffic and its impacts may be addressed by a Construction Environmental Management Plan, in the event of the application being found acceptable.
- 7.37 The issue regarding permission to use the access road to the site not being given in the event of planning permission for the development being granted is separate to the planning considerations of the application.
- 7.38 It is noted that the development would be close to the railway line which forms the western boundary of the site. However, it would be sited far enough from the line so as to not impact upon or interfere with the railway equipment. Section 16 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 states the Railway Authority need only be notified of a proposed development if it is within 10m of the railway.
- 7.39 In terms of land stability, the proposed care home would be over 60m from the embankment with the railway line, while works involving the provision of the parking and turning areas would be around 35m from the embankment with the railway line at their closest. Given that the site does not slope steeply, it is not considered that the proposed development would have any adverse impacts upon land stability.

Environmental Impact Assessment Regulations 2017 (as amended)

- 7.40 In accordance with the Regulations, the proposals have been screened by Officers with regard to whether the proposals would fall under Schedules 2 and the criteria outlined in Schedule 3 of the Regulations. Government guidance sets out that only a very small proportion of Schedule 2 development will require an Environmental Impact Assessment. Having regard to the characteristics of the development the proposed development would not call for an Environmental Impact Assessment to be carried out. This does not affect the consideration of material planning considerations under the consideration of the planning application.

Human Rights Issues

- 7.41 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.
- 7.42 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.
- 7.43 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 with conditions controlling the development where necessary.

Public Sector Equality Duty

- 7.44 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. These considerations are relevant to the duties that decision makers have under s149 (1) of the Equality Act 2010.

Planning Contributions

- 7.45 Highways to public transport enhancement are sought. Highways officers set out a contribution of £10,000 was made in respect of the approved care home on the former Defra site further out on the A44 London Road.
- 7.46 A s106 would be required to receive this contribution. The agent for the application has indicated a willingness to sign an agreement and pay a contribution.
- 7.47 In light of the proposed development being proposed on land the subject of Open Space and the accommodation proposed it is also considered that contributions would also be sought towards Public Open Space enhancement as part of the normal SPD contributions.

8. Planning Balance and Conclusion

- 8.1 The proposed development would have a number of economic benefits, including job creation during the construction of the development and the operation of the care home. The proposal would also have social benefits in terms of the provision of a care facility.
- 8.2 However, the proposal is considered unacceptable as it would intrude into and have a harmful impact upon the Green Space. The development would also fail to preserve or enhance the character and appearance of the Lark Hill Conservation Area and would have an adverse impact upon the setting of the adjacent Grade II listed Heron Lodge.
- 8.3 The proposed development would also have an adverse impact upon highway safety through a reasonably significant shortfall in parking.
- 8.4 The proposed development would however provide for a suitable standard of accommodation for its future occupiers. Notwithstanding this, it is considered that the harm which would arise from the development would significantly outweigh the benefits of the proposal.

9. Recommended reasons for refusal:

1. By reason of the fact that it would cover approximately half of the Green Space with built form and parking and turning areas, the proposal would have a significant and adverse impact upon the character and quality of the Green Space and would

result in the loss of a number of trees on the site and would harm the biodiversity of the site. The proposed development of the site as a care home is neither a community use nor a recreational use, while the extent and design of the proposed development would compromise the essential quality and character of the Green Space. An assessment of the need for the Green Space and whether it is surplus to requirements and whether alternative/ replacement Green Space of at least equivalent value to the community may be secured in a suitable location was not submitted with the application. It is not considered that the proposed landscaping in the remaining area of Green Space would offset the harm that would be caused by the proposal. Accordingly, the proposed development is contrary to Policies SWDP 2 and SWDP 38 of the South Worcestershire Development Plan 2016 and the National Planning Policy Framework 2021.

2. By reason of its size and form, the extent of the proposed hardstanding and its visual impact, the proposed development would neither preserve nor enhance the character and appearance of the Lark Hill Conservation Area. The development would also intrude into and harm the setting of the Grade II listed Heron Lodge. While the development would result in less than substantial harm to the heritage assets, the public benefits associated with the development would not outweigh this harm. The proposal is accordingly contrary to Policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan 2016, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Lark Hill Conservation Area Appraisal 2017 and the National Planning Policy Framework 2021.
3. In the absence of a Section 106 agreement securing contributions towards highways and public open space, to offset the loss of such space that would arise from the proposed development, the proposal would have a harmful impact upon highway safety and the provision of open space within the district. The proposal is therefore contrary to the South Worcestershire Developer Contributions Supplementary Planning Document 2018 and the National Planning Policy Framework 2021.