

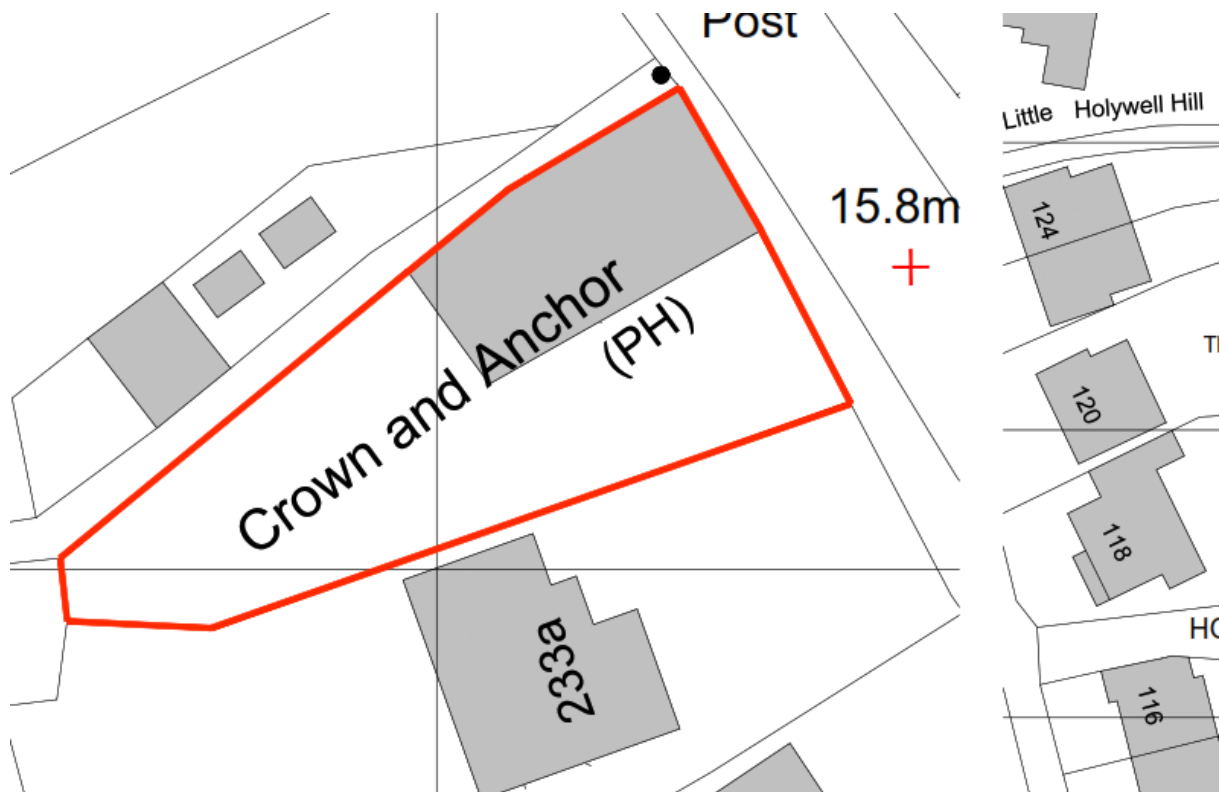
Application Number	23/00100/FUL
Site Address	The Crown and Anchor, 233 Hylton Road, WORCESTER, WR2 5LA
Description of Development	Residential redevelopment of 7 no. apartments (2no. existing)
Expiry Date	29 August 2023
Applicant	WXSPI Limited
Agent	PlaceWright Studio
Case Officer	Dale Jones
	dale.jones@worcester.gov.uk
Ward	St. Clement Ward
Reason for Referral to Committee	Councillor "Call In"
Web link to application	
Recommendation	The Corporate Director - Planning and Governance recommends that the Planning Committee grants planning permission subject to the conditions set out in section 9 of this report.

1. Background

- 1.1 The application was registered on 1 February 2023 and was due for a decision on 29 March 2023. An extension of time for the determination of the application has been requested and secured until 29th August 2023.
- 1.2 The application has been "Called In" to Planning Committee, in accordance with the Council's Constitution, based on the following rationale:
 1. Failure to comply with County Highways Parking policy.
 2. Over development of the site.
 3. Weight of neighbour's objections.

2. The site and surrounding area

- 2.1 The application site (illustrated by the location plan below) relates to the former Crown and Anchor Public House, which is a two-storey building with a conservatory and toilet block to the side (since partially demolished). The application site faces east onto Hylton Road and the Little Holywell Hill public footpath (Public Right of Way) runs along the northern boundary of the site.



Site Location Plan Extract (site outlined in red)

- 2.2 The former public house building is constructed of white painted brick and has a dark grey slate tiled roof with a hip to the front and a gable to the rear. The frontage is directly adjacent to the pavement and has a bay window at ground floor level. The building was most recently used as a public house at ground floor level with two residential flats above in the main part of the building. The rear flat was accessed via an external staircase with habitable south facing windows towards the neighbour at 233a Hylton Road.
- 2.3 The building is in a very poor state of repair. The ground level increases from Hylton Road (west) towards Henwick Road, which reflects the ground level differences across the application site. There is no off-road parking on the site and there are double yellow lines along the street frontage. The surrounding area is mainly residential in character and there are houses of a wide variety of ages and designs. The former public house building is not listed and is located outside the St Johns Conservation Area.
- 2.4 A previous planning application 21/01045/FUL was refused on 2nd February 2022 which included the demolition of the public house and replacing it with a new 3/4 storey building. This application seeks a different design approach, to convert the existing public house with a similar design as approved under planning application P17J0504.

- 2.5 This application proposes a residential development involving the redevelopment of the site, inclusive of the reuse of the existing main building structure and the erection of a new building at the rear of the site. The proposed accommodation would comprise 7 x 1-bed residential flats.
- 2.6 The development would provide private amenity space for each of the five new residential flats, whilst the two existing (re-configured flats above the former public house) which currently do not have amenity space, would be retained and re-configured. A small area of communal landscaped amenity space would be provided adjacent to the site frontage which the existing (re-configured) first floor units will have access to. The development would be provided with cycle storage and a refuse storage.

3. The proposals

- 3.1 Planning permission is sought for the proposed redevelopment of the application site, comprising the residential redevelopment of 7 no. residential flats (inclusive of the retention of 2no. existing flats above the public house).
- 3.2 In detail, this planning application includes the following elements:
- The retention and re-configuration of the existing two-storey former Crown and Anchor public house building;
 - Erection of a (part one, part two) storey building at the rear of the site, with an alternative access to Little Holywell Hill.
 - New landscaped amenity areas and Sedum green roofs on the flat roofs of the new rear buildings.
 - The proposal would include an array of solar PV panels on the roof of the rear buildings.
- 3.3 In accordance with Article 15 (7) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), full details of the application have been published on the Council's website. As such, Members will have had the opportunity to review the submitted plans and documents to familiarise themselves with the proposals prior to consideration and determination of the application accordingly.

4. Planning Policy

- 4.1.1 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 considered. 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 National Planning Policy Framework (NPPF - 2021) is also a significant material consideration. At paragraph 12 the NPPF confirms that '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.*'

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

4.4 The Development Plan comprises:

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

South Worcestershire Development Plan

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

SWDP 1 - Overarching Sustainable Development Principles
SWDP 2 - Development Strategy and Settlement Hierarchy
SWDP 4 - Moving Around South Worcestershire
SWDP 7 - Infrastructure
SWDP 13 - Effective Use of Land
SWDP 14 - Market Housing Mix
SWDP 15 - Meeting Affordable Housing Needs
SWDP 21 - Design
SWDP 22 - Biodiversity and Geodiversity
SWDP 27 - Renewable and Low Carbon Energy
SWDP 29 - Sustainable Drainage Systems
SWDP 31 - Pollution and Land Instability
SWDP 33 - Waste
SWDP 37: Indoor Leisure and Community Facilities

Supplementary Planning Documents

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

• Design Quality SPD

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

• Renewable and Low Carbon Energy SPD

The SPD relates to policy SWDP 27 of the South Worcestershire Development Plan, which seeks to promote a percentage of energy requirements on qualifying development sites to be provided from renewable energy and/or low carbon sources.

The policy also requires large scale development to examine the potential for decentralised energy and heating networks, and also sets out the policy approach for standalone renewable and low carbon energy schemes (with the exception of wind turbines).

Other Material Considerations

- 4.9 The following documents are relevant to the application proposals. Due to their status as evidence or guidance they cannot be given full weight.

Worcestershire's Local Transport Plan (LTP4) 2018 – 2030 Worcestershire County Council Streetscapes Design Guide (July 2022)

The National Planning Policy Framework (2021) (NPPF):

- 4.10 The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 4.11 On 6 March 2014 the Government published National Planning Practice Guidance (NPPG) to compliment the NPPF. It has been revised and updated in the meantime and comprises, amongst other matters, Air quality, Design, Housing and economic land availability assessment, Noise, Travel plans, Transport assessments and statements in decision-taking, Flood risk and coastal change, Use of planning conditions, Flexible options for planning permissions, and Planning obligations. Similarly in October 2019 the Government published the National Design Guide.

5 Planning History

- 5.1 Relevant planning history includes the following records:
- 5.2 **P14J0124** - Conversion and extension of function room into 2no. residential units. Withdrawn.
- 5.3 **P17J0504** - Residential development from an existing public house with 2no. existing accommodations into a 6no. residential units with communal access. Approved 23.03.2018.
- 5.4 **21/01045/FUL** - Demolition of Former Public House and Erection of 7 No. Apartments. Refused 02.02.2022 for the following reasons:
1. By virtue of its height, bulk and massing, the proposed development would appear cramped within the site. Together with the proposed design and appearance of the building, with a mixture of red brick and metal or fibre cement board cladding and roofing, the proposed development would appear incongruous within the street scene, at significant variance to the character of the area. The proposed development is therefore contrary to Policy SWDP 21 of the South Worcestershire Development Plan 2016, the guidance within the South Worcestershire Design Guide Supplementary Planning Document 2018, the Worcestershire County Council Streetscape Design Guide 2020 and the National Planning Policy Framework 2021.

2. By virtue of its bulk, massing, height and siting in close proximity to that dwelling, the development would have a significantly harmful and adverse impact upon the amenities of the occupiers of 223a Hylton Road, contrary to Policy SWDP 21 of the South Worcestershire Development Plan 2016, the guidance within the South Worcestershire Design Guide Supplementary Planning Document 2018, the Worcestershire County Council Streetscape Design Guide 2020 and the National Planning Policy Framework 2021.
3. By virtue of the lack of on- site parking provision and the known on- street parking pressures in the vicinity of the site, the development would result in on- street parking and harm to highway safety. No justification for the proposed development to be car- free has been provided and in the absence of such justification, it is not evident that the proposal would not result in on- street parking in the vicinity of the site. Together with the existing parking issues in the vicinity of the site, the proposed development would therefore likely result in increased on- street parking, to the detriment of highway safety. The proposed development is therefore contrary to Policy SWDP 4 of the South Worcestershire Development Plan 2016, the guidance within the South Worcestershire Design Guide Supplementary Planning Document 2018 and the National Planning Policy Framework 2021.
4. The submitted Bat Assessment of the site revealed the presence of a solitary Soprano Pipistrelle bat and concluded that a further survey would likely identify more evidence of bat species' use in terms of foraging and commuting. Such a survey was not submitted and in the absence of such a survey, it cannot be known the degree to which protected species may be affected. The proposed development is therefore contrary to Policy SWDP 22 of the South Worcestershire Development Plan 2016, the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017 and the National Planning Policy Framework 2021.

6 Consultations

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

Neighbours and other third-party comments

- 6.2 A total of 14 representations have been received in response to the Councils public consultation exercise, with a total of 10 objections, and a total of 4 responses received in support for the proposed redevelopment of the site. These are outlined below:

10 responses in objection:

- Without car parking, the proposals are likely to result in additional on-street parking pressures, block driveways and pavements and result in highways safety issues.
- Drainage concerns including surface water disposal.
- Cramped design
- Loss of privacy and increased overlooking.
- Daylight and sunlight issues (for both the new flats and neighbouring properties).

- Communal amenity space is not practical or usable given its location close to the main road and size.
- Overdevelopment of the plot.
- The existing car parking and highways safety concerns would be exacerbated by the provision of an additional 7 new residential units.
- No space / provision for deliveries, which can exacerbate highways safety concerns.
- Substandard quality of the accommodation.

4 responses in support:

- The proposal would enhance the derelict state of the site.
- Similar to the previous planning approval for the site.
- The additional units of housing are needed.
- In terms of traffic safety, the road is restricted by yellow lines and is monitored by traffic enforcement officers.
- Development of brownfield land.
- The site is close to the city and is supported by sustainable transport options.
- Car-free developments should be promoted to ensure air quality enhancements.
- This site has been neglected and subject to arson and anti-social behaviours, therefore the development would enhance the environment of the site.
- The history of the site can be conveyed by a plaque should planning permission be granted.

6.4 The following **statutory and non-statutory responses** have been received:

6.5 **Environment Agency:** Has no bespoke comments to make. This is due to the proposed development within Flood Zone 2 being a change to a more vulnerable use.

6.6 **Canal and Rivers Trust:** No comments to make.

6.7 **South Worcestershire Land Drainage Partnership (summary):** The proposals consist of more vulnerable development on a site located partly within EA (fluvial) Flood Zone 2 generated by the River Severn which is designated as Main River. It should be borne in mind that these maps do not include allowance for climate change.

The accompanying FRA provided by the Applicant is acceptable in principle, but these proposals involve an intensification of use with additional residential units, so should consider safe access and egress as a risk and consult with the Council's Emergency Planning Officer to ensure that appropriate measures are in place.

With respect to the proposed means of disposal for surface water, on the application form the Applicant has stated main sewer. There is no public surface water sewer shown on the Severn Trent Water Limited Sewer Map in the vicinity, only a combined sewer in the highway.

No objections are raised to these proposals in principle subject to a drainage condition.

6.8 **WCC Landscape Officer:** Welcomes the retention of the original building, noting inter alia that the ecologists report states that a mitigation licence is required from Natural England in respect to works affecting the bat roost, and that will need to outline methods of working and mitigation required.

No work must take place until that licence and the mitigation it outlines is confirmed, and this should be a pre commencement condition.

The trees and planting on the plan are welcomed and should be specified. If the roof of the new build element is flat, it should be a native green roof (which may be conditioned) This will both provide biodiversity and help to blend in near the conservation area. The submitted ecology report also mentions the desirability to enable enhancement of the site for biodiversity.

- 6.9 **WCC Civic Society Planning Panel (summary of comments):** The principle of development is supported given the previous sub-division of the building to form multiple residential units.

Amenity: Units 5 and 6 would receive inadequate daylight contrary with policy SWDP 21 due to the cramped layout of the site, thereby reducing the development to 6 units of development would result in a less contrived layout.

Car free development: Appears to be unjustified, however the 2018 approval has established this location to be sustainable, and the restrictions already in force would safeguard against illegal parking on-street. As such, any attempt to withhold planning permission on highways grounds has no merit.

- 6.10 **Worcestershire Regulatory Services (Air Quality):** No adverse comments regarding air quality.

- 6.11 **Local Highways Authority (County Council):** has no objection subject to conditions to secure sheltered, secure and accessible cycle parking and a Construction Environmental Management Plan (CEMP), with the LHA noting 9inter alia) that:

It is noted that the previous application on this site (21/01045/FUL) was refused by the Local Planning Authority, in part due to the lack of parking however prior to that, the Highway Authority accepted the site as 'parking free' via the '2018 approval' (P17J0504) and this position is maintained again here.

The site has sustainable credentials and in line with the Streetscape Design Guide, the applicant has provided detailed evidence of the accessibility of the site by sustainable modes of transport.

Regarding parking displacement and illegal parking on or adjacent to the site, the LHA also note that there are extensive double yellow line parking restrictions on both sides of Hylton Road to prohibit on street parking in this location and to the rear, there is a residential parking scheme in operation on the first section of Henwick Road.

Finally, the LHA note that Due to the constrained environment on Hylton Road (A443), a construction environment management plan will be required prior to the commencement of works, and thereby propose the use of the CEMP condition as noted above and elsewhere within this report.

- 6.12 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.

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

The Principle of Development

Loss of the former Crown and Anchors Public House

7.2 Part B of Policy SWDP37 relating to 'Built Community Facilities' is relevant and states that:

Any proposal that would result in the loss of a site or building currently or last used as a community facility will only be permitted if the following criteria are met:

- i. An alternative community facility which meets local needs to at least the same extent is, or will be, provided in an equally or more accessible location; or*
- ii. It has been demonstrated that there is an excess of similar provision in the appropriate catchment area for that particular facility and the site or building is not needed for any other community facility; or*
- iii. In the case of commercial community facilities, it has been demonstrated that it would not be economically or operationally viable to retain the facility for community use; or*
- iv. In the case of non-commercial community facilities, the use is no longer operationally viable; or*
- v. The community facility could not be provided or operated by either the current occupier or by an alternative occupier (e.g., by a local community body, public-private partnership, etc.) and it has been marketed in accordance with Annex F (Marketing Requirements).*
- vi. Applicants are required to scope existing facilities in the area and consider whether it would be more appropriate to combine or rationalise existing facilities in the first instance.*
- vii. Applicants proposing to re-develop or convert a community facility should consult the appropriate community prior to the submission of a planning application.*

7.3 The application site is located within the boundary limits of Worcester where there are no objections to the proposed development in principle subject to compliance with the relevant development plan policies.

The issue of the loss of the public house has been accepted as, at the time of the previous application on the site (2017; under ref. P17J0504), the public house was vacant. The Design and Access Statement for the current application states the public house has continued to be vacant since the last application. Accordingly, it has not been performing its function of being a community facility.

- 7.4 Having regard to the planning history, material circumstances (including the period of vacancy) of the former public house, it would not be possible to sustain an argument that the proposal would result in the loss of a valued community facility. Furthermore, it should also be noted that at the time of the 2017 application (approved 2018), the applicant submitted sufficient and robust evidence to demonstrate that the requirements of Policy SWDP 37 of the South Worcestershire Development Plan 2016 (Indoor Leisure and Community Facilities) had been fully considered. It will also be noted that no comments have been raised as part of the consultation process in respect of being a community facility and it is not on the register as an Asset of Community Value. Accordingly, no objections are therefore raised regarding the conversion and change of use (following redevelopment) of the former public house, for residential purposes, as proposed in this case.

Housing Land Supply

- 7.5 Paragraph 74 of the Framework states that 'Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against the local housing need where the strategic policies are more than five years old'. To maintain a supply of housing Paragraph 76 requires that Local Planning Authorities should monitor progress in the build out of sites which have permission. These monitoring reports shape the Governments Housing Delivery Test figure.
- 7.6 Since the adoption of the South Worcestershire Development Plan (SWDP) the 5-year housing land supply (5YHLS) has been calculated jointly across south Worcestershire area reflecting the plan strategy and sub areas referred to in policy SWDP3. Over recent months 5YHLS has been tested on appeal across south Worcestershire with Inspectors concluding that a 5-year supply cannot be demonstrated.
- 7.7 The adopted South Worcestershire Development Plan (SWDP) (2016) established five separate sub areas (Malvern Hills, Worcester City, Wychavon, Wider Worcester Area Malvern Hills, and Wider Worcester Area Wychavon) for dealing with housing, employment and retail provision, redistributing the requirements according to land availability and natural and environmental constraints. Since the adoption of the Plan, the south Worcestershire Councils (SWCs) have published five separate 5YHLS Reports on an annual basis against the housing requirements detailed in the adopted Plan. For the monitoring year 2020-2021, the SWDP (2016) was more than 5 years old, and as such the adopted Plan, for housing target purposes, was considered to have expired. Therefore, under national planning policy, the Standard Method of calculating a 5 Year Housing Land Supply had to be applied.
- 7.8 The SWCs are now proposing that each Local Planning Authority (LPA) calculate and publish a single district land supply position, with no apportionment. This is considered to be the approach that is most consistent with the Planning Practice Guidance at the current time and has regard to relevant appeal decisions where HLS has been considered in detail.

However, in support of the SWDP's overarching objective to meet needs in full across the Joint Plan Area and the way in which the SWDP strategic sites around the city of Worcester are helping to meet the housing needs of the city, the councils will continue to publish and monitor a joint supply position for information purposes and for the Public Examination of the SWDP Review. The single district versions will be used for the purposes of calculating the 5YHLS for each district and in determining planning applications.

- 7.9 Based on this individual approach, Worcester City has 3.06 years housing land supply. The joint supply for the three councils is 3.94 years. The 2021 Housing Delivery Test (HDT) published in January 2022 indicates that South Worcestershire is delivering 155% of the standard methodology requirement.
- 7.10 For the purposes of considering this planning application, where a 5-year housing land supply cannot be demonstrated or the HDT figure is below 75%, the 'tilted balance' under paragraph 11(d) of the Framework is engaged. This requires the granting of planning permission unless, the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. In respect of Worcester City 'protection areas or assets' specifically refer to Sites of Special Scientific Interest; land designated as Green Belt, an Area of Outstanding Natural Beauty, irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest); and areas at risk of flooding.
- 7.11 This report sets out in the context of the '*tilted balance*' how any harm and/or benefits have been considered in terms of the three objectives of sustainable development as set out within the Framework.
- 7.12 This proposal relates to the redevelopment of the site inclusive of a proposed change of use and reconfiguration of the existing building and erection of a new building (at the rear of the site) to provide a total of 7no. residential flats consisting of 7 x 1-bed flats. The net increase in residential units (if approved) would include the provision of 5 net new residential units within the property because of these proposals. It is considered that 5 additional units of residential accommodation, on previously developed land can be attributed **moderate positive weight** in the planning balance given the number of new residential units as proposed.
- 7.13 The application site is in a sustainable location within Worcester City where local and national policy encourages the use or re-use of vacant or under-utilised urban sites, to secure the optimum viable use of a site. Accordingly, there is no objection to the principle of the proposed development on the site, whilst considering the vacancy and re-use of the site for residential purposes and the provision of housing against the backdrop of a lack of housing land supply.

Design and visual impact

- 7.14 The NPPF confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

- 7.15 Paragraph 126 of the NPPF highlights that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development, creating better places in which to live and work and helping make development acceptable to communities.
- 7.16 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially, where it fails to reflect local design policies and government guidance on design considering any local design guidance and supplementary planning documents such as design guides and codes. Weight should be given to development which reflects local design policies and guidance and supplementary planning documents such as design guides and codes; and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area so long as they fit in with the overall form and layout of their surroundings.
- 7.17 Policy SWDP 21 – ‘Design’ is relevant and requires all new development to be of a high-quality design which integrates effectively with its surroundings, in terms of form and function, whilst also reinforcing local distinctiveness.

Layout, bulk, and massing

- 7.18 The proposals seek the redevelopment of the site for residential purposes, including the re-use of the existing two-storey (former public house) building and the subsequent erection of a new building at the rear of the site, with an alternative access to Little Holywell Hill for an escape route. The proposals would facilitate a total of 7 residential units (net increase in 5 residential units given that the existing units above the public house would be retained).
- 7.19 The resultant scale of the proposed new build will be part-one, part-two storey in scale, with the existing two storey public house retained and remodelled. In this respect, the existing two- storey (public house) building would be retained with the proposed formulation of new openings for entrances to residential units 1 to 4. The applicants have clarified that many of the window openings are to be retained, especially on the elevation facing Hylton Road to retain the present streetscape.
- 7.20 Regarding the development at the rear, this part of the proposed development has retained a similar design concept to the 2018 Approval, with a single storey building proposed nearest to the southern boundary, that is adjacent to the neighbour at No. 233a Hylton Road. The northern part of the design is provided with a second storey element and the openings have been carefully designed to prevent overlooking onto the neighbour and in the garden of Unit 6 in terms of intervisibility.
- 7.21 A section/side elevation through the site is illustrated below, along with a comparative version of the 2018 planning approval. It is clear from the images below that the increase in massing would be limited and subordinate to the main former public house building, and thereby appropriate for the site context.



Figure 16, 2018 Approved proposed elevations.

The previous (2018) planning approval (southeast side elevation)



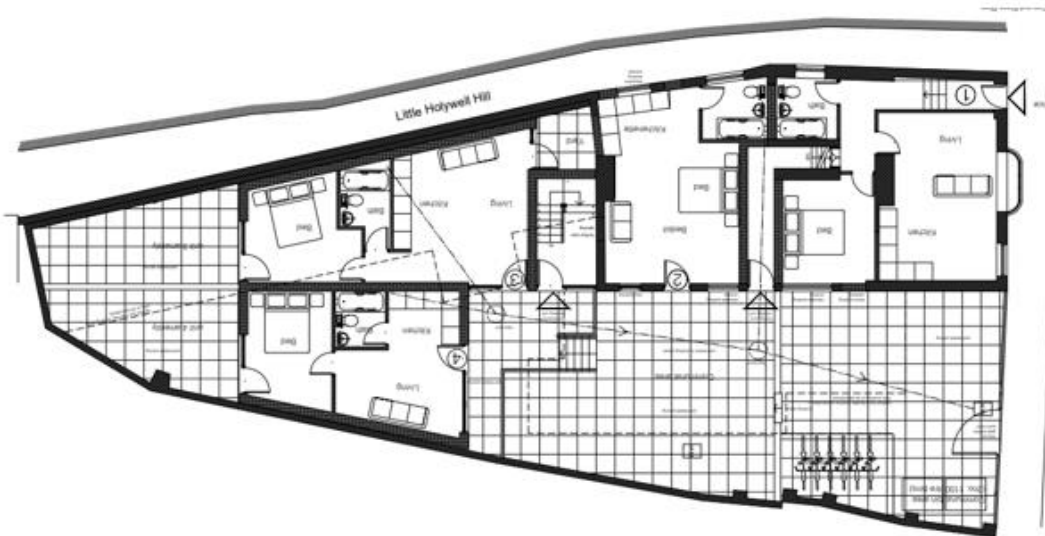
The current proposal (southeast side elevation)

7.22 Regarding the layout, the proposal (as illustrated in the image below) would occupy a similar spread of development across the site as that approved previously in 2018, with the amenity areas occupying the west of the plot for units 5 and 6, with units 1 and 2 incorporating private amenity areas. The south of the plot is comprised of cycle parking, refuse provision with a small area dedicate to communal amenity space.



7.23 The image below for comparative purposes shows the ground floor site layout of the 2018 planning permission (Ref. P17J0504). The main difference in terms of the layout being that the current proposal seeks private amenity areas as opposed to the

central communal amenity space as previously proposed in the 2018 planning permission.



Site Layout of the previous (2018) approval

7.23 The proposed layout can be supported when taking account of the 2018 permission as a material consideration, along with the more recent refusal. It is considered that the part two-, part single storey scale, where combined with the amenity area, offering a respite from the built-form would ensure that the resultant layout is appropriate for its context. The layout would afford private and communal amenity space and an environment which can provide the necessary cycle and refuse storage within the site boundary.

Design

7.24 In terms of the elevations, the proposals would retain the character and fabric of the former Crown and Anchor Public House, at the heart of the development. As such, when 'read' from the east of the site from Hylton Road, public views would be obtained of the new brick-built development to the rear behind the former public house building, albeit the scale and appearance would be read as subordinate additions from the street scene as evidenced in the proposed image below given its limited scale and set-back position.



7.25 The northern façade would be visible from the public footpath, which leads from Hylton Road to Little Hollywell Road. The new-build element would step up due to the site topography, which rises to the west. The retention of windows within the former public house building, as well as new first floor openings within the building,

would help facilitate surveillance along the public footpath to the north, whilst the use of brick would align with the character and appearance of developments in the locality. Whilst flats roofs can often be inappropriate, in this case, the use of a flat roof in this context would help afford primacy to the original public house and ensures that the proposed development would not compete with it in visual terms. The flat roof profile was also previously considered acceptable in 2018, albeit of a lower scale, which is a material consideration, which further justifies the design proposed in this instance.



7.26 In terms of the architectural approach, the use of simple geometry, traditional brick façades and contemporary windows and doors (as illustrated in the image below) would all ensure that the new-build element would offer visual interest and contrast with the former public house building. As such, considering the above rationale, the proposed development would adhere with the provisions of policy SWDP21 and with Paragraph 130 of the NPPF and can be attributed **minor positive weight** in the planning balance.



North East Elevation of rear dwellings

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7.27 With regard to amenity space, it should be noted that amenity areas would be provided for each of the proposed residential dwellings, with units 1, 2, 4 and 6 located at ground level having access to private amenity areas, which would be directly accessible and linked to each of the residential flats. At first floor level, the two existing units (i.e., the units above the existing pub) being units 1 and 2 would be retained and internal re-configured. These units are existing units without access to private amenity space, however, they would have access to an area of communal amenity space at ground level, and unit 7 would have access to a private balcony accessed from ground level and would again be able to access the shared communal amenity space.

7.28 Regarding the amenity areas and shared spaces, inclusive of the communal amenity space, a planning condition will be added in the event where approval is recommended, to control the wider landscaping of the amenity space, to avoid synthetic surfaces which are not sustainable or environmentally friendly, whilst also offering Officers the opportunity to further scrutinise the planting, surfacing and layout of the amenity areas as proposed. The proposed amenity space provision would fall short against the SPD. In this respect, according to the South Worcestershire Design Guide SPD, new dwellings normally require 20m² of private amenity space per bedroom. However, the SPD guidance does allow for smaller areas of external space in some cases, particularly in town centres. In this case, each of the new dwellings would be provided with amenity space, except for the two existing first floor units, which would nevertheless have access to a new area of communal space. As such, considering the above, the proposed development should be attributed **minor adverse weight** in the planning balance.

Impact on neighbouring amenity and amenity of future occupiers

7.29 With regard to the policy context, policy SWDP 21 requires that new development does not have a significant adverse effect on neighbouring amenity. This is consistent with paragraph 130 of the NPPF that requires planning policies and decisions, amongst other matters, to ensure a high standard of amenity for existing and future users of land and buildings. The NPPF requires development to deliver safe and healthy living conditions (para 119) and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (para 130f). The Design Guide SPD lays out principles to follow to achieve satisfactory amenity within developments.

7.30 Given the topography of the site which rises substantially to the west, and the separation distances across Hylton Road to the east of the application site, the main residential properties to be considered in terms of the amenity impacts, include the neighbouring 233a Hylton Road, which is sited to the south of the application site, as illustrated in the images below.



7.31 No.233a is a residential dwelling, which projects close to the southern boundary of the application site (within 0.8m). The main habitable rooms within the neighbouring 233a Hylton Road have openings facing east and west within the front and rear building elevations, therefore facing away from the application site, which mitigates any opportunities for harmful overlooking and loss of privacy between the two respective sites.

The proposal has been designed with high-level openings to the upper units to ensure that there would not be any harmful overlooking and subsequent loss of privacy between the two sites, as illustrated in the proposed image below. The small balcony area with stepped access would be set deep into the site away from the southern site boundary and so would not result in demonstrable harm in terms of overlooking of the neighbouring sites.



h East Elevation

- 7.32 In terms of daylight and sunlight, No.233a is situated south of the site. However, unlike the previously refused planning application for the site, the scale of development has been reduced to a maximum two-storey height, set back into the site to ensure that daylight and sunlight would not be prejudiced in the case of the neighbouring sites, particularly in the case of No.233a Hylton Road. It should also be noted that the neighbouring property at 124 Henwick Road on the western boundary is elevated above the site and situated approximately 22metres from the site boundary, therefore no amenity impacts would result given the elevation and separation distances involved.
- 7.33 The properties on the opposite side of Hylton Road to the application site are two-storey in scale. At around 16.0m from the proposed development, the outlook of their occupiers would not be unduly impinged upon because of the proposed development.
- 7.34 In terms of noise and disturbance, it is considered that the proposal for 7 x 1-bed residential flats would not result in excessive noise and disturbance for neighbouring occupants. When considered against the previous use of the site as a public house with associated beer garden, the proposed conversion and redevelopment proposals to form seven residential flats in total would not result in excessive comings and goings to the degree whereby refusing planning permission can be justified.
- 7.35 As such, the proposal would adhere with the provisions of policy SWDP 21 (B)(iv) and with Paragraph 130 of the NPPF and is therefore attributed **neutral weight** in the planning balance. It is considered that in the event whereby planning permission could be recommended, then matters of noise and disturbance during the construction period could be controlled using planning conditions.

The internal living environment (of the proposed development)

- 7.34 The Nationally Described Space Standards (NDSS) set out the 'minimum' internal floor areas for new build dwellings to ensure that such development provides a sustainable and adequate standard of accommodation and environment for all

occupants. In detail, the Nationally Described Space Standards (NDSS) set out a minimum requirement of 39sqm for 1-bed sized flats, where a separate bathroom is proposed. In this case all seven of the one-bedroom sized flats as proposed would meet the NDSS requirements, measuring between 39.0 and 40.1sqm in area with requisite storage room provided internally (also required by the NDSS), and given this compliance with the NDSS, the proposal is therefore attributed **minor positive weight** in the planning balance.

Access and Highway Safety

7.35 Policy SWDP 1: Overarching Sustainable Development Principles states (inter alia):

A. When considering development proposals, the Local Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work jointly and proactively with applicants to find solutions that mean proposals can be approved wherever possible and to secure development that improves economic, social and environmental conditions in south Worcestershire.

7.36 SWDP 4: Moving Around South Worcestershire (Part A) states:

Proposals must demonstrate that: the layout of development will minimise demand for travel, they offer genuinely sustainable travel choices, they address road safety, and they are consistent with the delivery of the Worcestershire Transport Plan objectives.

7.37 New development should have regard to the design criteria and principles set out in Manual for Streets, Worcestershire County Council's Local Transport Plan, and Worcestershire County Council's Highways Design Guide.' SWDP 21 ix. stipulates that traffic from the proposed development should have safe access and there should be capacity in the road network to accommodate the generated traffic.

7.38 Paragraph 111 of the NPPF states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

7.39 Policy SWDP 4 and the NPPF sets out to reduce the reliance on the private car which in turn tackles climate change and promotes the use of sustainable modes of transport. The NPPF and the requirement of legislation states that the decisions should be made in accordance with the Development Plan unless material circumstances indicate otherwise.

7.40 Flexibility and site circumstances should be considered in the context of Policy SWDP 4 of the Development Plan. Policy SWDP 4 (in particular Part A and B) support a reduction the level of parking provision. This is in keeping with national policy and the aims of Government and also managing traffic, climate change and other matters such as air quality and pollution.

Existing context

7.41 In terms of the existing site context, the site is located on the western side of Hylton Road and was previously occupied by the Crown and Anchor public house (Sui Generis). The public house was accessed off Hylton Road with vehicle access limited to a single parking space with no parking for customers.

The applicants have clarified that in the past, deliveries were carried out by on-street parking to access the cellar hatch behind the front gate.

- 7.42 In terms of public transport options, it is noted that bus services including the 758 and 824 serve Hylton Road. It is also noted that further bus routes are available only 2mins walk up to Henwick Road (along Little Holywell Hill) where bus numbers 294, 296, 309, 310 and s310 depart/arrive. On foot, the main city core is only 15mins walk from the site, with the Sabrina footbridge crossing the Severn and connecting Hylton Road and Grandstand Road.
- 7.43 Little Holywell Hill is a public right of way that runs on the northern boundary with high boundary brick walls providing the physical protection.
- 7.44 In terms of the planning history, the applicants have also noted that a 'car free' development was established in the 2018 planning approval (Ref. P17J0504) for a similar scale to this application (6 residential units being approved in that case).

The proposals

- 7.45 The proposal is for the re-development of the former Crown and Anchor Public House on Hylton Road (A443) with a total of 7 units (2 existing and 5 proposed). The Local Highway Authority (LHA) have clarified that the parking requirement for this development is calculated as 9 parking spaces, with the proposal showing no off-street parking provided. However, the LHA as the statutory consultee have advised that from a Highways point of view the application site has sustainable credentials. The applicant has provided evidence of the accessibility of the site by sustainable modes as a justification in the submitted Design and Access Statement and this is accepted by Highways Officers, justifying the reliance on sustainable modes of transport instead of off-street vehicular parking.
- 7.46 The matter of highways safety has been raised by residents (amongst other issues) as part of the public consultation exercise. The LHA have commented on the matter of highways safety, advising (inter alia) that there are extensive double yellow line parking restrictions on both sides of Hylton Road to prohibit on-street parking in this location and to the rear, whilst there is a residential parking scheme in operation on the first section of Henwick Road (Nos 142 – 204) which allows parking for permit holders only and the Crown and Anchor is not eligible. Furthermore, there are further time-limited parking restrictions in this area plus expanses of residential dropped kerbs. On this basis it would be difficult to maintain a refusal position on the basis of displacement parking.
- 7.47 In terms of sustainable modes of transport, it is noted that cycle parking is proposed in line with the standards within the Streetscapes Design Guide⁹ spaces are required and further details are expected and can be secured through the use of a planning condition. In this respect, the LHA have noted that the applicant is also required to produce a Travel Information Pack to promote sustainable options to future residents and guidelines as to the expected contents will be required through the condition approval process. Furthermore, due to the constrained environment on Hylton Road (A443), a Construction Environment Management Plan (CEMP) will be required prior to the commencement of works, although it is acknowledged that the existing building is being redeveloped rather than demolished and would be a conditional requirement if planning permission were granted.

7.48 In light of the above rationale, and subject to the use of planning conditions to secure cycle parking and a Travel Information Pack, promoting sustainable forms of access to the development, it is considered that the proposals would be in accordance with Policy SWDP 4 of the Development Plan taking account of the site's context, and it is considered that there would be no material or sustainable reason for refusal in relation to highways movements and the submitted evidence is considered to be robust. The LHA have fully accepted this position. The proposals will not result in conflict or harm to highway safety, in accordance with the provisions of Paragraph 111 of the NPPF. The proposals are attributed **neutral weight** in the planning balance.

Heritage

7.49 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("PLBCAA") provides that 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.

7.50 Section 72(1) of the PLBCAA provides that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of (amongst others) the planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

7.51 Policy SWDP 6: Historic Environment states (inter alia) that: 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 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.

7.52 Policy SWDP 24: Management of the Historic Environment is also relevant and states that:

A. Development proposals affecting heritage assets will be considered in accordance with the Framework, relevant legislation and published national and local guidance.

B. Proposals likely to affect the significance of a heritage asset, including the contribution made by its setting, should be accompanied by a description of its significance in sufficient detail to allow the potential impacts to be adequately assessed. Where there is potential for heritage assets with archaeological interest to be affected, this description should be informed by available evidence, desk-based assessment and, where appropriate, field evaluation to establish the significance of known or potential heritage assets.

C. The sympathetic and creative reuse and adaptation of historic buildings will be encouraged. Such proposals, and other proposals for enabling development that provide a sustainable future for heritage assets identified as at risk, will be considered in accordance with SWDP 24 A. D. Where a material change to a heritage asset has been agreed, recording and interpretation should be undertaken to document and understand the asset's archaeological, architectural, artistic or historic significance.

The scope of the recording should be proportionate to the asset's significance and the impact of the development on the asset. The information and understanding gained should be made publicly available, as a minimum through the relevant Historic Environment Record and where appropriate at the asset itself through on-site interpretation.

- 7.53 It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the NPPF, at paragraph 195, sets out that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 7.54 Paragraphs 199-208 set out the framework for decision making in applications relating to heritage assets and this assessment takes account of the relevant considerations in these paragraphs. In considering the application of the legislative and policy requirements, the first step is for the decision-maker to consider each of the designated heritage assets which would be affected by the proposed development in turn and assess whether the proposed development would result in any harm to the heritage asset.
- 7.55 In this case, the application site is situated opposite the Conservation Area and close to Hollywell House Grade II. Officers consider that the proposed development would preserve and enhance the Conservation Area, through the introduction of a development that would enhance the sites character and improve the current dilapidated site, whilst there would be no impact on the identified Listed Building given the separation distance involved.

Biodiversity and Trees

- 7.56 Part F of Policy SWDP 22: Biodiversity and Geodiversity is relevant, which states that:
- "Development should, wherever practicable, be designed to enhance biodiversity and geodiversity (including soils) conservation interests as well as conserve on-site biodiversity corridors / networks. Developments should also take opportunities, where practicable, to enhance biodiversity corridors / networks beyond the site boundary."*
- 7.57 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 7.58 Paragraph 180 states that when determining planning applications, local planning authorities should apply the following principles:
- a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

- 7.52 Paragraph 185 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 7.53 The comments of the Council's Landscape advisor and those of residents have been given full and careful consideration. The Landscape Officer welcomes the retention of the original building, noting that a mitigation licence is required from Natural England in respect to works affecting the bat roost, and that will need to outline methods of working and mitigation required. No work must take place until that licence and the mitigation it outlines is confirmed, and this should be a pre commencement condition.
- 7.54 The trees and planting on the plan are welcomed and should be specified. If the roof of the new build element is flat, it should be a native green roof (may be conditioned). This will both provide biodiversity and help to blend in near the conservation area. The submitted ecology report also mentions the desirability to enable enhancement of the site for biodiversity. With the imposition of a planning condition to secure landscaping details, officers consider that the site layout can facilitate private and communal amenity space, and the opportunity for a robust scheme of hard and soft landscaping works, which would enhance the sites character and appearance.
- 7.55 The proposals currently do not include any provision for biodiversity net gain at this stage and are therefore attributed **neutral weight** in the planning balance, given the fact that bird and bat boxes would be secured by planning condition (where the application is found to be acceptable in all other respects). Furthermore, green/sedum flat roofs are also proposed which would result in further enhancements visually and to promote biodiversity opportunities. Similarly, provision for planting and soft landscaping at ground level would also provide ecology enhancements above the current baseline position, given the derelict nature of the site.

Flood Risk and Drainage

- 7.56 SWDP 28: Management of Flood Risk is relevant, which states (inter alia):
- A. In order to minimise the impacts of and from all forms of flood risk the following is required: i. Other than sites allocated in this Plan all development proposals must clearly demonstrate that the Sequential Test), as set out in the latest version of the Strategic Flood Risk Assessment (SFRA), has been applied. ii. If the Sequential Test has been satisfied, development proposals, other than those allocated in this Plan, must also satisfy the Exception Test in all applicable situations as set out in the latest version of the SFRA. iii. Site specific Flood Risk Assessments (FRAs), informed by the latest version of the SFRA, where: The development proposal is over 1ha in size. The development proposal includes land in Flood Zones 2 and 3 (as defined by the latest Environment Agency mapping). The development proposal (includes Flood Zone 1) affects land where evidence, in particular the SFRA, indicates there are records of historic flooding or other sources of flooding, e.g., due to critical drainage problems, including from ordinary watercourses and / or a need for more detailed analysis.

- 7.57 Policy SWDP 29 – ‘Sustainable Drainage Systems’ requires all development proposals (as appropriate to their nature and scale) to, amongst other criteria, demonstrate through a Water Management Statement that site drainage and runoff will be managed in a sustainable and co-ordinated way that mimics the natural drainage network. Part iv further states that proposals on brownfield land must show a 20% reduction in surface water run-off rates compared with the pre-development situation. In all cases, development proposals must not increase surface water flood risk beyond the site.
- 7.58 Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding, and coastal change. Paragraph 167 of which states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 7.59 The application site is located part within EA (fluvial) Flood Zone 2 generated by the River Severn. The proposal would result in a reduction in the net area that will generate run-off.
- 7.60 The Environment Agency has raised no objections to the proposed development. The South Worcestershire Land Drainage Partnership have also raised no objections to the proposed development subject to the use of a planning condition regarding a scheme for surface water drainage and an informative regarding sewer connections which should be added to a permission granted on the site.
- 7.61 The planning condition will ensure that no development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a management and maintenance plan for the lifetime of the development which shall include the arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- 7.62 With the imposition of the above condition, the development is attributed **neutral weight** in the planning balance and is considered to adhere with Policy SWDP28 of the South Worcestershire Development Plan 2016 and the NPPF.

Energy conservation and mitigation to Climate Change

- 7.63 Policy SWDP 27 of the Development Plan states that developments should incorporate the generation of energy from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements, unless it has been demonstrated that this would make the development unviable.
- 7.64 Policy compliance with regards to policy SWDP 27 is also considered within Appendix 1 of the supporting Planning Statement. The proposal currently shows the provision of photovoltaic cells on the proposal flat roof. A planning condition has also been recommended to ensure that full calculations based on an assessment of regulated and non-regulated energy use shall be submitted to and approved by the Council (separate from any calculations that may be required for Building Regulations approval), to ensure that the proposed development meets the requirements of Policy SWDP 27 and associated guidance in the Renewable and Low Carbon Supplementary Planning Document and the aims and objectives of the National Planning Policy Framework to mitigate the impact of climate change, in accordance

with Policy SWDP 27 of the Development Plan and the aims and objectives of the NPPF.

Human Rights Issues

- 7.65 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.
- 7.66 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.
- 7.67 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.

8. Conclusion and planning balance

- 8.1 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 considered. 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.
- 8.2 The National Planning Policy Framework (NPPF - 2021) is also a significant material consideration. At paragraph 12 the NPPF confirms that '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.*'
- 8.3 Paragraph 74 of the NPPF states that 'Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against the local housing need where the strategic policies are more than five years old'. To maintain a supply of housing Paragraph 76 requires that Local Planning Authorities should monitor progress in the build out of sites which have permission. These monitoring reports shape the Government's Housing Delivery Test figure.
- 8.4 Over recent months 5YHLS has been tested on appeal across South Worcestershire with Inspectors concluding that a 5-year supply cannot be demonstrated. Based on the agreed approach for individual authority area 5YHLS figures, Worcester City has a 3.06-year HLS.

The joint supply for the three South Worcestershire Councils is 3.94 years. The 2021 Housing Delivery Test (HDT) published in January 2022 indicates that South Worcestershire is delivering 155% of the standard methodology requirement.

- 8.5 For the purposes of considering this planning application, where a 5YHLS cannot be demonstrated, the 'tilted balance' under paragraph 11(d) of the NPPF is engaged:
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 8.6 The assessment of the proposal has not identified harm to the Conservation Area as a designated Heritage Asset or to any other 'protect areas or assets of particular importance' (as set out in footnote 7, to paragraph 11d) i. of the NPPF), such that there is no clear reason to refuse permission. As such the tilted balance is engaged. Turning next, as required, to the 'tilted balance' as set out in paragraph 11 d) ii of the NPPF, it is considered that the principle of development and topic-based considerations accord with the relevant policies of the SWDP and NPPF and that there are no adverse impacts derived from the scheme, compared to its extant use. On this basis it is axiomatic that there are no adverse impacts that would both significantly and demonstrably outweigh the benefits of the proposal, when appraised in terms of the three objectives of sustainable development.
- 8.7 This development would assist in delivering the objectively assessed housing need for South Worcestershire over the plan period to 2030. In this respect, with regard to the 'public benefits', the proposal would boost the supply of housing in the district, where the Council is currently unable to demonstrate a 5-year housing land supply, and it would also provide short term employment in terms of construction work, and given that 7 dwellings would be delivered (net increase in 5), these are factors in support of the development to which **moderate positive weight** should be attached (given the amount of new units proposed).
- 8.8 The proposed development would facilitate a visual enhancement of the existing site, bringing a vacant and dilapidated site on brownfield land back into visible use, and would be of a scale and design that would be subordinate with the existing building and in keeping with the surrounding built environment in terms of its use of materials, and would adhere with the provisions of policy SWDP21 and with Paragraph 130 of the NPPF and can be attributed **minor positive weight** in the planning balance.
- 8.9 The improvements regarding the introduction of an enhanced cycle parking offer, will introduce further sustainable modes of transport options to the site (which will be secured by planning condition), should be attributed **minor positive weight** in the planning balance, especially considered against the existing baseline position.

- 8.10 **Minor adverse weight** is afforded in this planning balance with regard to the quantum of private amenity space, given the noted shortfalls, which is balanced against the provision of private and communal amenity space
- 8.11 As noted in the report all of the proposed units (1-beds) would meet or exceed the requisite NDSS (space standards), thus providing a good standard of living accommodation for future residents. This is therefore attributed **minor positive weight** in the planning balance.
- 8.12 All comments received as part of the consultation process, and which raise material planning considerations have been considered in the assessment of the proposed development. Having regard to the totality of the policies in the SWDP and the NPPF, it is considered that the proposal comprises sustainable development in terms of the social, economic and environmental roles.
- 8.13 Overall, it is considered that the proposal constitutes an environmentally, socially and economically sustainable form of development that accords with the Development Plan and the NPPF, when taken as a whole, and **planning permission should therefore be granted.**

9 RECOMMENDED CONDITIONS

- 9.1 In the event that Members are minded granting planning permission, the following conditions are recommended:
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
 2. The development hereby permitted shall be carried out and completed in accordance with the following approved plans and associated documents and the specifications and recommendations contained therein, except where otherwise stipulated by conditions attached to this permission:

D01 (Block and Location Plan); D21B; D24C; D30B; Design, Access and Planning Statement February 2023; Flood Risk Assessment and Drainage Strategy, August 2021 and Bat Roost Assessment Survey and Mitigation Report (Ver. 1.0, 26-8-21).

Reason: For the avoidance of doubt and to secure a satisfactory form of development in accordance with policy SWDP 21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.
 3. No superstructure works shall take place until samples and full particulars of all external facing materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason: To ensure a satisfactory external appearance of the development and that high quality materials and finishes are used, in accordance with Policy SWDP 21 of the South Worcestershire Development Plan (2016).

4. The development hereby approved shall not be occupied until details of refuse storage facilities have been submitted to and approved in writing by the Local Planning Authority. The approved storage facilities shall be provided prior to the occupation of the first unit of accommodation hereby granted and thereafter retained for such use.

Reason: To comply with Policy SWDP 33 of the South Worcestershire Development Plan (2016).

5. The Development hereby permitted shall not be occupied until sheltered, secure and accessible cycle parking has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Thereafter the provision shall be retained for the purposes of cycle parking only at all times.

Reason: To comply with the Council's parking standards, and to reduce vehicle movements and promote sustainable access to comply with policy 4 of the South Worcestershire Development Plan, the Worcestershire County Council Streetscape Design Guide (July 2022) and the requirements of the National Planning Policy Framework.

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

Reason: To reduce vehicle movements and promote sustainable access to comply with policy 4 of the South Worcestershire Development Plan, the Worcestershire County Council Streetscape Design Guide (July 2022) and the requirements of the National Planning Policy Framework.

7. The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following: -
 - Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
 - Details of site operative parking areas, material storage areas and the location of site operatives facilities as required;
 - The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
 - Traffic management measures for construction vehicles on Hylton Road to include temporary signage and the use of a banksman to oversee all vehicular manoeuvres as required;
 - Measures to demonstrate that those immediately affected by the construction works will be kept informed and due consideration and courtesy will be shown to the local community.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved.

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

8. No occupation of the development hereby permitted shall take place until details of bird and bat boxes for roosting have been submitted to and approved by the Local Planning Authority. The agreed details of the bird and bat boxes shall then be fully implemented prior to occupation and/or first use of the development permitted and retained thereafter.

Reason: To ensure that the development enhances green infrastructure and does not impact on, or harm protected species in accordance with Policy SWDP22 and SWDP25 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework 2021, as a material planning consideration.

9. Prior to any works commencing within the roof space or any works to the external roof, a bat survey, including mitigation and enhancement plan, shall be submitted to and approved in writing by the Local Planning Authority. Where any subsequent reports are recommended, these shall be subsequently submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out strictly in accordance with recommendation and methods set out within the approved report(s) with any mitigation and enhancement provided prior to the first use of any of the dwellings hereby approved. The mitigation and enhancement measures shall be retained and maintained at all times.

Reason: To ensure that the development enhances green infrastructure and does not impact on, or harm protected species in accordance with Policy SWDP22 and SWDP25 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework 2021.

10. Prior to the commencement of any external construction works in respect of the development hereby permitted a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include: -

- a) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.

- b) a written specification outlining cultivation and other operations associated with plant and grass establishment.

- c) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation/use of the development, whichever is the sooner, and thereafter retained and /or replaced.

Reason: To ensure the proposed development would provide high quality landscaping, integrate into its surroundings and provide an appropriate external amenity area for future occupants of the approved development, in accordance with policies SWDP21 and SWDP25 of South Worcestershire Development Plan and the requirements of the of National Planning Policy Framework 2021.

11. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those

details shall include a management and maintenance plan for the lifetime of the development which shall include the arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development is properly drained, avoiding flood risk and pollution in accordance with Policies SWDP 28, 29 & 31 of the South Worcestershire Development Plan.

Prior to the above ground works being commenced details to incorporate within the development hereby approved energy generation from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented and operational prior to the first occupation of the development. Reason: To ensure the development meets the requirements of Policy SWDP 27 and associated guidance in the Renewable and Low Carbon Supplementary Planning Document and the aims and objectives of the National Planning Policy Framework to mitigate the impact of climate change. Prior to the occupation of the development hereby permitted, the obscure glazing (Pilkington Level 3 minimum) within the southern elevation of Units 3, 4 and 7 9at first floor level) as detailed on drawing no. D21 B, shall be installed and thereafter maintained in place (in perpetuity) in accordance with the approved details.

Reason: In the interests of residential amenity, in accordance with policy SWDP 21 of the South Worcestershire Development Plan (2016).

12.

13. Details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/ brown) roof(s) shall be:

- biodiversity based with a substrate base, and;
- planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mixed shall be focused on wildflower planting).

14. The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair or escape in case of emergency. The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.