

Application Number	23/00014/FUL
Site Address	8 Bromwich Lane, Worcester, WR2 4BH
Description of Development	Reconfiguration of the dwelling to provide a total of 3no. apartments consisting of 3no. 1-bedroom residential apartments and external changes inclusive of the removal of the existing side conservatory.
Expiry Date	31 March 2023
Applicant	Mr Rob Hayward
Agent	Mr Edward Deacon
Case Officer	Dale Jones
	dale.jones@worcester.gov.uk
Ward	Bedwardine Ward
Reason for Referral to Committee	Ward Member referral
Web link to application	https://plan.worcester.gov.uk/Planning/Display/22/00430/FUL
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 13 January 2023 and was due for a decision on 10 March 2023. An extension of time for the determination of the application has been granted until 31 October 2023.
- 1.2 The application is referred to the Planning Committee at the request of Councillor Amos, a Bedwardine Ward Member.

2. The site and surrounding area

- 2.1 The application site (illustrated by the Site Location Plan below) relates to 8 Bromwich Lane, Worcester, WR2 4BH. The site is roughly rectangular in shape and is sited on the western side of the lane, a short distance to the south of its junction with St John's (A44).

- 2.2 No 8 (the "application site"), is situated to the west of Bromwich Lane located within a predominantly residential area. The building is three storeys in height, with a dual pitched roof with two rear gable projections. The property is currently unoccupied, but it is noted to have been laid out as two residential apartments: one at ground floor containing two bedrooms and another over the first and second floors containing four bedrooms. (6 Bedrooms in total). However, its current lawful use is as a single dwelling house (class C3). There is currently no off-road car-parking provided within the site.
- 2.3 There are no flooding issues related to the site and it falls within flood zone 1 as stated on the published Environment Agencies flood risk maps.
- 2.4 The application site is directly adjoined on its righthand side elevation (north facing elevation) to No 2 Bromwich Lane which contains five residential flats, whilst there is a commercial premises and customer/staff carpark opposite to the east.



Site Location Plan Extract (site outlined in red)

- 2.5 The building is not listed and is dated from the late Georgian period and traditionally constructed consisting of double skin masonry brick external walls with a pitched tiled roof. The property has the benefit of a single storey conservatory to its southern elevation and is situated within the St Johns conservation area, at its eastern extremity. There are several Grade II listed buildings nearby, including Nos.10 & 12 Bromwich Lane adjoining at the south of the site and No.1 Bull Ring although the topography of the site means that there is little intervisibility between these and the application site.
- 2.6 The site is centrally located in St Johns with public transport links to the city centre and there are parking restrictions in the vicinity of the site to prevent displacement parking.



e application site, viewed from Bromwich Lane

2.7 Site Constraints

Air Quality Management Area: St. John's Worcester
 Archaeological Sensitive Areas (ASA)
 Conservation Area (St Johns)
 Adjacent to listed buildings (Grade II)

3. The proposals

- 3.1 The application proposal has been revised since its original submission following negotiations and the description of the proposed development has been amended to reflect this and the lawful use of the site.
- 3.2 As originally submitted the proposed development was for the of 5no. apartments consisting of 4no. studio apartments and 1no. 2-bedroom apartment. It was subsequently reduced to 3no. apartments consisting of 3no. 1-bedroom apartments. External changes inclusive of the removal of the existing side conservatory are also included.
- 3.3 The revisions were sought to align with the pre-application (Ref. 22/00617/PA) and on the advice of officers, that the standard of internal living environment should adhere with the Nationally Described Space Standards (NDSS), given that the four of the five flats as originally proposed were under-sized, when assessed against the NDSS.
- 3.4 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.
- 3.5 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 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 - 2023) 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 This is further reflected in South Worcestershire Development Plan policies SWDP 6 and SWDP 24 which seek to protect and enhance designated and non-designated heritage assets and guide against development that would cause substantial harm to the significance of any heritage asset and policy SWDP 21 which sets generic design principles for development proposals.
- 4.4 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.
- 4.5 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

- 4.6 The following policies of the SWDP are relevant to the proposal:

SWDP 1 - Overarching Sustainable Development Principles
SWDP 2 - Development Strategy and Settlement Hierarchy
SWDP 4 - Moving Around South Worcestershire
SWDP 6 - Historic Environment
SWDP 13 - Effective Use of Land
SWDP 14 - Market Housing Mix
SWDP 21 - Design
SWDP 22 - Biodiversity and Geodiversity
SWDP 24 - Management of the Historic Environment
SWDP 27 - Renewable and Low Carbon Energy
SWDP 29 - Sustainable Drainage Systems
SWDP 33 - Waste

Supplementary Planning Documents

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

- **Design Quality SPD**

The Design Quality SPD was adopted on 5th March 2018 which 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.

• **Affordable Housing SPD**

Adopted Affordable Housing SPD - The Affordable Housing Supplementary Planning Document covers the administrative areas of Worcester City Council, Malvern Hills District Council and Wychavon District Council and was adopted by The South Worcestershire Councils on the 20th October 2016.

The SPD explains the details of the South Worcestershire Development Plan (SWDP) policies that relate to the provision of affordable housing. It is a guide intended to help developers, landowners, and applicants applying for planning permission, registered providers and others who are seeking to provide or benefit from affordable housing.

• **Renewable and Low Carbon Energy SPD**

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

Other Material Considerations

- 4.8 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 Streetscape Design Guide (July 2022)
Nationally Described Space Standards (NDSS) 2015

The National Planning Policy Framework (2023) (NPPF):

- 4.9 The latest revision of the NPPF (the Framework) was published by the Government on the 5th September 2023. For the purposes of this application the revisions do not alter the key considerations or references, many of which are identical to the previous version. Where paragraph numbers are referred to within the report, they are taken from the latest revision. Any relevant changes that are directly relevant to this application will be highlighted within the main body of the report.
- 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 Planning permission (Ref. 21/01151/FUL) was refused for the proposed change of use to a 6-bedroom House of Multiple Occupation, for the following reason:

1. *The proposal by reason of the size and internal layout of the proposed bedrooms, in particular bedroom 6, would lead to a cramped form of development that would create unacceptable living conditions for future residents, contrary to the requirements of Policy SWDP 21 of the South Worcestershire Development Plan and the aims of high-quality design as set out in the National Planning Policy Framework, in particular paragraph 130.*

6. Consultations

6.1 Formal consultation, including display of site notices, has been undertaken in respect of the application.

6.2 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

6.3 A total of two objections have been received in response to the Council's public consultation exercise, in summary raising the following points:

- Safety between owner 10 Bromwich Lane & new residents.
- Excessive number of residents in the building as converted.
- Parking issues.
- Privacy between properties including because of fencing.
- Unclear who to complain to if the development is granted and implemented.

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

6.5 **Worcester City Council Archaeological Officer** (October 2022):

No objections subject to conditions to secure a suitable programme of archaeological work, including a Written Scheme of Investigation (WSI).

Updated comments dated March 2023....

The previous comment remains valid. Although it appears that significant works have taken place within the building the layouts alteration and further erosion of the building's historic significance as a single dwelling should be subject to a building recording. It appears ground works will be minimal but excavations to remove the conservatory and fit new storage systems could penetrate archaeological levels meaning the suggested watching brief may still be required by condition.

6.6 **Worcester City Council Conservation Officer** (November 2022). No objections It is considered that this proposal will lead to less than substantial harm to the significance of adjacent heritage assets and will lead to a positive impact on the character and appearance of the conservation area.

Updated comments dated March 2023

The revised proposal now seeks to reconfigure 2No. existing apartments to provide a total of 3No. apartments consisting of 3No. 2-bedroom apartments and external

changes inclusive of the removal of the existing side conservatory. The proposed development should be considered against policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan 2016 (the Development Plan). These policies seek to protect and enhance designated and non-designated heritage assets and avoid development that would cause substantial harm to the significance of any heritage asset. The plans are also a revised version of a scheme upon which I commented on 17 January 2023. Overall, I stand by and reiterate the comments I made before. The latest changes to the proposals are acceptable. However, it is noted that previously the width of 5No. windows on the rear elevation was proposed to be reduced back to their original dimensions. Yet, in the latest iteration, this width reduction has been reduced only to affecting 3No. windows. Conclusion: It is considered that this proposal will have a slightly positive impact upon the conservation area.

Updated comments dated May 2023

I stand by and reiterate my previous comments upon this application. Considering the potential impacts upon No.10 Bromwich Lane, the: -

- removal of the existing conservatory and blocking up of the door into this would result in the elevation of No.8 which faces directly on to No.10 becoming 'blind', thereby preventing any overlooking between the properties.
- hard landscaping of the area in front of this newly 'blinded' wall for bin storage, etc., should not be visible from No.10.
- strong, high, boundary wall between the two properties will remain, this, together with the mature vegetation there too, should prevent the majority of intervisibility.

Summary: It is considered that this proposal will lead to a neutral impact of the significance of the heritage asset and will have a neutral to slightly positive impact upon the conservation area.

Updated comments dated August 2023

It is considered that this proposal will lead to 'less than substantial harm' to the significance of the adjacent heritage assets and will have a positive impact upon the conservation area. The matters highlighted above regarding the submitted proposed plans, should be addressed, and a Materials condition should be set.

- 6.7 **Worcester City Council Landscape and Biodiversity Adviser:** No objections provided there is no work to the roof or roof void...however the external spaces need more detail of the planting proposed and synthetic, plastic grass should be avoided, especially in the immediate setting of a period building. The large new tree shown should be at least 14-16cm size.
- 6.8 **Worcestershire Regulatory Services (air quality):** No objections.
- 6.9 **Highway Authority:** No objections (subject to conditions) noting the previous application on this site for a 6no. bedroom HMO (21/01151/FUL) has been refused by the Local Planning Authority however, from a Highways point of view, the site location is acceptable as a 'parking free' development in line with the Streetscape Design Guide and there is no objection from Highways.

The site is centrally located in St Johns with obvious sustainable credentials to include public transport links to the city centre and there are parking restrictions in the vicinity of the site to prevent displacement parking. In addition, details of the proposed cycle parking for 6 cycles have been provided in the Design and Access Statement. The applicant has also submitted a Welcome Pack to promote sustainable travel options to

future occupiers, which has been approved by Worcestershire County Council's Travel Plan Officer with some very minor changes, details of which are provided separately.

Updated comments dated March 2023

No further comments to make on the revised layout. The previous comments and suggested conditions still apply.

Updated comments dated August 2023

No objections subject to conditions.

- 6.10 **Conservation Advisory Panel:** No objection in principle. Concern expressed over the space standards for the accommodation and the lack of amenity space. Objection expressed over the proposed use of synthetic grass and concern that the bin store should be more formalised.
- 6.11 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.
- 6.12 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 based on the number of representations, whether they are for or against a proposal.
- 6.13 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

Housing land supply

- 7.2 The current position with respect to housing supply and delivery is an important factor when determining whether policies for the locational strategy and provision of housing (i.e., SWDP2) are to be considered out of date and consequently whether Paragraph 11d of the NPPF (the so called 'tilted balance') is to be engaged in the determination of an application for housing. Footnote 8 to Paragraph 11 of the NPPF is clear that where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites, or where the Housing Delivery Test (HDT) indicates that the delivery of housing has been substantially below (less than 75% of) the housing requirement over the previous three years, policies for the provision of housing are to be considered out of date.
- 7.3 Insofar as past delivery is concerned, the latest HDT results for England (April 2021)

were published by the MHCLG in January 2022. This sets out a Plan-wide figure for South Worcestershire confirming delivery at 155%; well above the 75% threshold. This means that there are no consequences for decision-taking in South Worcestershire as a result of housing delivery.

- 7.4 As the SWDP is now more than five years old, the NPPF at Paragraph 74 requires the 5YHLS calculation to be based on the output of the Standard Method calculation as opposed to the adopted SWDP annual housing requirement.
- 7.5 The South Worcestershire Councils (SWCs) reviewed their 5 Year Housing Land Supply position for 2022. In the light of recent appeal decisions, the SWCs are using an individual district approach for the 5 Year Housing Land Supply calculation. In respect of Worcester City, following this the Council is unable to demonstrate a five-year supply of deliverable housing. Worcester City is able to demonstrate 4.4 years supply of housing land.
- 7.6 The NPPF at paragraph 11d says that for decision-taking Local Planning Authorities should accord with the presumption in favour of sustainable development meaning:
- “Approving development proposals that accord with an up-to-date development plan without delay; and where there are no relevant 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”.
- 7.7 Paragraph 74 requires that LPAs 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, or against their local housing need where the strategic policies are more than five years old.
- 7.8 Paragraph 75 confirms that a five-year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement.
- 7.9 Worcester City Council cannot currently demonstrate a five-year housing land supply. Consequently, paragraph 11d is engaged and planning permission should be granted unless either of sub-paragraphs i or ii are relevant. This means that the so called ‘tilted balance’ is in effect when weighing the planning balance of the proposal. However, paragraph 12 of the NPPF does state 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.
- 7.10 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.
- 7.11 This proposal relates to the proposed reconfiguration of the existing dwelling to provide a total of 3no. residential flats, consisting of 3 x 1-bedroom residential flats. The net increase in residential units (if approved) would therefore equate to **two additional residential units** within the property because of these conversion proposals (as revised).
- 7.12 The provision of three units of residential accommodation (net increase in two residential units), on previously developed land can be attributed **moderate positive**

weight in the planning balance given that the net increase in residential units is limited in quantum. This report sets out in the context of the '*tilted balance*' how any harms and/or benefits have been considered in terms of the three objectives of sustainable development as set out within the NPPF.

- 7.13 The application site is in a sustainable location within Worcester 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 continued residential purposes.

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 SPDs 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.



Image indicating the proposed building elevations

- 7.18 Limited external changes are proposed to facilitate the proposed conversion. The conservatory on the southern elevation would be removed. Externally the doorway into the conservatory to be removed is proposed to be blocked up, and the width of three windows on the rear elevation are proposed to be reduced back to their original dimensions. In both instances, the Council's Conservation Officer has noted (inter alia) that there would need to match the bricks, coursing, mortar, and jointing used. The Conservation Officer has advised that the property would most probably have been built using lime mortar, and this should be used again for the above works. This detail (materials) could be controlled through the imposition of a planning condition.
- 7.19 In terms of access and circulation, access to the property would remain un-changed at street level and is located on the front elevation of the property along Bromwich Lane. This would provide access to an internal communal hallway and stairwell, which in turn provides access to the three floors and to each of the three residential flats. No concerns are raised regarding the access layout.
- 7.20 Externally, refuse and cycle parking and lawns would be facilitated at the front and side elevations to provide adequate amenities to meet the needs of the proposed conversion. In summary, it is considered that the external changes are minimal in scope and would be of an appropriate design and nature to help facilitate the proposed conversion. As such, the proposed development would adhere with the provisions of policy SWDP21 and with Paragraph 130 of the NPPF. The removal of the existing conservatory and proposed external works can be attributed neutral weight in the planning balance.

Impact on neighbouring amenity

- 7.21 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.

- 7.22 The '*Effective Use of Land*' section in the Government's Planning Practice Guidance (PPG), confirms that consideration is to be given as to whether a proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, setting out that all development should maintain acceptable living standards, although what will be appropriate will depend to some extent on the context. The Guidance cites city centre locations where tall modern buildings predominate as an area where lower daylight levels at some windows may be appropriate if new development is to be in keeping with the general form of its surroundings.
- 7.23 Given the fact that the rear building elevation already contains windows within the rear (western facing) elevation, no concerns are raised regarding loss of privacy to neighbours at the rear given that the new window would replace the existing rear garden access door within the same rear (garden) facing elevation.
- 7.24 In terms of noise and disturbance, it is considered that given that the proposed conversion would result in less bedrooms (three) on site as that of the existing six bed dwelling, therefore the proposed conversion of the property would not result in excessive comings and goings to the degree whereby refusing planning permission can be justified. 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.

Amenity of future occupiers

- 7.25 Planning permission is sought for the proposed reconfiguration of the existing dwelling to provide a total of 3no. residential flats consisting of 3 x 1-bed flats across ground, first and second floor levels:
- The 3 x 1-bed flats would each measure 46sqm.
 - Removal of the existing single storey conservatory and provision of 6no cycle spaces, refuse and amenity space.
- 7.26 The Nationally Described Space Standards (NDSS) set out the 'minimum' internal floor areas for new dwellings to ensure that such development provides a sustainable and adequate standard of accommodation and environment for all occupants. As noted above, in terms of the standard of accommodation, the proposed size of the 3 x 1-bed flats would be 46m² per flat. The NDSS set out a minimum requirement of 39sqm for 1-bed, 1-person flats. As such, in this case the flats as proposed would comply with the NDSS minimum standards and is attributed **limited positive weight** in the planning balance.

Impact on Heritage Assets

- 7.27 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.

7.28 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. The South Lakeland District Council V Secretary of State for the Environment case and the Barnwell Manor case (East Northamptonshire DC v SSCLG) establish that "preserving" in both s.66 and s.72 means "doing no harm".

7.29 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 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.

7.30 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.

7.31 The NPPF defines a "heritage asset" as:

"A building, monument, site place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest". The definition includes both designated heritage assets (of which, Listed

Buildings and Conservation Areas are relevant here) and assets identified by the local planning authority (including local listing).

- 7.32 'Significance' is defined within the NPPF as being: "the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives from a heritage asset's physical presence, but also from its "setting". The NPPF recognises the effect of an application on the significance of a heritage asset is a material planning consideration. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting. Any harm or loss should require clear and convincing justification.
- 7.33 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.
- 7.34 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.
- 7.35 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. This has been undertaken by the Council's Conservation Officer, who has identified that there would be a neutral impact on the setting of No.10 Bromwich Lane, with a positive impact on the conservation area.
- 7.36 The property itself is a non-designated heritage asset. The works proposed externally are minimal. The main change involves the removal of the (non-original) conservatory, this would improve the setting of the adjacent designated heritage asset (i.e., No.10 next door, which is grade II listed) and would remove an addition that does not contribute positive to the property or conservation area. The proposed new openings within the rear façade would be discrete in size, appropriately positioned and only visible from limited private vantage points.
- 7.37 The Council's Conservation Officer has advised that the removal of the existing conservatory and blocking up of the door into this would result in the elevation of No.8 which faces directly on to No.10 becoming 'blind', thereby preventing any overlooking between the properties.

Archaeology

- 7.38 The proposed development area (PDA) is identified as being situated within land which is considered to contain a moderate to high archaeological potential. The proposed development area (PDA) is present upon the First Edition OS map.
- 7.39 The Council's Archaeological Advisor has noted (inter alia) that it is therefore considered to be a non-designated heritage asset of archaeological significance. The PDA is adjacent to a Roman settlement discovered by excavation at the Sainsburys site (WCM99935). The extent of the Roman settlement is unknown but an evaluation less than 15 metres from the PDA identified a 1st C Roman enclosure. From the ditch fills it has been suggested that the focus of the settlement is further away. Removal of historic fabric even in a non-designated heritage asset requires supporting evidence. Officers have been advised that in the event where the approval of the application can

be recommended, given the scale of the development, and the possible archaeological potential, the likely impact upon the historic environment caused by this development should be offset by the implementation of a conditional programme of archaeological works. As such, no objections are therefore raised subject to the imposition of a planning condition.

Heritage Conclusion

- 7.40 It is considered that, as revised, this proposal will still lead to a **neutral impact** to the significance of the heritage asset, being No.10 Bromwich Lane, which is grade II listed and will have a neutral to slightly positive impact upon the conservation area. In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest. In line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 7.41 It is considered that the weight attributed in the planning balance is consistent with the report. As such, Officers therefore consider that the proposed development would adhere to the provisions of SWDP policies 6 and 24, and with the provisions of paragraph 130 of the NPPF 2021.

Access and Highway Safety

- 7.42 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.

- 7.43 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.

- 7.44 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.
- 7.45 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".
- 7.46 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.

- 7.47 Flexibility and site circumstances should be considered in the context of Policy SWDP 4 of the Development Plan. Policy SWDP 4 (Parts A and B) support a reduction the level of parking provision. This is in keeping with national policy and the aims of Government and managing traffic, climate change and other matters such as air quality and pollution.
- 7.48 The application site is located to the west of Bromwich Lane within a predominantly residential area. The property whilst currently vacant was previously laid out as a 6-bedroom dwelling. The County Highways Officer has reviewed the application and has noted that the previous application on this site for a 6no. bedroom HMO (21/01151/FUL) was refused by the Local Planning Authority, however, from a Highways point of view, the site location is acceptable as a 'parking free' development in line with the Streetscape Design Guide and there is no objection from Highways.
- 7.49 The application site is centrally located in St Johns with obvious sustainable credentials to include public transport links to the city centre and there are parking restrictions in the vicinity of the site to prevent displacement parking.
- 7.50 In this respect, the site is located within 50m of a bus stop on a main bus route which provides a public bus every 20 mins into Worcester City Centre.
- 7.51 In addition, the County Highways Officer has also advised that details of the proposed cycle parking for 6 cycles have been provided to the rear of the site. The applicant has also submitted a Welcome Pack to promote sustainable travel options to future occupiers, which has been approved by Worcestershire County Council's Travel Plan Officer with some very minor changes, details of which are provided separately.
- 7.52 Considering the above, the proposals would be in accordance with Policy SWDP 4 of the Development Plan taking account of the site's context.. 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 **limited positive weight** in the planning balance, because of the enhanced cycle parking offer that is facilitated by the proposals, which will be secured by planning condition.

Biodiversity

- 7.53 Policy SWDP22 requires development to ensure there is no harm to protected species. The proposals currently do not include any provision for biodiversity net gain. As such, an appropriately positioned bird and bat boxes would be necessary as a condition, and with the imposition of this condition, to secure biodiversity enhancements (against the current baseline position), **neutral weight** is therefore attributed in the planning balance.

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 NPPF is also a significant material consideration. At paragraph 12 it 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 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. The '*tilted balance*' assessment follows:
- 8.4 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, given that only two additional residential units would be delivered (against the baseline position of the site as a single dwellinghouse) , it is considered that the public benefits should be afforded no more than **moderate positive weight**.
- 8.5 As such, this development would assist in delivering the objectively assessed housing need for South Worcestershire over the plan period to 2030. In this respect, regarding 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.
- 8.6 The improvements regarding the introduction of an enhanced cycle parking offer, will introduce further sustainable modes of transport options to the site, and provision of biodiversity enhancements, which will be secured by planning condition, should be attributed limited positive weight in the planning balance, especially considered against the existing baseline position.
- 8.7 In terms of biodiversity, bird/bat boxes should be incorporated into the new buildings, which can be secured through use of planning condition, ensuring that measurable gains are providing as a result of the development, and should be attributed limited positive weight in the planning balance, especially considered against the existing baseline position.
- 8.8 With regard to the '*tilted balance*' that is set out in para 11 d) ii, given the noted assessment of the principle of development and topic-based considerations which are considered to accord with the SWDP and NPPF it is concluded that there are no adverse impacts that would significant and demonstrably outweigh the benefits of the proposal, when appraised in terms of the three objectives of sustainable development.
- 8.9 As such, subject to conditions, the planning application is considered to be acceptable. On balance, it is therefore considered that the submitted scheme has indicated sufficient detail to warrant approval subject to the use of conditions.

9. RECOMMENDATION

- 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:

Welcome Pack (travel information); Water Management Statement (unnumbered); Design and Access Statement (dated 15/03/2023) AND BL/04/23B

Design and Access Statement (dated 15/03/2023); BL/03/23 (March 2023); BL/04/23 (March 2023); Water Management Statement (unnumbered) and Travel Information Pack.

REASON: To ensure compliance with the approved scheme.

3. No superstructure works shall take place until details of the external facing materials to be used, including where making good any replacement brickwork where conservatory/access thereto are removed and around the modified windows as proposed, 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.

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

5. The development hereby approved shall not be occupied until the cycle parking shown on the submitted Proposed Block Plan BL/04/23 has been provided. The provision shall thereafter be retained for the purposes of cycle parking only and at all times.

REASON: To comply with the Council's parking standards and to encourage sustainable travel and healthy communities, 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 approved Welcome Pack shall be distributed to future residents prior to or at the point of first occupation.

REASON: To comply with the Council's parking standards and to encourage sustainable travel and healthy communities, 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. No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- 1) The programme and methodology of site investigation and recording.
- 2) The programme for post investigation assessment.
- 3) Provision to be made for analysis of the site investigation and recording.
- 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- 5) Provision to be made for archive deposition of the analysis and records of the site investigation.
- 6) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

REASON: In accordance with the requirements of paragraphs 194 and 205 of the National Planning Policy Framework and SWDP 6 & 24 of the South Worcestershire Development Plan 2016.

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 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 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.

10. The Development hereby approved shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and been 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, location of skips and the location of site operatives' facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
- Details of the location of waste storage and methodology for removal of waste;
- Working hours for construction on the site;
- Details of the suppression of noise, vibration and dust.
- Details of scaffolding (inclusive of proposed siting and periods of use)

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage, location of skips and the positioning of operatives' facilities shall only take place on the site in locations approved in writing by the Local Planning Authority.

REASON: To ensure the provision of adequate on-site facilities and in the interests of highway safety and the amenity of local residents