

## PLANNING COMMITTEE REPORT

### 23 May 2024

<b>Application Number</b>	W/23/01323/OUT		
<b>Site Address</b>	Land At (Os 8666 5944), Dilmore Lane, Fernhill Heath		
<b>Description of Development</b>	Residential development for up to 130 dwellings (Use Class C3), including vehicular access from Dilmore Lane, pedestrian and cycle links, public open space, car parking, drainage, landscaping and other associated infrastructure. All matters reserved except for access		
<b>Case Officer</b>	Adam White	<b>Applicant</b>	Lioncourt Strategic Land Limited
<b>Parish</b>	North Claines	<b>Agent</b>	Mr Jason Tait
<b>Ward Member(s)</b>	Cllr Daniel Birch Cllr Nicolas Wright		
<b>Reason for Referral to Committee</b>	Departure from development plan.	<b>Expiry Date</b>	31 October 2023
<b>Key Issues</b>	<ul style="list-style-type: none"> <li>- Principle of the development</li> <li>- Design</li> <li>- Landscape character and visual impact</li> <li>- Historic environment</li> <li>- Access and highway issues</li> <li>- Biodiversity</li> <li>- Flooding and drainage</li> <li>- Affordable housing</li> <li>- Planning obligations</li> </ul>		
<b>Recommendation</b>	Approve – subject to conditions and the signing of a s106 for contributions towards education, POS, formal and built sports provision, community transport, public bus service enhancement and to secure the required affordable housing.		

#### 1. SITE DESCRIPTION AND DETAILS OF PROPOSAL

The application site comprises 7.94 hectares of land to the northern edge of Fernhill Heath. The land is made up of various parcels of irregular shaped land, with around half in agricultural use and the other half comprised of pasture. The parcels of land

are subdivided by established hedgerows, with a drainage channel running through the middle of the site. A pond is located close to the southern site boundary, where it is bordered by a group of trees.

Immediately to the south and east of the site is existing residential development. A Public Right of Way also runs along the southern boundary. To the north is open agricultural land with residential development beyond at Lower Town and Kennels Lane. To the east is Dilmore Lane with Tapenhall Farmhouse beyond (Grade II listed).

The site is not subject to any formal or informal landscape designation and is not within a Green Belt or a significant gap. The land is also within Flood Zone 1 and is therefore at a low risk from fluvial flooding.

The application is in outline form and proposes the construction of up to 130 dwellings of which 40% would be affordable and 5% delivered as self-build development plots. All matters are reserved for future consideration except for access, which is proposed to be taken directly off Dilmore Lane.

Following discussions between the applicant and Local Councillors, a need has been expressed for a new village hall for Fernhill Heath. In response, the applicant now proposes the provision of 0.2ha of the site to be dedicated for the Parish Council (or similar) to have as a serviced site with access to provide a village hall in the future. It is anticipated that the site would be identified at the reserved matters stage.

Whilst the application is in outline, it is supported by an illustrative masterplan, which demonstrates how the quantum of development could be accommodated on the land along with the supporting infrastructure and open space.

The following documents have been submitted as part of the application:

- Design and Access Statement
- Planning Statement (including Affordable Housing and Health Impact Statement)
- Flood Risk Assessment / Drainage Strategy
- Ecology Appraisal
- Archaeological Desk-Based Assessment, Geo-physical Survey and Heritage Statement
- Sustainable Energy Report
- Landscape and Visual Impact Assessment
- Tree Report
- Transport Statement and Travel Plan
- Agricultural Land Classification and Policy Analysis
- Statement of Community Involvement

## **2. PLANNING POLICY AND LEGISLATIVE FRAMEWORK**

### **2.1 The Development Plan**

The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in

accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations."

The development plan consists of the South Worcestershire Development Plan 2016, the Waste Core Strategy for Worcestershire - Adopted Waste Local Plan 2012-2027 and any made Neighbourhood Plans.

#### South Worcestershire Development Plan (SWDP)

Wychavon, in partnership with Worcester City and Malvern Hills District Councils, adopted the SWDP in February 2016. The following policies are relevant to the application:

SWDP 1: Overarching Sustainable Development Principles

SWDP 2: Development Strategy and Settlement Hierarchy

SWDP 4: Moving Around South Worcestershire

SWDP5: Green Infrastructure

SWDP 6; Historic Environment

SWDP 7: Infrastructure

SWDP13: Effective Use of Land

SWDP15: Meeting Affordable Housing Needs

SWDP20: Housing to Meet the Needs of Older People

SWDP 14: Market Housing Mix

SWDP 21: Design

SWDP 22: Biodiversity and Geodiversity

SWDP 24: Management of the Historic Environment

SWDP 25: Landscape Character

SWDP 26: Telecommunications and Broadband

SWDP 27: Renewable and Low Carbon Energy

SWDP 28: Management of Flood Risk

SWDP 29: Sustainable Drainage Systems

SWDP 30: Water Resources, Efficiency and Treatment

SWDP 31: Pollution and Land Instability

SWDP33: Waste

SWDP39: Provision for Green Space and Outdoor Community Uses in New Development

SWDP50: New Housing for Villages

#### North Claines Neighbourhood Plan 2015 – 2030 (adopted April 2017)

NCH1A: New Residential Development

NCH1B: Site Specific Requirements for Sling Lane/Old Drive residential allocation

NCH2: New Housing Infrastructure

NCH3: Housing Mix

NCT1: Transport and Development

NCT3: Environmental Improvement Corridor

NCLE1A: Connections with the Countryside – Landscape

NCLE2: Local Heritage Assets

NCLE3: Local Heritage Area

NCLE6: Trees and Woodland and Development

NCD1: Development and Design Principles  
NCD3: Sustainable Design  
NCC1: Community Infrastructure  
NCC3: Healthy Communities

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

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

WCS1 (Presumption in favour of sustainable development)  
WCS17 (Making provision for waste in new development)

## **2.2 Government Policy**

National Planning Policy Framework  
Planning Practice Guidance

## **2.3 Other Material Planning Considerations**

Worcestershire Local Transport Plan 4 – Streetscape Design Guide  
South Worcestershire Developer Contributions Supplementary Planning Document  
Affordable Housing Supplementary Planning Document (October 2016)  
Renewable and Low Carbon Energy SPD (July 2018)  
Water Management and Flood SPD  
Worcestershire Local Transport Plan 4 - Highways Design Guide  
Strategic Housing Land Availability Assessment  
Worcestershire Strategic Housing Market Assessment

## **2.4 Relevant Legislation and regulations**

Wildlife and Countryside Act 1981  
Town and Country Planning Act 1990 (as amended)  
Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)  
Human Rights Act 1998  
Section 17 of the Crime and Disorder Act 1998  
Planning and Compulsory Purchase Act 2004  
Natural Environment and Rural Communities (NERC) Act 2006  
Planning Act 2008  
The Conservation of Habitats and Species Regulations 2017  
Community Infrastructure Levy Regulations 2010 (as amended)  
Equality Act 2010  
Flood and Water Management Act 2010  
Localism Act 2011  
Growth and Infrastructure Act 2013  
Environment Act 2021

## **3. RELEVANT PLANNING HISTORY**

There is no planning history for the application site itself. However, the following

planning history is considered to be relevant to this current proposal.

W/14/00367/OU. Outline planning application for up to 120 dwellings (Use Class C3) with means of site access from Dilmore Lane and formation of emergency access onto Firlands Close for consideration and all other matters (layout, scale, appearance and landscaping) reserved for subsequent approval; open space; earthworks to facilitate surface water drainage; and all other ancillary and enabling works. Land Off, Dilmore Lane, Fernhill Heath. APL. Oct 12, 2015

W/15/02736/RM. Submission of reserved matters (internal access, appearance, landscaping, layout and scale) pursuant to planning permission W/14/00367/OU for the construction of 120 dwellings. Land Off, Dilmore Lane, Fernhill Heath. APL. Mar 4, 2016

#### Pre-application Engagement

None.

#### Public Consultation

The applicant held an online consultation, issuing A5 postcards to every address in Fernhill Heath and neighbouring settlements (1,576 in total), inviting people to read about the proposals and complete a feedback form on the consultation website. 116 responses were received via the website.

## **4. CONSULTATION RESPONSES**

### **North Claines Parish Council:**

The Parish Council objects to this application. The pinch point issue at Dilmore has not been resolved to date at this location. At peak times the cars back up 10-15 cars deep and there is no room for additional traffic at this location. The infrastructure and road lay out is not suitable for additional houses in this location.

### **Worcestershire Regulatory Services:**

Noise and Disturbance - No objection to the application in terms of road traffic noise. The installation of any heat pumps should comply with the IOA Guidance. The applicant should submit a Construction Environmental Management Plan detailing the proposed measures to monitor and mitigate emissions of noise, vibration (piling) and dust during the construction phase for approval.

Contamination - The conclusions of the submitted contamination report consider there to be little obvious risks from the previous uses of the site. Nevertheless, it recommends a precautionary approach be adopted given the sensitivity of the proposed sensitive use. A program of intrusive investigation and sampling to include ground gas monitoring (this should include targeting of the off-site potentially filled quarry to the south) is advised to confirm the preliminary conclusions of the Desk Study report.

### **County Highways Authority:**

Worcestershire County Council (WCC), acting in its role as Highway Authority, has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals and the additional information submitted, the Transport Planning and Development Management Team Leader, on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 has no objection subject to conditions and financial obligations.

**WCC Public Rights of Way:**

No objections.

**WCC Lead Local Flood Authority:**

The Lead Local Flood Authority (LLFA) imposed a holding objection on the 11th of August 2023. The amendments in revision 3 of the Flood Risk Assessment (FRA) satisfy the LLFA's previous concerns and would like to remove the holding objection.

Finer details and plans for water treatment, drainage asset maintenance and exceedance flow routing are proposed at the detailed design stages, this can be conditioned.

Previously there were concerns that plot development would be constructed over and/or near to an existing culvert that facilitates flows from an existing pond at the west of the site to an open watercourse central to the site. The LLFA is pleased to see new proposals will not build over the existing culvert and the culvert will be removed (daylighted). Flows from the pond to the watercourse will be conducted via a swale which is greatly appreciated, providing additional treatment, biodiversity and amenity value.

The results from infiltration tests have been submitted and show surface water discharge via infiltration SuDS to be unfeasible.

The LLFA is generally supportive of the new drainage proposals.

**Drainage Engineer:**

The proposed application site is in flood zone 1 and predominantly in an area at low risk of surface water flooding. However, there are 2 routes of surface water flooding which are associated with an existing watercourse. Due to inadequate ground conditions, surface water from this development will discharge to 2 attenuation ponds. Each pond will have a restricted outfall to the watercourse. The proposed outfall headwalls will require Ordinary Watercourse Land Drainage Consent. This consent must be approved prior to any works commencing on site.

**WDC Housing:**

The Council's document titled 'formal position with respect to affordable housing and tariff style developer contributions following the publication of National Planning Policy Framework 2021' states that on sites of 15 or more dwellings, on greenfield land, 40% of the units should be affordable and provided on site. On the basis of 130 dwellings, this equates to 52 affordable homes. The Planning Statement submitted

as part of this application confirms that 40% of the total number of dwellings will be delivered as affordable housing.

In terms of tenure split, the South Worcestershire Strategic Housing Market Assessment 2021 Update recommends a tenure split of 69% Social Rented, 25% First Homes and 6% Shared Ownership. Additionally, the National Planning Policy Framework (NPPF) requires 10% of the total number of homes on major sites to be provided as affordable home ownership and these will count towards the affordable housing provision. For this application of 130 dwellings (of which 52 will be affordable), the required tenure split is 69% Social Rent (36 dwellings), 25% First Homes (13 dwellings) and 6% Shared Ownership (3 dwellings).

### **Education:**

Early years - The proposed development is located within the ward of Lovett and North Claines and forecast to yield 15 children who may need childcare places at an early-years setting. Updated sufficiency figures for 2022 show there is a sufficient level of funded childcare places in three wards close to this development. Therefore, a contribution towards early years provision will not be sought.

Primary and First School - There are insufficient places for the 6-7 primary aged children per year group expected from this development. Further investigation has shown that there are more known children (children registered with a Worcestershire GP practice) in each year group already living within the catchment than the combined PAN of the schools, due to increased housing within Fernhill Heath. Therefore, it is likely that children currently living within catchment will take up all places within the catchment school. Therefore, a contribution towards primary provision will be sought. Primary School Contribution required: £995,490.

Secondary School and Sixth Form Assessment - Tudor Grange Academy Worcester is forecast to be at or over capacity from 2023-2026. There will be insufficient places for the 5-6 secondary aged children per year group expected from this development. Therefore, a contribution towards secondary provision will be sought. Secondary School Contribution required: £942,803.

Specialist SEND Provision - Section 315 of the Education Act 1996 requires that arrangements for children with SEND be kept under review. Where the impact of a development on educational infrastructure is such that it can be shown that there will be a requirement for additional provision for children with SEND, either within existing mainstream or specialist schools, or in the creation of a new school, a contribution for special needs and disability provision will be sought.

This is based on the average percentage of pupils in Worcestershire with an Education Healthcare plan over the last 5 years, which is 3%. Any requirements for a contribution through S106 or CIL will be assessed and calculated on a case-by-case basis. A contribution directly required for SEND provision will not be sought on any developments of less than 50 dwellings.

SEND places will be calculated at 4 times the cost of a place appropriate for the phase of education as per government guidance. As this development is for 130 dwellings, a contribution towards SEND provision will be sought. SEND Contribution required: £210,140.

### **Archaeology Officer:**

The proposed development may affect heritage assets of known archaeological significance (WSM06061, WSM41460 and WSM46220).

The proposed development area (PDA) is within a Medieval agricultural landscape as defined by surviving ridge and furrow (WSM41460). The ridge and furrow (R&F) is, in places within the 18th Century planned agricultural landscape noted within the 1751 Doherty Map, although investigations at Pirton have found that features shown in the Post Medieval maps often have their origin in the Medieval. Cropmarks are recorded on the Historic Environment Record (HER) at the centre and northwest of the PDA (WSM06061 & WSM46220). LiDAR data shows some anomalies within the PDA that are also present in satellite images.

The PDA has now been subject to a trench evaluation, much of the site has been confirmed to be part of a Medieval agricultural landscape. While the west of the PDA which showed evidence in satellite and LiDAR images retains what appears to be a Mid Iron Age to Romano-British site.

Given the scale of the development, and the anticipated archaeological potential, the likely impact on the historic environment caused by this development may be offset by the implementation of a conditional programme of archaeological works. This will comprise the strip, map and sample excavation of the area shown to retain IA-RB evidence.

### **Conservation Officer:**

The land proposed is located opposite grade II listed Tappenhall Farmhouse and associated farm complex. Listed buildings are considered as heritage assets for the purposes of the planning system and their significance is often partly derived from their setting.

The land in question is currently open and rural in nature and is considered to positively contribute to the setting of Tappenhall Farm. Whilst it is acknowledged that an effort has been made to mitigate any impact the proposal may have, in locating built development further away from the farm to the east of the plot, with some integrated planting between, there will inevitably be a change in character of the space. From that of agricultural, open land to a suburban housing estate with green infrastructure. This change would be considered detrimental to the setting of the listed building.

It is therefore considered that the development will result in less than substantial harm to the significance of the heritage asset and this should therefore be weighed against public benefit when reaching a decision.

### **Parks and Green Spaces:**

The proposed locations of the Local Equipped Area for Play (LEAP) and Local Area for Play (LAP) are not appropriate. They would be better located within the new development, not placed towards the edges and existing housing.



## **Emergency Planning and Projects Officer:**

Built Sports Contribution - Based on the comments from Sport England, I recommend that the off-site contribution of £98,258 would be appropriate in this instance to be used towards improving leisure provision in Droitwich.

Formal Sport Contribution – Policy SWDP39 C is clear in the requirement for formal pitches, with the amount/cost being looked at on a case-by-case basis using the most up-to-date available evidence. The South Worcestershire Councils consider the 2015 '6 Acre Standard' (1.2 hectares of pitch provision per 1,000 residents (423 homes)) as an appropriate evidence basis for calculating the on-site provision or off-site financial contributions. As the housing mix is unknown the contribution expected for Formal Sport will be between £120,588 and £301,860.

## **Natural Heritage Officer:**

The submitted calculations don't quite reflect the Biodiversity Net Gain (BNG) assessment report, which includes, for example, the planting of trees and enhancements to the existing pond. It is therefore reassuring that they still demonstrate a more than 10% net gain. I note that there will also be a need to make changes to these calculations to reflect habitat loss for the village hall. I have made some adjustments for this, and the result was still positive.

The watercourse metric provides very little information about the nature of the enhancements which are to be carried out and the outcome differs from the results in the BNG assessment report.

I would ask that the above comments and any adjustments to the layout etc are reflected in any future iterations of the metric calculations and that the BNG assessment report is updated as well.

I believe the survey effort is sufficient for the determination of this application. The majority of the habitats of greater ecological value are being retained and the illustrative layout looks to respect them as constraints. The recommendations made in the Ecological Appraisal and dedicated badger report are acceptable and further detail can be secured by condition.

The latest version of the Ecological Appraisal dated 19/11/2023 takes all the survey findings into account and makes appropriate recommendations but it would have been helpful to have a plan showing species and activity levels across the site as well have the trees with bat roost potential and those that are considered to be ancient / veteran trees plotted on a plan. I would ask that we are provided with this more detailed information for the Reserved Matters application to allow for a well-informed assessment of potential impacts of the detailed development on protected species. It will be particularly important to safeguard dark corridors and flightlines to existing and future roosting sites. There appear to be a number of roosts close to the application site.

## **Hereford & Worcester Fire Service:**

Fire Service Vehicle access must comply with the requirements of ADB 2019 Vol. 1 B5, section 13 & Table 13.1. In particular, there should be Fire Service vehicle

access for a Fire Appliance to within 45 metres of all points inside dwelling houses/Flats. Access road and hardstanding to be in accordance with ADB 2019 Vol. 1 Table 13.1 Dead-end access routes longer than 20m require turning facilities. Water for firefighting purposes should be provided in accordance with National guidance document on the provision of water for firefighting and BS 9990.

#### **West Mercia Police Design Out Crime Officer:**

No objections. There are opportunities to design out crime and/or the fear of crime and to promote community safety. Therefore, should a full application be submitted and gain planning approval the applicant should aim to achieve Secured by Design (SbD) award status for this development.

#### **NHS Herefordshire and Worcestershire:**

The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. Herefordshire and Worcestershire ICB would therefore expect these impacts to be fully assessed and mitigated.

The development would give rise to a need for improvements to capacity, in line with emerging ICB estates strategy, by way of new and additional premises or infrastructure, extension to existing premises, or improved digital infrastructure and telehealth facilities.

This housing development falls within the boundary of a practice which is a member of the Worcester City Primary Care Network (PCN) and the Droitwich Ombersley & The Rurals PCN and, as such, a number of services for these patients may be provided elsewhere within the PCN. The ICB would therefore wish to secure the funding for the Worcester City PCN and the Droitwich Ombersley & The Rurals PCN for the patients within this vicinity. A sum of £86,400 has been requested.

## **5. REPRESENTATIONS RECEIVED**

### Objectors

66 communications of objection have been received.

## **6. Representations Made**

### **In opposition**

The material planning objections raised have been summarised by the case officer to include:

- Poor drainage in the area.
- The site is prone to flooding.
- The Transport Assessment is inaccurate.
- Station Road suffers from significant storm water issues.
- Air pollution from queuing traffic.

- Brownfield land should be considered first.
- Dilmore Lane is dangerous.
- Proposal is contrary to housing policies.
- There is no disabled-persons access to the site.
- Loss of habitats.
- Loss of agricultural land.
- The emergency access at Firlands Close is a safety concern.
- Impact on privacy.
- There is no cycling infrastructure.
- Fernhill Heath is becoming overdeveloped.
- The area for the proposed LEAP is poorly located.
- Loss of wildlife
- Housing mix doesn't reflect local demographics.
- Lack of public transport
- Unsustainable location.
- Not in accordance with Neighbourhood Plan.
- The site has already been discounted for development under the SWDPR
- The development would encroach into the Conservation Area.
- Roads are narrow and often get blocked with parked cars.
- Lack of a continuous path along Dilmore Road
- Lack of capacity in local schools
- Lack of local infrastructure.
- No more capacity on refuse collection rounds.
- Loss of views.
- Disruption from noise during construction.

## **7. OFFICER APPRAISAL**

The following material planning issues are relevant to this application:

- Principle of the development
- Design
- Landscape character and visual impact
- Historic environment
- Access and highway issues
- Biodiversity
- Flooding and drainage
- Affordable housing
- Planning obligations
- Planning balance and conclusion

### **7.1 Principle of the Development**

Within the South Worcestershire Development Plan, Policy SWDP2 sets out that the Development Strategy and the site allocations in the SWDP are based upon the following principles:

- i. Provide accessible, attractive employment sites and positive policies to deliver job creation opportunities.
- ii. Provide for and facilitate the delivery of sufficient housing to meet objectively assessed needs to 2030.

- iii. Safeguard and (wherever possible) enhance the open countryside.
- iv. Encourage the effective use and re-use of accessible, available and environmentally acceptable brownfield land.
- v. Maintain the openness of the Green Belt (as shown on the Policies Map).
- vi. Focus most development on the urban areas, where both housing needs and accessibility to lower-cost public services are greatest.

The site is not allocated for development within the development plan and lies outside of any recognised development boundary as defined in the South Worcestershire Development Plan (SWDP). As such the site is deemed to be in the open countryside. Policy SWDP2 states that in the open countryside, development will be strictly controlled and will be limited to dwellings for rural workers, employment development in rural areas, rural exception sites, buildings for agriculture and forestry, replacement dwellings, house extensions, replacement buildings and renewable energy projects and development specifically permitted by other SWDP policies.

The reasoned justification for Policy SWDP2 explains that the high quality of the open countryside is an important planning attribute of the area. Sites beyond development boundaries generally are less sustainable as access to local services and employment opportunities tends to be poorer and therefore it is appropriate that development in the open countryside is restricted to proposals which are supportive of more specific SWDP policies. This approach is in general accordance with the Framework, which seeks to protect the countryside and steer development to more accessible areas.

At a more local level, Policy NCH1A of the North Claines Neighbourhood Plan (NCNP) allocated a site at Sling Lane for housing, which has now been developed and built out. The policy states that proposals for further new residential development beyond the existing development boundaries of Worcester and Fernhill Heath will be resisted unless it is demonstrated that there is not a five-year supply of deliverable housing sites and that no other policies within the NCNP and SWDP would preclude development on the site such as Green Belt, Local Green Space, or locations at risk of flooding.

The proposal is for open market with an element of affordable housing but is not being advanced on the basis of a rural exception scheme, as the proposal is not for 100% affordable housing. The proposal therefore conflicts with Policy SWDP2 and Policy NCH1A of the NCNP. However, as discussed in further detail below, it is material that the Council cannot currently demonstrate a 4-year supply of deliverable housing sites and as such, the Council's policies for the supply of housing are out of date as per footnote 8 of paragraph 11 of the Framework. The weight that can be afforded to the Councils' housing policies is therefore reduced although the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.

#### Five Year Housing Land Supply Position

Paragraph 77 of the National Planning Policy Framework requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing or a minimum of four years' worth of housing if the provisions in paragraph 226 apply.

Paragraph 226 states that from the date of publication of the revised Framework, for

decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need.

On the 27th of September 2023, following the Regulation 19 consultation in November and December 2022, the South Worcestershire Councils formally submitted the South Worcestershire Development Plan Review (SWDPR) and associated evidence base documents to the Secretary of State for independent examination. As such, Wychavon Council only needs to demonstrate four years' worth of housing against local housing need.

However, at the present time, the Council can only demonstrate a 2.78-year supply of deliverable housing site. Consequently, the Council's policies for the supply cannot be considered up-to-date and the 'tilted balance' is engaged as per paragraph 11(d) of the Framework. This requires permission to be granted unless i). the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development; or ii). any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.'

In relation to the North Claines Neighbourhood Plan, paragraph 14 of the Framework sets out that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

The North Claines Neighbourhood Plan is over 5 years old (adopted in 2017). As such, in line with paragraph 14 of the Framework, any restrictive housing supply policies are also considered to be out of date.

### Locational Sustainability

Within the South Worcestershire Development Plan, Policy SWDP 4 states that proposals must demonstrate that the layout of development will minimise demand for travel and offer genuinely sustainable travel choices. Paragraphs 109 and 114 of the Framework state that the planning system should actively manage patterns of growth and appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location. However, it is acknowledged that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Policy SWDP2 seeks to direct development to locations most appropriate to the form and scale of development proposed.

The site is located immediately adjacent to the village development boundary of Fernhill Heath. In this regard, the application site can reasonably be considered to be well-related to the settlement. Fernhill Heath is currently listed as a Category 2 village in the SWDP and is therefore suited to accommodate market and affordable housing needs alongside limited employment for local needs. It should also be noted that Fernhill Heath is proposed to be upgraded to a Category 1 in the SWDPR, although only limited weight can be afforded to this due to the South Worcestershire Development Plan Review not being at an advanced stage of adoption.

The site is located close to various services, amenities, and facilities, which include schools, public houses, and retail facilities. The Transport Assessment (TA) submitted with the application indicates that these facilities are located within 2km (approximately a 25-minute walk or a 7-minute cycle). There is a convenience store with 600m and another within 860m. There are also further facilities accessible by bike, within 5km of the site. The TA also notes the site is located with an approximate 24-minute cycle (cycle trips of 30-40 minutes are considered acceptable for commuting purposes) or 26-minute bus journey of Worcester City Centre.

Whilst there are no formal cycling facilities near the site, the National Cycle Network Route (NCN) 46 borders the site to the west and routes along Dilmore Lane. NCN 46 routes from Bromsgrove (England) to Neath (Wales) via Droitwich, Worcester, Hereford and through Wales.

In terms of public transport, bus stops are located along Dilmore Avenue (near Creswell Close), approximately 880m from the centre of the site. These northbound and southbound bus stops operate as a 'Hail and Ride' service, where no formal facilities are present. Both bus stops serve the 355-bus service, which operates between Worcester and Droitwich Spa, three to four times a day, six days a week. Further bus stops are situated along Droitwich Road (A38), which are located approximately 1.1km to the south of the site (measured from the centre of the site) near the Dilmore Lane junction. Both the eastbound and westbound stops benefit from a shelter, seating, printed timetable information, a flag and pole, and a dedicated bus lay-by. These stops primarily serve the 144 Salt Road service between Worcester, Bromsgrove, and Upper Catshill, which operates every 20-minutes, six days a week, and every hour on Sundays.

In summary, whilst the site is located outside of the settlement boundary for Fernhill Heath, it is located immediately adjacent to it and has good access to the various services and facilities on offer in the village. It also has reasonably good access to public transport facilities, which would minimise demand for travel and offer genuinely sustainable travel choices without future residents necessarily being solely reliant on the use of car for their day to day living.

## **7.2 Design**

Within the South Worcestershire Development Plan, Policy SWDP21 states that all development will be expected to be of a high design quality. It will need to integrate effectively with its surroundings, in terms of form and function, reinforce local distinctiveness and conserve, and where appropriate, enhance cultural and heritage assets and their settings. Similarly, Policy NCD1 of the NCNP states that where appropriate proposals should demonstrate through a Design and Access Statement

that they achieve high quality and inclusive design and integrate into the existing area in terms of landscape, character, design and density.

This reflects advice in the Framework, which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Appearance, layout, scale, and landscaping are all proposed to be reserved for future consideration. Despite this, the application is supported by an illustrative masterplan, which shows how the quantum of development proposed could be accommodated on the site. The application is also supported with a Design and Access Statement (DAS) that explains the design rationale for the proposed development.

The DAS explains that the development has been integrated into the existing field pattern to fit into the scale of the landscape. The majority of existing trees and vegetation will be retained, and new hedgerows are proposed as a new boundary to adjacent fields. It goes on to state that the development would be structured by open spaces in the east, west, north, and south, which form the interface to Dilmore Lane, Suffolk Way, the surrounding landscape, as well as the Firlands Close neighbourhood. These open spaces would be different in character and would be connected by a main street as well as landscape and habitat connections between them.

The illustrative masterplan proposes a network of streets and paths that would allow for easy navigation, with all open spaces benefitting from paths to allow for best usability for residents. The main street and all edges and interfaces towards landscape and open spaces would benefit from positive frontages that define those spaces. The main street would provide a continuous green link with the smaller lanes and private drives creating more informal edges around the greenspaces.

The DAS sets out that the proposed dwellings would be two storeys in height with pitched roofs. Garages would be single storey with pitched roofs. The majority of dwellings would be red or painted brick, with some individual dwellings covered in render and painted in light colours. Some simple brick detailing would be used around windows and doors, with the colour of bricks to be matched to the main surface.

In terms of Green Infrastructure (GI) and open space, Policy SWDP5 requires sites of 1 hectare or more to provide 40% green infrastructure. Policy SWDP39 requires development proposals exceeding 5 dwellings to make provision for Green Space and outdoor community uses in line with the standards of provision set out in the policy and includes amenity and semi-natural greenspace, equipped play space, civic space and allotments.

Whilst layout is proposed to be reserved for future consideration, the illustrative masterplan shows how 3.18ha of GI can be delivered, which represents 40% of the total site area. The DAS also suggests that the required quantum of open space can also be provided on site. Off-site contributions towards built sports facilities and playing pitches would be secured through a Section 106 Agreement.

It is considered that the illustrative masterplan is well considered and would provide for a logical expansion of the existing settlement in this location. Whilst matters relating to appearance, layout, scale, and landscaping would be dealt with at the detailed design stage, it is considered that the scheme is capable of delivering high quality and visually attractive design that would comply with Policy SWDP21 of the South Worcestershire Development Plan, Policy NCD1 of the NCNP, and Chapter 12 of the Framework.

### 7.3 Landscape Character and Visual Impact

Within the South Worcestershire Development Plan, Policy SWDP25 states that development proposals and their associated landscaping schemes must demonstrate that they take into account the latest Landscape Character Assessment and its guidelines and that they are appropriate to, and integrate with, the character of the landscape setting. Proposals must also conserve, and where appropriate, enhance the primary characteristics defined in character assessments and important features of the Land Cover Parcel and have taken any available opportunity to enhance the landscape. Policy SWDP2 also requires development to safeguard and (wherever possible) enhance the open countryside.

At a local level, Policy NCLE1A of the NCNP requires appropriate landscape provision on the boundary of proposals within the countryside or at the edge of settlements in order to provide a strong and defensible buffer to enhance the interface of the development on the visual appearance of the area.

The application is supported by a Landscape and Visual Appraisal (LVA), which assesses the suitability of the proposed development from a landscape and visual perspective. It notes that the site is not covered by any known landscape or other environmental designations. The land within the site is gently undulating with no pronounced or distinctive topographical features. It lies at a similar elevation to existing settlement with slightly higher elevations to the east and west falling into the centre of the site following a northeast to southwest alignment through the central part of the site. The highest points of the site lie to the southeast corner and the western edge along Dilmore Lane.

In terms of landscape character, the Council's Landscape Officer advises that the site is located within the Landscape Type (LT) Settled Farmlands with Pastoral Land Use as identified in the County Landscape Character Assessment (LCA). The LCA identifies settlement pattern in this LT as being a '*Dispersed settlement pattern of farmsteads and groups of wayside dwellings*'. However, Fernhill Heath is an anomaly as it is a much larger, nucleated settlement. Primary Key Characteristics for the LT are identified as '*Pastoral land use,*' '*Small-scale landscape defined by prominent pattern of hedged fields*' and '*tree cover character of trees rather than woodland*'. The land use of the site is arable rather than pastoral.

In terms of hedgerow losses, it is noted that three hedgerows would be removed (H6, H7 & H9) together with the removal of short sections of four additional hedges (H5, H20, H26 & H63). The loss of these hedgerows is primarily to accommodate the access road. The three hedges that are being removed have been assessed as being of low quality and condition in the submitted Arboricultural Impact Assessment. No trees are proposed to be removed.



Landscape Guidelines for the LT within the LCA include '*conserve and enhance the pattern of hedgerows*', '*conserve and enhance tree cover along watercourses*' and '*conserve hedgerow tree populations and promote new hedgerow tree planting*', which could be followed within any development. With reference to the County LCA, the Landscape Officer is of the view that there is no strong reason to justify refusal of the application on landscape grounds.

Considering the local landscape character of the site and its surroundings, this is heavily influenced by the presence of existing suburban built form at Suffolk Way and cul-de-sacs off Station Road. As such, the Landscape Officer considers the indicative layout as proposed would maintain a rural context to Dilmore Lane, which connects with the open countryside beyond, and would retain open fields providing separation from the separate settlement of Lower Town to the north.

It is noted that the submitted LVA states that there is likely to be some minor modifications to the existing landform to accommodate the proposed development but retained boundary vegetation will be protected. The LVA also states that the layout of development is designed to be set back from these features and work with existing contours as far as possible.

The Landscape Officer generally concurs with the LVA that proposed development, as shown indicatively on the Illustrative Masterplan, would be viewed from the north and west/northwest against the backdrop of existing settlement in Fernhill Heath. The nature of those views would be similar to those currently existing but brought further northwards than at present. The site would be contained in the wider landscape to the south and east by that existing development but would be visible from those residential areas adjacent.

Considering the above, the Landscape Officer does not object to the proposed development on landscape and visual grounds. The proposal is therefore considered to be acceptable in this regard.

#### **7.4 Historic Environment**

In considering whether to grant planning permission for development which affects a listed building or its setting Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on local planning authorities to 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.

That duty is reflected in Policy SWDP6 of the South Worcestershire Development Plan, which states that development proposals should conserve and enhance heritage assets, including assets of potential archaeological interest, subject to the provisions of SWDP24. Policy SWDP24 states that development proposals affecting heritage assets will be considered in accordance with the Framework, relevant legislation and published national and local guidance.

The Framework at paragraph 205 sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its

significance.

Paragraph 208 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 209 follows and states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The site does not contain any designated heritage assets although there are Grade II Listed buildings in the vicinity of the site. The Grade II Listed Tapenhill Farmhouse lies 100m to the west of the site, and the Grade II Listed Upper Tapenhill lies 140m to the south of the site. The Grade II Listed Thatch Cottage lies 220m southwest of the site and the Grade II Listed Oak Cottage lies 350m north of the site. Of these listed buildings, only Tapenhill Farmhouse would be affected by the proposed development. The others would be unaffected due to existing screening and limited intervisibility.

Regarding the Grade II Listed Tapenhill Farmhouse, the supporting Heritage Statement notes that it faces west away from the application site and has a view of historically associated farmland and to the hills beyond. The rear elevation of the asset is visible from Dilmore Lane, in conjunction with the redbrick farm buildings. There are views from the public footpath to the west of the asset, from where the principal elevation can be seen. There are also distant views to the asset from public footpaths leading off Kennel Lane to the east as well as non-publicly accessible views from intervening farmland. It is advised that the asset is anticipated to be best appreciated and understood from within its curtilage.

The Heritage Statement states that the heritage significance of the asset is principally embodied in its physical fabric, which has architectural, artistic, and historic interests. The setting of the asset also contributes to the significance of the asset, although the significance derived from the setting is less than that derived from its historic fabric. The areas which make the greatest contribution to the significance of the asset through setting lie to the west of Dilmore Lane, comprising the curtilage and farm complex, and western outlook over agricultural land and the hills.

The application site lies to the east of Dilmore Lane and includes fields that were historically associated with the asset with which it still has some intervisibility and co-visibility. However, this is partial intervisibility from the rear of the building, with the asset partially screened by the modern outbuildings. It is stated that overall, the application site is considered to make a minor contribution to the heritage significance of the asset through setting.

The Heritage Statement goes on to find that the proposed development would change the character of part of the area historically associated with the asset. The development would also block some partial views of the asset from further to the east, although views across land further to the north will remain. Built form would be set back from the western edge of the site, which is closest to the asset, with this western area proposed as historically appropriate orchard and crossed by the access

road. It is therefore concluded that the proposed development would result in less than substantial harm to the setting of Tapenhill Farmhouse.

The Council's Conservation Officer acknowledges that an effort has been made to mitigate any impact the proposal may have by locating built development further away from the farm to the east of the plot, with some integrated planting between. However, there would inevitably be a change in character of the space from that of agricultural, open land to a suburban housing estate with green infrastructure. This change would be detrimental to the setting of the listed building and would result in less than substantial harm to the significance of the heritage asset.

Both the applicant and Conservation Officer agree that there would be less than substantial harm to the setting of Tapenhill Farmhouse. The applicant considers the harm to be at the low end of the spectrum but in any event, the identified harm needs to be weighed against the public benefits.

The public benefits of the proposals are primarily the delivery of up to 130 dwellings, including 40% much needed affordable housing. In the context of a housing land supply deficit, it is Officer's judgment that the public benefits that would arise from the delivery of this housing would outweigh the identified less than substantial harm to the setting of Tapenhill Farmhouse. As such, the 'tilted balance' would not be disapplied.

Regarding archaeology, the Council's Archaeology Officer advised that the proposed development may affect heritage assets of known archaeological significance and recommended further investigation. The proposed development area has now been subject to a trench evaluation and much of the site has been confirmed to be part of a Medieval agricultural landscape. While the west of the proposed development area, which showed evidence in satellite and LiDAR images retains what appears to be a Mid Iron Age to Romano-British site.

The Archaeology Officer goes on to advise that given the scale of the development and the anticipated archaeological potential, the likely impact on the historic environment caused by this development may be offset by the implementation of a conditional programme of archaeological works. Subject to the imposition of a planning condition to secure this, the proposal is considered to be acceptable in terms of archaeology.

## **7.5 Access and Highway Safety**

Within the South Worcestershire Development Plan, Policy SWDP4 states that 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. It goes on to state that 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.

In a similar vein, SWDP 21 (B) (ix). says that vehicular traffic from development should be able to access the highway safely and the road network should have the capacity to accommodate the type and volume of traffic from the development.

Access is proposed to be dealt with at outline stage and is proposed to be taken directly off Dilmore Lane, which is a two-way carriageway that runs along the western site boundary. Near the proposed site access location, Dilmore Lane is subject to the national speed limit (60mph). This decreases to 30mph approximately 70m to the south.

A new 5.5m wide access is proposed with a 2.0m wide footway on the north side of the carriageway and a 3.5m wide 'active travel corridor' on the south side that would connect into the village. It is also proposed to provide a combined pedestrian, cycle, and emergency access on the east side of the site that would connect into the existing similar facility that connects Suffolk Way to Firlands Close.

The applicant proposes the national speed limit be relocated north of the site access, with the speed limit to the south being reduced to 30mph. The Highway Authority has no objection to this and agrees such a measure can be appropriate, in relation to a new residential development. However, the Highway Authority is of the view that moving the speed limit would not result in any significant reduction in vehicle speeds. As such, it is advised that visibility splays based on existing 85% percentile speeds are deemed appropriate, even if the speed limit is moved.

The recorded 85th percentile speeds are 37.1mph southbound and 37.4mph northbound. To comply with DMRB design standards, visibility splays of 2.4m x 89.4m northwards and 2.4m x 90.5m southwards are required. The submitted drawings show this can be achieved and the Highway Authority advise that the proposed access is acceptable and would operate well within its theoretical capacity for the tested scenarios.

Regarding the impact on the highway network, the submitted Transport Assessment (TA) considers vehicle trip generation and uses information derived using the TRICS database. The TA suggests 64 two-way trips in the AM peak and 62 in the PM peak. However, following advice from the Highway Authority at pre-application stage, a survey of Suffolk Way was undertaken to establish an indication of trip rates generated by the new development. The results suggest corresponding trip rates of 92 two-way trips in the AM peak and 100 in the PM peak. These rates are noticeably higher than the TRICS-based ones and, to provide a robust assessment, the TA uses the higher values to assess the impact of the proposed development.

The TA notes for the purpose of assessing the off-site impact of the proposed development, the forecast vehicular trips have been distributed and assigned to the local highway network based on the 2011 Census Journey to Work Travel data. Applying this trip assignment methodology, a total of four route choices have been identified. Approximately 8% of traffic is forecast to use Danes green whilst the rest would use the Dilmore Lane/A38 junction, turning west or east.

The TA states computer modelling of the Dilmore Lane/A38 junction has been undertaken to assess the impact of the proposed development. The results suggest the junction would operate within its theoretical capacity and on that basis, the Highway Authority are of the view that the residual cumulative impact would not to be severe or significant. Furthermore, the Personal Injury Collision (PIC) data suggests that there is no accident history in the vicinity that gives rise to any significant concerns.

In terms of sustainability, as previously set out, whilst the site is located outside of the settlement boundary for Fernhill Heath, it is located immediately adjacent to it and has good access to the various services and facilities on offer in the village. It also has reasonably good access to public transport facilities, which would minimise demand for travel and offer genuinely sustainable travel choices. On that basis, the Highway Authority accepts the development can be considered to be relatively sustainable and there would be no justification in recommending refusal for such a reason.

In summary, the site would be served by a safe and suitable access and the residual cumulative impact on the highway network would not be severe. The Highway Authority therefore does not object subject to imposition of planning conditions and financial obligations towards footway improvements; community transport to meet the transport needs of the elderly and disabled; public bus service enhancements; and to process a TRO application.

## **7.6 Biodiversity**

Within the South Worcestershire Development Plan, Policy SWDP22 sets out that development which would compromise the favourable condition of a Special Area of Conservation (SAC) or other international designations or the favourable conservation status of European or nationally protected species or habitats will not be permitted. It also 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.

The application is supported with an Ecological Appraisal, which incorporates the findings of a desk study; an extended Phase 1 habitat survey; a badger survey; a great crested newt survey; and a tree assessment for roosting bats. The survey work indicates that the site is dominated by arable land and poor semi-improved grassland, both of limited ecological value. The hedgerows, pond and stream provide habitat of greater ecological interest, which are likely to provide ecological connectivity at the local level.

The appraisal advises that some of the hedgerows at the site support trees with suitability for roosting bats. The wider site is likely to be of low suitability for foraging bats. The site does not support breeding great crested newt, although this species has been recorded near a pond approximately 100m west of the site, and so could forage or hibernate on parts of the Site. The site is likely to support range of breeding birds, with nesting habitat provided by trees, hedgerows, and scrub. Skylark, a ground-nesting species is present. Given the habitats which dominate the site, it is unlikely to be of significant value for plants and invertebrates, although the hedgerows, stream and pond could contribute to local habitat connectivity for such species.

The appraisal states that the proposed development does not have any potential to cause significant impacts on any designated sites. Habitat losses at the site would mainly involve arable and poor semi-improved grassland, which are of low ecological value, and a loss of around 24m of species-poor hedgerow.

It is pointed out that new wetland creation at the site is proposed in the form of attenuation ponds along with extensive areas of greenspace with boundary tree planting. Depending on the balance between amenity grassland and wildflower meadow, and the extent of hedgerow creation, there is potential for an increase in the habitat value of the site. The Biodiversity Net Gain (BNG) assessment indicates that a gain of up to 17% in area habitats is possible, depending on the detail of habitat creation within greenspace.

The Council's Natural Heritage Officer advises that the survey effort is sufficient. Most of the habitats of greater ecological value are being retained and the illustrative masterplan appears to respect them as constraints. The recommendations made in the Ecological Appraisal and dedicated badger report are acceptable and further detail can be secured by condition. It will be particularly important to safeguard dark corridors and flightlines to existing and future roosting sites as there appear to be several roosts close to the site.

In terms of BNG, the Natural Heritage Officer has questioned some of the calculations in the submitted BNG calculations. However, they still demonstrate a more than 10% net gain, which is welcomed.

It should be noted that as this application was submitted prior to 12<sup>th</sup> February 2024, there is no mandatory requirement to provide at least 10% BNG. The fact that the proposed development would still deliver such a high percentage of BNG is afforded significant positive weight in the planning balance.

In summary, the Natural Heritage Officer does not object to the proposed development subject to planning conditions to secure a Construction Ecological Management Plan (CEMP); a Landscape and Ecological Management Plan (LEMP); an updated BNG strategy and calculations; and a sensitive landscape strategy. Subject to the imposition of these conditions, which will also secure suitable mitigation for protected species, the proposal is considered to be acceptable in terms of ecology and biodiversity.

## **7.7 Flooding and Drainage**

Within the South Worcestershire Development Plan, Policy SWDP28 requires all development proposals to adhere to the advice in the latest version of the SFRA and will, inter alia, ensure no increase in flood risk or harm to third parties; ensure development is safe from flooding for its lifetime; ensure development is appropriately flood resistant and resilient; and take into account all forms of flooding. Policy SWDP29 follows and states that to minimise flood risk, improve water quality and groundwater recharge and enhance biodiversity and amenity interest, all development proposals (as appropriate to their nature and scale) will be required to, inter alia, 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; and manage surface water through Sustainable Drainage Systems (SuDS).

The application is supported by a Flood Risk Assessment (FRA), which states that the site is in Flood Zone 1 and is at a low risk of fluvial flooding. Furthermore, information within the Worcestershire County Council Preliminary Flood Risk

Assessment (PFRA) and the mapping included as part of the South Worcestershire Development Plan Strategic Flood Risk Assessment (SFRA) 2019 indicates the site has not been affected by historical flood events. The Council's Drainage Officer has further confirmed this.

Regarding fluvial flooding, an area of low to high risk is associated with the ditch and pond in the southwest of the site. An overland flow route is also identified, which reflects the gently sloping valley feature within the centre of the site and the presence of the ditch crossing the centre of the site. This is an area shown to be at low to medium risk of flooding. The Lead Local Flood Authority (LLFA) raise no objections in respect of surface water flooding but advise that exceedance flow routing will need to demonstrate a 1:1,000-year event will be routed away from any properties and private ownership and towards roads and areas of public open space. This can be dealt with at the detailed design stage and secured by way of a planning condition.

The LLFA confirm that the drainage hierarchy has been considered and followed accordingly. The results from infiltration tests have been submitted and show surface water discharge via infiltration SuDS to be unfeasible. The current proposals are therefore to discharge surface water to an open watercourse that flows through the middle of the site. This would be via a new gravity stormwater system with attenuation in the form of two drainage basins and a controlled discharge for up to a 1 in 100-year event plus 40% climate change allowance, which would reduce risk of flooding downstream. The LLFA consider this to be acceptable.

Previously the LLFA raised concerns that development would be constructed over and/or near to an existing culvert that facilitates flows from an existing pond at the west of the site to an open watercourse central to the site. The applicant has since clarified that this would not be the case with flows from the pond to the watercourse conducted via a swale, providing additional treatment, biodiversity, and amenity value.

Considering the above, the LLFA do not object to the proposals subject to the imposition of planning conditions to secure a detailed surface water drainage scheme and a construction surface water management plan.

In terms of foul drainage, it is proposed to connect to the existing foul sewer crossing the site subject to Severn Trent Water approval. Severn Trent Water has identified modelling of the receiving network will be required to understand the impact of the proposals, which they would undertake to identify upgrade requirements they would need to provide.

## **7.8 Affordable Housing and Housing Mix**

On sites of 15 or more dwellings on greenfield land, Policy SWDP15 requires 40% affordable housing to be provided on site. Based on 130 dwellings, this equates to 52 affordable homes.

Regarding affordable housing need in the area, the Council's Housing Officer advises that the Strategic Housing Market Assessment (SHMA) (2021 Update) indicates a minimum net imbalance of 117 affordable dwellings each year over the next five years across Wychavon District. The Housing Register (Housing for You) data also shows there are 2,871 households registered with a banding that indicates that they

have a local connection to the Wychavon District as of 24<sup>th</sup> August 2023. In addition, a Parish Housing Needs Survey was carried out by the Council for the parish of North Claines during October 2020. The results of the survey showed that 18 respondents indicated that they had a need for affordable housing within the next five years.

It is advised that the South Worcestershire Strategic Housing Market Assessment 2021 Update recommends a tenure split of 69% Social Rented, 25% First Homes and 6% Shared Ownership. Additionally, the National Planning Policy Framework (NPPF) requires 10% of the total number of homes on major sites to be provided as affordable home ownership and these will count towards the affordable housing provision. For this application of 130 dwellings (of which 52 will be affordable), the required tenure split is 69% Social Rent (36 dwellings), 25% First Homes (13 dwellings) and 6% Shared Ownership (3 dwellings).

The applicant has indicated that they are content with the Council's recommended tenure split, with the exact housing mix to be determined at the detailed design stage. The provision and delivery of affordable housing will be secured through a Section 106 agreement.

In the context of a housing supply shortfall and an identified need for affordable housing, the delivery of up to 52 affordable dwellings on site is a substantial benefit to be weighed in the planning balance.

Regarding housing mix, Policy SWDP14 states that all new residential developments of five or more units, having regard to location, site size and scheme viability, should contain a mix of types and sizes of market housing. The mix will be informed by the latest Strategic Housing Market Assessment and/or other local data. Policy SWDP20 also encourages the provision of housing suitable for the need of older people. In a related vein, Policy NCH3 of the NCNP requires that all proposals for new residential development of 5 or more units should demonstrate that they take account of local housing needs.

Due to the outline nature of the current application, the exact housing mix proposed is not presently before the Council for consideration. However, there is nothing to suggest that a fully policy compliant scheme could not be achieved at the detailed design stage.

## **7.9 Renewable and Low Carbon Energy**

Within the South Worcestershire Development Plan, Policy SWDP27 requires development schemes of this size to incorporate facilities to enable at least 10% of predicted energy requirements to be achieved via renewable or low carbon sources. Policy NCD3 of the NCNP requires all new developments, including change of use, should seek to incorporate measures that improve energy efficiency of existing and proposed buildings consistent with government policy.

The applicant proposes to adopt a 'fabric first' approach to reduce energy demand in line with best practice. It is stated that Waste Water Heat Recovery Systems (WWHRS) would also be considered to further reduce energy demand. WWHRS technology involves passing warm shower water through a heat exchanger to pre-heat water, reducing the total volume of hot water required per shower.



It is anticipated that the combination of a 'fabric first' approach and installation of WWHRS within a proportion of dwellings would meet policy requirements. Additional technologies such as solar photovoltaics may be considered at the time if required to meet targets. Opportunities would also be taken in development of the detailed layout to consider passive solar design through consideration of siting and orientation of the buildings.

The final selection of zero and low carbon technologies to be incorporated on site would be fixed at the detailed design stage and can be secured by way of a planning condition.

## **7.10 Planning Obligations**

Planning obligations secured under Section 106 of the Town and Country Planning Act are required in order to mitigate the impact of the development and provide the necessary infrastructure provision in accordance with the saved policies of the development plan and Supplementary Planning Guidance/Documents as outlined in this report. The following Heads of Terms have been identified:

### Education

- Primary School - £995,490
- Secondary School - £942,803
- SEND - £210,140

### Affordable Housing

- 40% affordable housing (up to 52 dwellings) comprised of 69% Social Rent (36 dwellings), 25% First Homes (13 dwellings) and 6% Shared Ownership (3 dwellings)

### Public Open Space

- Open space to be provided onsite to include equipped play space.

### Formal Sports and Leisure

- Built Sports Contribution - £98,258
- Formal Sports Contribution – between £120,588 and £301,860

### Primary Healthcare Provision

- £86,400 towards Worcester City PCN and Droitwich Womersley & The Rurals PCN

### Highways

- Footway improvements (dropped kerbs and tactile paving) - £12,000
- Community Transport - £8,694
- Public Bus Service Enhancement - £44,212.08
- Traffic Regulation Order - £4,500

## CIL Regulations

The above requests comply with Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 204 of the Framework in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

## Village Hall

As previously set out, following discussions between the applicant and Local Councillors, a need has been expressed for a new village hall for Fernhill Heath. In response the applicant now proposes the provision of 0.2ha of the site to be dedicated for the Parish Council (or similar) to have as a serviced site with access to provide a village hall in the future. It is anticipated that the site would be identified at the reserved matters stage and is proposed to be secured through a Section 106 Agreement.

Whilst the expressed need is acknowledged along with the benefits that would arise for the local community, there is insufficient evidence to demonstrate that the provision of land for a new village hall is necessary to make the development acceptable in planning terms or fairly and reasonably related in scale and kind to the development. As such, it would not meet the CIL tests and the Council cannot insist on its provision as part of the development.

## **7.10 Other Issues**

### Loss of agricultural land

Policy SWDP13 states that windfall development proposals which would result in the loss of more than two hectares of Best and Most Versatile (BMV) agricultural land will be required to demonstrate that:

- i. the proposed development cannot be reasonable accommodated on non-BMV agricultural land; and
- ii. the benefits of development significantly outweigh the loss of BMV agricultural land.

In addition, the effect of the loss of BMV agricultural land on farm economics and management will be considered. Where development would fragment farm holdings, planning permission will be granted only where mitigation is possible e.g., the land can be incorporated into surrounding holdings and where there is no severance of agricultural buildings from the land.

The application is supported with an Agricultural Land Classification and Considerations report, which incorporates the findings of a survey of the land. The survey identified the following land grades: Grade 2 (2.2ha - 28% of site); Grade 3a (3.3ha - 42% of site); and Grade 3b (2.4ha - 30% of site). Considering these findings, 5.5ha (70%) of the site is BMV agricultural land that would be lost to development.

The report sets out that the site and the land surrounding it is predicted to have moderate likelihood of BMV land and there is no evidence available to indicate that this site is better quality land than any of the surrounding area. It is also pointed out

that the significance of development involving agricultural land needs to be considered in context. Across England it is estimated that 42% of farmland is of Grade 1, 2 and 3a quality (BMV agricultural land). The Utilised Agricultural Area (UAA) of England, which is less than the total amount of agricultural land, was 8.9 million hectares in 2022 (Agricultural Land Use in England on 1<sup>st</sup> June 2022, DEFRA, 29 September 2022). This suggests that 3.7 million hectares of BMV land (Grade 1, 2 and 3a) is in active agricultural use.

The report also makes the case that the proposed development would not have a significant adverse impact on a full-time farm business, nor will it result in any other agricultural land being affected or becoming unfarmable due to the severance of land.

In summary, it is considered that whilst the proposed development would result in the loss of more than 2ha of BMV, it has been adequately demonstrated that the development cannot be reasonably be accommodated on non-BMW agricultural land in the surrounding area. Furthermore, there is no evidence to suggest that the loss of BMV would adversely affect the viability or management of a full-time farm business. Notwithstanding this, the loss of BMV would be irreversible and is a harm that needs to be weighed in the planning balance. However, it is considered that, on balance, the loss is outweighed by the benefits of the scheme, in particular the delivery of open market and affordable housing in the context of a housing land supply shortfall.

#### Noise

The Council's Environmental Health consultants have no objections to the proposed development in terms of road traffic noise. However, it is recommended that the applicant submits a Construction Environmental Management Plan detailing the proposed measures to monitor and mitigate emissions of noise, vibration (piling) and dust during the construction phase for approval. This can be secured by way of a planning condition.

It is considered that it would also be prudent to control construction times to protect the amenity of local residents. Again, this can be secured by way of a planning condition.

#### Contamination

The Council's Environmental Health consultants advise that there are little obvious contamination risks from the previous uses of the site. Nevertheless, a precautionary approach is recommended to be adopted given the sensitivity of the proposed sensitive use. A program of intrusive investigation and sampling to include ground gas monitoring is advised to confirm the preliminary conclusions of the submitted Desk Study report. This can be secured by way of planning condition. Subject to the imposition of the recommended conditions, the proposed development is considered to be acceptable in this regard.

### **7.11 Human Rights**

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.

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.

All material planning issues raised through the consultation exercise have been considered and it is concluded that by approving this application the council will not detrimentally infringe the human rights of an individual or individuals.

## **7.12 Planning Balance and Conclusion**

The site lies outside of any recognised development boundary as defined in the SWDP and as such the site is deemed to be in the open countryside. The proposal is for open market housing with an element of affordable housing but is not being advanced on the basis of a rural exception scheme. The proposal therefore conflicts with Policy SWDP2. However, it is material that the Council cannot currently demonstrate a 4-year supply of deliverable housing sites in accordance with paragraph 226 of the Framework and as such, the Council's policies for the supply of housing are out of date as per footnote 8 of paragraph 11 of the Framework. Paragraph 11(d) of the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- i. 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
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

In terms of the social benefits of the proposed development. The proposal would deliver much needed housing in the context of a current housing land supply deficit. Significant weight is attached to this benefit. The proposal would also deliver much needed affordable housing for which substantial weight is attached.

The proposal could also facilitate the delivery of a new village hall for the Parish, which would give rise to benefits for the local community. However, as previously set out, this benefit cannot be secured as it does not meet the CIL tests (i.e., it is not necessary to make the development acceptable in planning terms). As such, only limited weight is afforded to this benefit.

The proposal would deliver in excess of 10% BNG, which represents an environmental benefit. As this application was submitted prior to 12<sup>th</sup> February 2024, there is no mandatory requirement to provide at least 10% BNG. The fact that the proposed development would still deliver such a high percentage of BNG is afforded significant positive weight in the planning balance.

Whilst this was not a requirement for this application due to the submission date, it is

now a mandatory requirement for schemes such as this. The fact that the proposed development would still deliver such a high percentage of BNG is afforded significant positive weight in the planning balance.

The proposed development would also give rise to economic benefits both at the build stage and at the occupation stage due to increased spending in the local area by new residents. These economic benefits have not been fully quantified by the applicant and therefore only limited to moderate weight is afforded to this benefit.

In terms of harms, there would be inevitable landscape harm by virtue of developing a greenfield site. However, the development would be viewed from the north and west/northwest against the backdrop of existing settlement in Fernhill Heath. The nature of those views would be similar to those currently existing but brought further northwards than at present. The site would be contained in the wider landscape to the south and east by that existing development but would be visible from those residential areas adjacent. As such, the harm to the landscape would be limited. Moderate weight is attached to that landscape harm.

There would be less than substantial harm to the setting of Tapenhill Farmhouse, which is a Grade listed building. Moderate weight is attached to the identified heritage harm.

The proposed development would result in the loss of more than 2ha of BMV. However, it has been adequately demonstrated that the development cannot be reasonably accommodated on non-BMW agricultural land in the surrounding area. Furthermore, there is no evidence to suggest that the loss of BMV would adversely affect the viability or management of a full-time farm business. Limited to moderate weight is attached to this harm.

In summary, the Framework contains policies that protect designated heritage assets. In this case, less than substantial harm has been identified to the setting of a Tapenhill Farmhouse (Grade II listed). However, it is Officer's judgment that the public benefits that would arise from the delivery of up to 130 dwellings in the context of a housing land supply shortfall would outweigh the identified less than substantial harm. As such, the 'tilted balance' would not be disappplied.

With the 'tilted balance' engaged, it is considered that the harms identified would not significantly and demonstrably outweigh the benefits of the scheme.

## 8. **RECOMMENDATION**

To delegate authority to the Director of Planning and Infrastructure to grant planning permission subject to the completion of a S106 legal agreement to secure the following obligations and planning conditions: **Obligations:**

### Education

Primary School - £995,490  
Secondary School - £942,803  
SEND - £210,140

### Affordable Housing

40% affordable housing (up to 52 dwellings) comprised of 69% Social Rent (36 dwellings), 25% First Homes (13 dwellings) and 6% Shared Ownership (3 dwellings)

#### Public Open Space

Open space to be provided onsite to include equipped play space.

#### Formal Sports and Leisure

Built Sports Contribution - £98,258

Formal Sports Contribution – between £120,588 and £301,860

#### Primary Healthcare Provision

£86,400 towards Worcester City PCN and Droitwich Womersley & The Rurals PCN

#### Highways

Footway improvements (dropped kerbs and tactile paving) - £12,000

Community Transport - £8,694

Public Bus Service Enhancement - £44,212.08

Traffic Regulation Order - £4,500

1. An application for the approval of all reserved matters shall be made to the local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced. The development shall be carried out in accordance with approved reserved matter details.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable the Local Planning Authority to exercise proper control over these aspects of the development.

3. Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information provided on the application form and the following plans/drawings/documents:

- Site location – 8924\_APP001

- Proposed Junction Arrangements - Site Access - 230133-RAP-XX-XX-DR-TP-3202/P1

Reason: To define the permission.

4. Details of the levels of the existing site and the precise floor slab levels of the approved dwelling(s), relative to the existing development on the boundary of the site, shall be submitted for approval as part of the reserved matters. Thereafter, the development shall be undertaken in accordance with the approved levels.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area in accordance with policies SWDP21 and SWDP25 of South Worcestershire Development Plan.

5. Details of screen walls, fences, surface treatments to drives, cycle and footways and implementation timetable shall be submitted for approval as part of the landscaping reserved matters for the written approval of the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved details.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area in accordance with policies SWDP21 and SWDP25 of South Worcestershire Development Plan.

6. Demolition, clearance or construction work and deliveries to and from the site in connection with the development hereby approved shall only take place between the hours of 08.00 and 18.00 hrs Monday to Friday and 08.00 and 13.00 hrs on a Saturday. There shall be no demolition, clearance or construction work or deliveries to and from the site on Sundays or Bank Holidays.

Reason: To preserve the amenities of the locality in accord with Policy SWDP21 of the South Worcestershire Development Plan.

7. Before the commencement of development hereby permitted, details of renewable and/or low carbon energy generation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall contribute to at least 10% of the predicted energy requirements of the development. The details to be submitted shall include:
  - the overall predicted energy requirements of the approved development;
  - the predicted energy generation from the proposed renewable/low carbon energy measures; and
  - an implementation timetable for the proposed measures.

The development shall be carried out in accordance with the approved details.

Reason: To ensure the development supports the delivery of low carbon/renewable energy and safeguards natural resources in accordance with policy SWDP27 of the South Worcestershire Development Plan.

8. The following details shall be submitted for approval as part of the landscaping reserved matters:
  - a) a plan(s) showing the planting layout of proposed tree, hedge, shrub and grass areas;
  - b) a schedule of proposed planting – indicating species, size at time of planting and
  - c) numbers/densities of plants;
  - d) a written specification outlining cultivation and others operations associated with plant and grass establishment;
  - e) a schedule of maintenance, including watering and the control of competitive weed

growth, for a minimum period of five years from first planting.

The landscaping shall be provided and maintained in accordance with the approved details.

Reason: To preserve and enhance the visual amenities of the area and to ensure the satisfactory development of the site in accordance with policies SWDP21, SWDP22 and SWDP25 of the South Worcestershire Development Plan.

9. No development shall take place (including any ground works, demolition or site clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be based on appropriate up-to-date surveys, and include the following:
- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of "biodiversity protection zones";
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) Detailed reptile mitigation strategy;
  - e) The location and timing of sensitive works to avoid harm to biodiversity features;
  - f) The times during construction when specialist ecologists need to be present on site to oversee works;
  - g) Responsible persons and lines of communication;
  - h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - i) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details., unless otherwise agreed in writing by the local planning authority.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017, the Environment Act 2021 and SWDP policy 22.

10. Prior to the commencement of development hereby approved a Landscape and Ecological Management Plan (LEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The content of the LEMP shall be based on the approved Landscape Scheme and shall be guided by the requirement to achieve Biodiversity Net Gain and maintain this after implementation, and shall include the following:
- a) Details (type and location) of wildlife boxes and hibernacula;
  - b) Description and evaluation of the features to be managed;
  - c) Ecological trends and constraints on site that might influence management;
  - d) Aims and objectives of management;
  - e) Appropriate management options for achieving aims and objectives;
  - f) Prescriptions for management actions;
  - g) Preparation of a work schedule, including an annual work plan capable of being rolled forward over a five-year period and for a minimum of 30 years thereafter;
  - h) Details of the body or organisation responsible for implementation of the plan;
  - i) On-going monitoring and remedial measures.

The plan shall also set out where the results of the monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial



action identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The LEMP will be implemented in accordance with the approved details.

Reason: To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site, and to ensure the proposal harmonises with the surroundings in accordance with policies SWDP21, SWDP22 and SWDP25 of the South Worcestershire Development Plan 2016.

11. A "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The strategy shall include the following:
- a) Identification of dark corridors and areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places, or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 and to minimise impacts on protected species in accordance with Policy SWDP22.

12. Temporary fencing for the protection of all retained trees/hedges on site and trees outside the site whose Root Protection Areas fall within the site shall be erected in accordance with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction) before development of any type commences, including site clearance, demolition, materials delivery, vehicular movement and erection of site huts.

Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) must be agreed in writing by the local planning authority prior to the commencement of development.

This protective fencing shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Nothing should be stored or placed (including soil), nor shall any ground levels altered within the fenced area without the previous written consent of the local planning authority. There shall be no burning of any material within 10 metres of the extent of the canopy of any retained tree/hedge.

Reason: To prevent existing trees/hedges from being damaged during construction work and to preserve the amenities of the locality. This is in accordance with policies SWDP21 and SWDP25 of the South Worcestershire Development Plan.

13. No works in connection with site drainage shall commence until a scheme for a

surface water drainage strategy for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of surface water drainage measures, including for hardstanding areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015) and the Flood Risk Assessment, Drainage Strategy & Water Management Statement (23-0133 revision 3). The scheme shall provide detailed design drawings for all drainage assets and should include run off treatment proposals for surface water drainage. Exceedance flows should not be directed to property or private land. Where the scheme includes communal surface water drainage assets, proposals for dealing with the future maintenance of these assets should be included. The scheme should include proposals for informing future homeowners or occupiers of the arrangements for maintenance of communal surface water drainage assets. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

Reason: To ensure the proposed development does not exacerbate flood risk and deals with surface water run-off from the site in a sustainable manner, in accordance with policies SWDP28 and SWDP29 of the South Worcestershire Development Plan.

14. No works or development shall take place until a construction surface water management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include how surface water will be managed during the construction phase, including site clearance and soil stripping. The plan shall include drawings of any temporary drainage systems, a timeline of construction and measures to mitigate the risk of pollution (including silt) of the water environment and offsite flood risk. The plan shall detail how the approved permanent surface water drainage system shall be remediated during the construction phase. The approved construction surface water management plan shall be implemented as soon as works start on site thereafter maintained during the full duration of the construction phase.

Reason: To ensure the proposed development does not exacerbate flood risk and deals with surface water run-off from the site in a sustainable manner, in accordance with policies SWDP28 and SWDP29 of the South Worcestershire Development Plan.

15. Prior to the commencement of the development, full details of a scheme for the provision of foul drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall:
  - Include the design of all on and off-site foul sewerage infrastructure, the diameters of proposed pipes and the capacity of any on or off-site storage;
  - Include a timetable and programme for the provision of the foul sewerage infrastructure; and
  - Demonstrate that, where connection to a public sewer is proposed, the additional foul sewerage discharge can be accommodated within the public sewer system without increasing the risk of flooding or backing up of the existing system on the site or elsewhere.

The development shall be carried out in accordance with the approved details and the approved timetable and programme.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of foul sewage and to ensure that the development does not increase the risk of flooding. These details are required prior to the commencement of the development

as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development, in accordance with policies SWDP28 and SWDP29 of the South Worcestershire Development Plan.

16. Other than that required to be carried out as part of an approved scheme of remediation, the development hereby approved must not commence until conditions 1 to 5 have been complied with:

1. As proposed by Georisk Management report no:23011/1 (January 2023) a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.

2. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with the Environment Agency's "Land Contamination: Risk Management" guidance.

3. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

4. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

5. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17. The development hereby approved shall not be brought into use until the vehicular access has been provided as shown on the Rappor Drawing No. 230133-RAP-XX-XX-DR-TP-3202/P01.

Reason: To ensure conformity with submitted details.

18. Development shall not begin until visibility splays are provided from a vertical point 1.05m above carriageway level at the centre of the application main site access and 2.4m back from the near side edge of the adjoining carriageway, (measured perpendicularly), for 89.4m northwards and 90.5m southwards, respectively, measured along the nearside edge of the adjoining carriageway (vertical off set of 0.6m). Nothing shall be planted, erected and/or allowed to grow on the triangular areas of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

19. The development hereby approved shall not be brought into use until sheltered and secure cycle parking to comply with the Council's adopted cycle parking standards has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council's parking standards.

20. The development hereby approved shall not be brought into use until electric vehicle charging facilities have been provided in accordance with a specification which shall be submitted to and approved by the Local Planning.

Reason: To encourage sustainable travel and healthy communities.

21. The development hereby approved shall not be occupied until a Travel Plan has been submitted in accordance with the County Council guidelines that promotes sustainable forms of access to the development site and has been approved in writing by the Local Planning Authority. This plan will thereafter be implemented, monitored for a minimum of 5 years and shall be updated in agreement with Worcestershire County Council's Travel Plan Officer and thereafter implemented as updated.

Reason: To reduce vehicle movements and promote sustainable access.

22. The development hereby approved shall not be occupied until a residential Travel Welcome Pack promoting sustainable forms of access to the development has been submitted to and approved in writing by the Local Planning Authority. The pack shall be provided to each resident at the point of occupation.

Reason: To reduce vehicle movements and promote sustainable access.

23. The development hereby approved shall not be brought into use until the following highway improvements works have been completed to the satisfaction of the Local Planning Authority and approved in writing and open to traffic:

- A new 3.5m footway/cycleway 'active travel corridor' on east side of Dilmore Lane from the new site access southwards to Suffolk Way.
- Relocation of existing 30mph speed limit with agreed associated road markings on

Dilmore Lane.

- Extension of existing street lighting On Dilmore Lane.
- New village gateway feature (details to be agreed) on Dilmore Lane verge.
- New cycling parking with associated hardstanding at westbound bus stop on A38 Droitwich Road, located west of Dilmore Lane.

Reason: To ensure the safe and free flow of traffic onto the highway.

24. The development hereby approved shall not commence until a Street Lighting Assessment report has been submitted to and approved in writing by the Local Planning Authority, in discussion with the Local Highway Authority. The Assessment shall consider the following:

- The need or not for additional public highway street lighting in the vicinity of the new vehicular access.
- The linking of any new public highway street lighting with adjacent lighting.
- Condition of existing adjacent public highway street lighting and any need for upgrading or replacement.
- Any proposed development lighting within the site and its justification.
- The environmental impact of any proposed street lighting, be it on the public highway or within private land.

Reason: To ensure the adequate provision of street lighting in the interests of highway safety.

25. 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 (offices, toilets etc).
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.
- A highway condition survey, timescale for re-inspections, and details of any reinstatement.

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 and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

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

26. (A) The reserved matters application shall not be determined 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.

(B) The development shall not be commenced until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraphs 194 and 205 of the National Planning Policy Framework 2012 (as amended) and SWDP 6 & 24 of the South Worcestershire Development Plan 2016.

### **INFORMATIVE NOTES**

1. Positive and Proactive Statement. In dealing with this application, the Council has worked with the applicant in the following ways:-

- seeking further information following receipt of the application;
- considering the imposition of conditions and or the completion of a s.106 legal agreement.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.