

**Planning Committee - 06/11/2014**

<b>Application Number</b>	W/14/00367/OU
<b>Site Address</b>	Land Off, Dilmore Lane, Fernhill Heath
<b>Description of Development</b>	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; earth works to facilitate surface water drainage; and all other ancillary and enabling works.

<b>Case Officer</b>	Simon Rees	<b>Applicant</b>	Taylor Wimpey UK Ltd
<b>Parish</b>	North Claines	<b>Agent</b>	Barton Willmore LAP
<b>Ward Member(s)</b>	Cllr Alan Fisher Cllr Tony Miller		
<b>Reason for Referral to Committee</b>	Major application/ departure from development plan/	<b>Expiry Date</b>	21/05/2014

<b>Key Issues</b>	<ul style="list-style-type: none"> <li>- Background and Policy Framework</li> <li>- Highway Capacity, Access and Safety Issues</li> <li>- Design Matters</li> <li>- Impact upon Residential Amenity</li> <li>- Impact upon Landscape</li> <li>- Impact upon Protected Species</li> <li>- Impact upon Drainage and Flooding</li> <li>- Impact upon Heritage Assets</li> <li>- Impact upon Public Rights of Way</li> </ul>
-------------------	--

	<ul style="list-style-type: none"> <li>- Affordable Housing and Planning Obligations</li> <li>- Other Matters</li> <li>- Planning Balance and Conclusion</li> </ul>
<b>Recommendation</b>	Approve - subject to the completion of a legal agreement

This application has been brought back to committee as the highway works proposed along Dilmore Lane (as set out on drawing no. 20051\_03\_013 (TA Appendix M)) have been amended in light of land ownership matters.

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

This is an outline application for up to 120 dwellings (40% affordable) with means of site access from Dilmore Lane and the formation of emergency access onto Firlands Close. The proposal also includes open spaces (including children's play); attenuation features; pumping station and a diverted public right of way. Matters relating to layout, scale, appearance and landscape have been reserved for future approval with access submitted for consideration.

The application proposes a new junction on Dilmore Lane to facilitate access into the site. In addition, the scheme involves localised widening and provision of a footpath to Dilmore Lane. Pedestrian connectivity is proposed from the site to Rossendale Close and via the existing right of way, which runs past Upper Tappenhall House.

The application site is 6.84ha and is located to the north west of Fernhill Heath. Dilmore Lane passes through the western edge of the site and provides access into the proposed development. To the south and east of the site are the side and rear property boundaries of existing dwellings on Shrawley Road, Northfield Close, Broadfield Crescent, Perrycroft Close, Station Road, Rossendale Close and Chestnut Close.

The northern boundary of the site is defined in part by existing field boundaries, and in part by open agricultural fields. The site also adjoins the Grade II Listed Building Upper Tappenhall House.

The site is comprised of a number of existing agricultural fields. The agricultural fields are divided by mature hedgerows with trees, and field drains / watercourses through the site. The topography varies across the site but generally falls away from the existing dwellings along the southern and eastern boundaries towards the field drain / watercourse in the middle of the site and the northern boundary.

The applicants have submitted the following documents as part of the proposal

- 
- Planning Statement
- Transport Assessment and Travel Plan
- Design and Access Statement

- Arboricultural Survey
- Flood Risk Assessment and Drainage Strategy
- Water Management Statement
- Archaeological Survey and Archaeological Evaluation
- Landscape and Visual Appraisal
- Ecological Walkover Survey (including Reptile, Bat and Badger Survey)
- Energy Statement
- Heritage Statement
- Community Involvement Statement

This application is brought to committee by reason of it being a major development. The proposal is also a departure from the Local Plan and has been advertised as such. The proposal was subject to a site visit at the May committee.

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

### **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 Wychavon District Local Plan 2006 and the Waste Core Strategy for Worcestershire - Adopted Waste Local Plan 2012-2027. This follows the revocation of the West Midlands Regional Spatial Strategy and saved Worcestershire Structure Plan policies on 20 May 2013.

### **Wychavon District Local Plan (WDLP)**

On 29 May 2009 the Secretary of State wrote to confirm that various policies in Wychavon District Local Plan were 'saved' under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004. The following saved policies are relevant to this application:

- GD1 (Location Strategy)
- GD2 (General Development Control)
- GD3 (Planning Obligations)
- COM1 (Mix of Dwelling Types)
- COM2 (Affordable Housing)
- COM12 (Provision of Public Open Space)
- ENV1 (Landscape Character)
- ENV6 (Protected Species)
- ENV7 (Protection of wider Biodiversity)

ENV8 (Protection of Hedgerows, Trees and Woodlands)  
ENV14 (Settings of Listed Buildings)  
ENV18 (Development in Areas of Low and Medium Flood Risk)  
ENV19 (Surface Water Run Off)  
ENV22 (Contaminated and Unstable Land)  
RES4 (Conserving Water Resources)  
SR5 (Minimising Car Dependency)  
SUR1 (Built Design)  
SUR2 (Landscape Design)  
SUR3 (Parking Provision)

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)  
WCS2 (Enabling equivalent self-sufficiency)  
WCS3 (Re-use and recycle)  
WCS11 (Sustainable design and operation of facilities)  
WCS17 (Making provision for waste in new development)

**Government Policy**

National Planning Policy Framework 2012  
Planning Practice Guidance 2014  
Town and Country Planning (Environmental Impact Assessment) Regulations 2011

**Other Material Planning Considerations**

Affordable Housing SPG 2002  
Developer Contributions towards Service Infrastructure SPG 2003  
Developer Contributions for Education Facilities SPG 2007  
Reuse of Buildings SPD 2007  
Planning and Wildlife SPD 2008  
Water Management SPD 2009  
Water Cycle Strategy 2010  
Residential Design Guide SPD 2010  
Worcestershire Local Transport Plan 3 - Highways Design Guide 2011  
Strategic Housing Land Availability Assessment 2011  
Worcestershire Strategic Housing Market Assessment 2012

South Worcestershire Development Plan (SWDP)

Wychavon, in partnership with Worcester City and Malvern Hills District Councils, submitted a replacement local plan, the SWDP, to the Secretary of

State in May 2013. The examination of the SWDP commenced in October 2013. The relevant policies are:

SWDP1 (Overarching Sustainable Development Principles)  
SWDP2 (Development Strategy and Settlement Hierarchy)  
SWDP3 (Employment, Housing and Retail Provision Requirement and Delivery)  
SWDP4 (Moving Around South Worcestershire)  
SWDP5 (Green Infrastructure)  
SWDP6 (Historic Environment)  
SWDP7 (Infrastructure)  
SWDP1 (Effective Use of Land)  
SWDP14 (Housing Mix)  
SWDP15 (Meeting Affordable Housing Needs)  
SWDP20 (Housing to Meet the Needs of Older People)  
SWDP21 (Design)  
SWDP22 (Biodiversity and Geodiversity)  
SWDP24 (Management of the Historic Environment)  
SWDP25 (Landscape Character)  
SWDP27 (Renewable and Low Carbon Energy)  
SWDP28 (Management of Flood Risk)  
SWDP29 (Sustainable Drainage Systems)  
SWDP30 (Water Resources, Efficiency and Treatment)  
SWDP31 (Pollution and Land Instability)  
SWDP33 (Waste)  
SWDP39 (Provision for Outdoor Community Uses in New Development)  
SWDP60 (Category 2 Village Allocations)  
SWDP62 (Implementation)

### **Relevant Legislation**

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 Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)  
The Conservation of Habitats and Species Regulations 2010  
Community Infrastructure Levy Regulations 2010 (as amended)  
Equality Act 2010  
Flood and Water Management Act 2010  
Localism Act 2011  
Growth and Infrastructure Act 2013

## **Local Information**

No Parish Plans or Village Statement. However, North Claines are currently drafting a Neighbourhood Plan (consultation event carried out in May 2014), which will be going out for initial formal public consultation in due course (though no formal date determined).

### **3. RELEVANT PLANNING HISTORY**

None.

#### Pre-application Engagement

PA/13/02282/AD - Written correspondences and meetings help with officers.

#### Public Consultation

Statement of Community Engagement submitted as part of the application sets this out.

### **4. CONSULTATION RESPONSES**

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

Objections:

- size and scale of development disproportionate for Category 2 village;
- unsustainable development;
- insufficient services and facilities to support the development;
- urbanisation of greenfield land;
- access is not sufficient or safe for the proposed development;
- impact upon the surrounding highway network;
- currently preparing a neighbourhood plan;
- not identified in the SWDP;
- site is contaminated;
- no major infrastructure proposed as part of the application.

#### **Hindlip, Martin Hussingtree and Salwarpe Parish Council:**

The Parish Council objects to the proposed formation of an emergency access off Station Road onto Firlands Close to gain entry into the development site.

#### **Council's Engineers:**

It has been noted this site is an allocated site within the emerging South Worcestershire Development Plan.

The site is situated within Flood Zone 1. The Strategic Flood Risk Assessment and Environment Agency surface water flooding maps identify an area of flooding along the existing ditch running, from the western boundary with

Dilmore Lane towards the northern boundary. However, the majority of the site appears to be identified as at very low risk of surface water flooding.

From our historical data, there are no known flooding issues with this site. The highway appears to flood where the ditch crosses underneath Dilmore Lane.

It would appear that Severn Trent Water have surface water sewers discharging to the ditches within the site. The Flood Risk Assessment suggests no modelling has been undertaken with regards to the discharge of these sewers and the capacity of the ditches.

It is understood that ground conditions are not suitable for infiltration methods of surface water disposal. Therefore the proposed means of surface water disposal will be to drain the site to 2 different attenuation ponds. Each pond will be suitably sized to attenuate the 1 in 100yr (+30% for climate change) rainfall event. The ponds will discharge to the adjacent ditch at a restricted rate.

The Water Management Statement confirms permeable paving where possible with swales will lead to the attenuation ponds. However, there are no details regarding the harvesting and reuse of rain water.

#### Further comments

The additional details provided on the surface water sewers and the information contained in the Design & Access Statement with regards to the reuse of water are acceptable.

#### **Severn Trent Water:**

No objection subject to a foul drainage condition.

#### **Worcestershire Regulatory Services (Environmental Health):**

It is not considered necessary that a noise assessment is required. This is because there does not appear to be any major roads, rail networks or mixed use development in close proximity or proposed.

If mindful to approve this application, please draw the applicant's attention to the attached guidance. A construction management plan to include how dust, noise and possible vibration should be controlled should be submitted for approval prior to commencement of any development work.

#### **Community Development Manager:**

In terms of the built sport facilities requirements I would highlight the standard guidance from Sport England in applying their Sports Facilities calculator. Based on the comments from Sport England, I recommend that the off-site contribution of between £91,954 and £129,754 (dependant on occupancy figures) would be appropriate in this instance to be used towards Droitwich Leisure Centre.

POS formal sports provision is covered in the Supplementary Planning Guidance (SPG) for "Developer contributions towards service infrastructure," Wychavon District Council, 2003. This highlights minimum requirements for each of the 3 categories of public open space (POS) - Casual/General, Children's Play, Outdoor Sports.

I note from the submitted proposals that there is no 'on-site' formal sports provision and as such the table in the SPG showing the level off-site contributions is applicable. In this case it would be between £81,600 and £204,000 (dependant on occupancy figures) to go towards improvements to King George V Playing Fields, Droitwich.

### **Worcestershire County Council:**

#### Education

First / Primary School:

- Claines CE Primary
- Hindlip CE First

Middle School / Secondary School:

- Tudor Grange Academy

Contribution Per Dwelling

Assuming development of 101+ dwellings

1-bed dwellings of any type £0  
2-bed houses £4409  
3-bed houses £4409  
4+ bed houses £6614  
2+ bed Flats / Apartments £1764  
Affordable Housing £0

#### Flood Risk Assessment

The note at paragraph 4.1 states that "the Environment Agency flood maps give guidance on fluvial flood risk only for watercourses with a catchment of greater than 3km<sup>2</sup>. Other information sources should be consulted for flood risk posed by ordinary watercourses with catchments less than 3km<sup>2</sup>."

The absence of modelling of the associated ordinary watercourses may mean it is premature to assume that the site is at low risk of pluvial flooding. This would appear to be supported by evidence of the 'emerging' Worcestershire SWMP which would indicate flows across the site and is in turn supported by the Environment Agencies Updated Flood Map for Surface Water (UFMfSW) published in December 2013 and available on the their website.



This mapping would appear to support the local anecdotal evidence, which indicates localised flooding within the site and historic surface water flooding on Dilmore Lane. Surface water flooding could have implications for access to the site and also for flows within the existing drainage ditches.

We are unclear at this stage as to how flows from Dilmore Lane and surface water flows from STW outfalls have been taken into account in the modelling and drainage design and how this will affect peak flows within the watercourse.

Paragraph 5.7 identifies the presence of surface water overland flow routes through the western side of the site from southeast to northeast, and through the eastern side of the site from southwest to northwest. SuDS features should be located within these overland flow routes and as part of the green infrastructure and open space within the site.

### Foul Water

Paragraph 6 of the executive summary states that "recent discussions with STW indicate that improvement works completed at the Fernhill Heath Pumping Station have resulted in capacity being made available within the network."

It then goes on to state that "STW are currently undertaking further investigative works to confirm this situation and a written response is expected shortly. Once available this will be submitted as an addendum to this document."

This information would appear to be contradictory to the correspondence with STW in appendix D where colleagues have raised concerns at the impact of 120 homes on the potential receiving sewerage system as there are indications of surcharging and flooding, at low return periods, in nearby and downstream foul sewers. Concern is also raised as to the performance of a combined sewer overflow in Station Road and therefore recommends that detailed modelling work is undertaken.

We would welcome clarification from STW and the applicants on the capacity of the receiving system and the phasing of any mitigation works that may be required.

### Ordinary Watercourse consenting

The proposals include the culverting of an existing drainage ditch and outfalls into the same ditch. We would advise the applicants to enter into dialogue with the LLFA and SWLDP on any works affecting ordinary watercourses for this proposal.

## Sustainable Drainage Systems

In principle we welcome the inclusion of SuDS as part of a multi functional approach to surface water management and their potential inclusion within the green infrastructure corridor/open space.

SuDS features should be located with overland flow routes and as part of the green infrastructure and open space within the site. Future detailed design should ensure that these features will not be subject to future inundation from the watercourse and that sufficient easements are provided, a minimum 8m should be provided to both the watercourse and SuDS features.

We would welcome the inclusion of surface level SuDS features that maximise opportunities for habitat connectivity (both within and beyond the site) and biodiversity gain.

We would welcome the inclusion of detailed design and an accompanying maintenance plan that considers the relationship and connectivity with surrounding green infrastructure networks and maximises the opportunity for holistic and multi functional management of surface water.

## Worcestershire Archive & Archaeology Service

Given the level of field evaluation so far undertaken there is no evidence that this development will harm significant remains and therefore Worcestershire Archive & Archaeology Service have no objection to the outline application.

Recommend that as a condition of outline consent a further programme of limited archaeological work will be required to assess and identify any such remains.

## Public Rights of Way

The development as currently proposed and illustrated on the Application Masterplan directly affects one public right of way (PROW - Footpath NC-511), which passes generally east-west through the development site.

It is understood from the Design and Access Statement that it is proposed to maintain much of this footpath in its existing position, so as to access areas of land to be designated public open space, but to divert a section - to a route to be confirmed at a later date - so that it better fits within the design of the development. Where there is a requirement to formally divert a PROW, this should be completed before any development affecting the PROW commences.

Where existing PROWs are incorporated into a development and also where new ones are proposed they should follow recommended guidance.

## Minerals and Waste

We consider provision for waste to be an essential part of the infrastructure necessary for new development to be acceptable and sustainable.

The application appears to be in general conformance with the Waste Core Strategy and the proposal would not compromise existing waste management facilities.

## Broadband

From a broadband perspective, we would expect that the developer adheres to the following that is to be included in the South Worcestershire Development Plan:

- A. Developers of new developments (residential, employment and commercial) will be expected to facilitate the provision of broadband infrastructure suitable to enable an appropriate broadband service for all occupiers of the development.
- B. Developers are required to work with a recognised network carrier to design a bespoke duct network, wherever practicable, for the development.
- C. Developers must make sure that broadband services that meet the ambition of the European Digital agenda are made available, wherever practicable, to all premises, at market prices and with a full choice of all UK service providers.
- D. In some locations outside towns and the city, in accordance with SWDP 12, an alternative appropriate solution may be acceptable
- E. Other forms of infrastructure, such as facilities supporting mobile broadband, should also be included, wherever possible and viable.

## Concluding Remarks

WCC does not object to the principle of development in this location, subject to acceptable resolution of the issues identified above

## **Worcestershire Regulatory Services (Land, Air & Water Quality):**

### Air Quality -

It has been previously stated that there are no requirements for an Air Quality Assessment for this site, that statement still stands as does the Air Quality conditions recommended by C. Poole via email dated 11/11/13 and noted by the applicants in the submitted Air and Noise Assessment documents with the application.

### Contaminated Land -

The above application has a Phase 1 Environmental Risk Assessment attached to it, recommendations are made in the Phase 1 for a Phase 2 ground investigation to include gas/groundwater monitoring wells and soils testing. These recommendations are acceptable, it is recommended that a condition is imposed for site investigations.

## **County Highways:**

Access to the site is proposed from Dilmore Lane which, from the A38 junction to the junction with Danes Green, is of varying width ranging from 4.9m to 6.25m, the majority however, being in the region of 5.0m to 5.5m. This section is considered sufficient to cater for the additional traffic generated by this development. The section from Danes Green to the site access is narrower, however, the proposal includes for a widening to a minimum of 5.5m to provide sufficient width to accommodate development traffic.

As part of the consideration into the impact of this development on the surrounding highway network, the developer carried out an assessment using the Worcester Transport Model, which is our recommendation for large developments that have an impact on traffic patterns in or adjacent to Worcester City.

The model identified key junctions adjacent to the development and on links into Worcester City that would be over capacity following development within the study period. The application includes for works to the A38/A4536 junction which mitigate the impact of this development and which provides sufficient capacity to cater for the increased demand as a result of this scheme. It should be noted however, that the proposal only caters for this development, any further significant development will require a re-assessment of this junction and possible further works.

Other junctions noted as being over capacity were the B4450 junction with Cotswold Way and the A38 Junction with Bilford Road. As these junctions are on strategic links into the city, it is considered that the contributions sought under the Worcester Transport Strategy are likely to be put towards schemes to alleviate this and other growth on these junctions. Therefore a contribution towards the Worcester Transport Strategy of £202,170.71 is required as part of this application. This sum should be secured by agreement under Section 106 of the Town and Country Planning Act.

The Developer's Transport Assessment covers improvements to Bus Infrastructure, by suggesting improvements to bus stops near to the development. The County Council's Planning and Review Officer in Passenger Transport has suggested that a sum of £30,000 is secured by Section 106 agreement

Finally, there are some anomalies within the Residential Travel Plan as submitted with the application. I am suggesting a condition in order that these matters can be resolved and agreed with our Travel Plan Co-ordinator prior to first occupation of the development.

Note to Planning Officer - We are aware a local resident believes part of the mitigation proposals associated with this development have an impact on land believed to be within his ownership. The County Council has investigated this issue and at present believe this not to be the case.

### Comments post amended widening works plan

The Highway Authority has no objection to the grant of permission to include the amendments shown on drawing 20051\_03\_13 rev D.

Further to the decision by the Planning Committee on 22 May 2014, the developer has submitted revised access drawings reflecting the actual, researched, highway boundary. The plan shows some amendments over that presented to committee, which affect the access provision, the main difference being the width of the proposed footpath to the eastern side of Dilmore Lane, which falls below the recommended width of 2m.

The plans have been considered by the County Council, and the opinions sought of the Walking/Cycling Officer and the Accident Studies Engineer.

The Walking/Cycling Officer commented: '*A pinch point over a short area of the footway is not an issue for me, as vehicle speeds should be low and visibility is good therefore, if needed, people using the path can give way to one another*'.

The Accident Studies Engineer had a similar view; '*considering the footpath is adjacent a 30 mph speed limit and is for a short length, I'm minded to think that on balance the proposal is acceptable*'.

However, this position must not be thought of as a precedent and each future site must be considered on its own merits.

### **Council's Housing Officer:**

#### Original comments

This site is outside the current settlement boundary of Fernhill Heath and almost all of the site forms part of an allocated site in the submitted SWDP for 120 new homes. The applicants are offering up to 36 new affordable homes as part of the development of up to 120 new homes in total, a contribution of 30% of the scheme. This contribution meets the adopted Local Plan Policy requirements however it falls short of the emerging SWDP Policy requirement of 40% (48 units) on a site of this size.

The evidence of need for the affordable housing is as follows:-

Strategic Housing Market Assessment (2011/12) - High needs in the District with 167 new homes needed each year, (94% rent / 6% intermediate tenure split)

Home Choice Plus information (03.09.13) - 1406 households with a preference for living in Fernhill Heath of which 336 are in significant need. More locally, there are 15 households with a local connection to the parish or to an adjacent parish with have a preference for living in Fernhill Heath.

The Affordable Housing Delivery Plan sets out the details of the affordable housing property types and tenures as follows:-

6 x one bed house / maisonette (S/R or CAR)	17%
2 x one bed bungalow (S/R or CAR)	5%
2 x two bed bungalow (S/R or CAR)	5%
17 x two bed house (12 x S/R or CAR, 5 x intermediate)	48%
9 x three bed house (7 x S/R or CAR, 2 x intermediate)	25%

S/R = Social rent

CAR = Capped Affordable Rent

Intermediate = model yet to be determined (either shared ownership or fixed equity depending on affordability and mortgage availability).

The Affordable Housing Delivery Plan also confirms that the rented homes will meet the HCA's Design & Quality Standards and Code for Sustainable Homes Level 3 as a minimum with the intermediate units meeting no lesser standard than the open market homes. They will also meet the minimum internal floor areas as set out in the Council's SPG.

The Plan clarifies that the affordable housing will be integrated within the scheme as a whole in clusters of between 12 - 15 units and will be tenure blind in terms of appearance.

The proposed property types and tenures will help to meet some of the needs in the local and wider area and therefore housing officers have no objections to the proposal.

#### Further comments

Support the principle of increasing the provision to 40% subject to tenure and mix confirmation.

#### **Ramblers Association:**

When part of this site first appeared in the draft South Worcestershire Plan as a possible site for allocation for residential development we were concern about its suitability. Our concern related to the elevated nature of the site and its high visibility from the open countryside. Eventually we took the view that the development would mask the existing residential development which occupies the ridge skyline and is so damaging to the countryside. We now note that almost the whole of the site is included within the proposed residential allocation in the draft plan. Whilst we would prefer to see any favourable determination of this application awaiting the outcome of the examination of the development plan we are aware of the difficulties faced by Wychavon District Council in respect of land availability and so are not opposed to this development in principle.

We are pleased to note that the developers envisage a built edge to the proposed development which will offer a far more pleasant aspect to the open countryside than do the existing dwellings. The main elevations of dwellings at the inter face with the open countryside face north, east or west and

landscaping will soften impact when it matures. We also welcome the provision of open space to the west and north of the site as illustrated on the illustrative layout in the design and access statement and on the master plan. The provision, layout and long term maintenance of these spaces should be secured in granting planning permission as should access by walkers and the public.

The retention of the walking accesses to the site utilising Footpath NC-550 is welcomed as is the utilisation of the emergency access as a pedestrian link.

We are however, unhappy with the proposed diversion of Footpath NC-550 along the main access road footway. This will effectively deprive the village of one of its most popular off road walking routes. As things stand we consider that the application does not comply with DEFRA guidance on how to deal with public rights of way in new development and we therefore object to the application and will also object to any subsequent diversion order based on this scheme. We would however point out that we believe that our concerns can be overcome relatively easily and without major changes to the applicants scheme. We would be happy to discuss this with the applicants and yourselves if required.

**Environment Agency:**

No formal comments - Recommend that standing advice is applied.

**5. REPRESENTATIONS RECEIVED**

Objectors

410 representations originally received. 2 representations received following amended access details.

Supporters

None.

**6. Representations Made**

**In opposition**

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

- increased traffic - impact upon surrounding road network / A38;
- insufficient width in surrounding roads;
- unsuitable access;
- highway and pedestrian safety;
- lack of pedestrian footpaths;
- emergency access not suitable on to cul de sac;
- impact upon foul drainage;

- impact upon surface water drainage and flooding;
- insufficient capacity at local schools;
- no doctors surgery;
- bus service has been reduced;
- reliance on the car;
- more suitable site in the village;
- premature of the emerging SWDP - should be plan led approach;
- premature of the emerging neighbourhood plan;
- other land within ownership will be subject to further development in the future;
- more suitable sites in the village, which have great sustainability/access to infrastructure;
- loss of greenfield land;
- size and scale of the development disproportionate for Fernhill Heath (Cat 2 village)
- unsustainable growth to the village;
- urbanisation of the countryside;
- impact upon local services / facilities;
- loss of open space;
- proposal is not sustainable development;
- no improvement to local infrastructure
- cumulative impact from Kennels site - should be considered together;
- impact upon heritage assets - assessment of impact upon Upper Tappenhall House not correct;
- transport assessment does not take into account cyclists;
- what education and community facilities will be provided;
- no bus route along Station Road;
- emergency access / land ownership queries;
- control over emergency access needs addressing;
- traffic trips stated in transport statement are unrealistic;
- travel plan submitted is questionable;
- impact upon protected species;
- transport statement not adequate;
- bus stops detailed in assessments have no services;
- coalescence of Fernhill Heath with Lower Town
- does not demonstrate localism;
- impact upon existing utilities;
- nuisance generated from construction;
- light pollution;
- smell nuisance from foul drainage;
- too much affordable housing;
- impact upon landscape character

Comments post amended access plans:

- insufficient land controlled by WCC Highways to safely construct a new access road;
- why relax standards compared to other development in the village;
- highway verges do not meet highway specifications;
- footway should be kept at 2m and not be diminished;



- impact upon existing verge;
- insufficient land within the highway to provide safe access.

General observations -

- no objection to the principle of building houses;
- construction hours condition required.

## **7. OFFICER APPRAISAL**

The main considerations for this application are with regards to:

- Background and Policy Framework
- Highway Capacity, Access and Safety Issues
- Design Matters
- Impact upon Residential Amenity
- Impact upon Landscape
- Impact upon Protected Species
- Impact upon Drainage and Flooding
- Impact upon Heritage Assets
- Impact upon Public Rights of Way
- Affordable Housing and Planning Obligations
- Other Matters
- Planning Balance and Conclusion

### **Background and Policy Framework:**

Subject to the proper consideration of any other relevant statutory provisions, the determination of a planning application must be made in accordance with the development plan, unless material circumstances indicate otherwise. The development plan consists of the "saved" (Secretary of State Direction, May 2009) policies of the Wychavon District Local Plan (WDLP) and the Worcestershire Waste Core Strategy.

WDLP "saved" Policy GD1 Location Strategy for New Development sets out the development strategy for the district and the requirement that all "windfall" development should be within defined GD1 development boundaries unless another WDLP policy dictates otherwise.

Due regard has been given to the comments on GD1 in two recent recovered appeal decisions. It is very unhelpful that the degree of weight attributed to GD1 in those decisions is inconsistent. Nonetheless, the logical approach to judging whether Policy GD1 is out of date is based on the ability to demonstrate a five year housing land supply (5YHLS) in accordance with paragraph 49 of the Framework.

The council considers that it can demonstrate a robust five year housing land supply (5YHLS). Policy GD1 remains an extant policy until it is replaced. It clearly cannot be given full weight due to elements of inconsistency with the

Framework. However, Policy GD1 seeks to achieve sustainable development by directing development to the principal settlements in the District, representing sustainable locations for development. This includes seeking to reduce the need to travel, making best use of existing infrastructure and reflecting national policy looking to protect and enhance the countryside. Consequently, it is considered that it remains an appropriate development plan policy to be applied in the manner set out above and justifying refusal of unsustainable development proposed in inappropriate locations.

The application site lies adjacent the defined development boundary of Fernhill Heath but falls within the exception outlined in the report agreed by the Planning Committee on 17 July 2014. The application is therefore contrary to saved Policy GD1. Other relevant policies related to the determination of the application are referred to elsewhere in this report.

The National Planning Policy Framework (the Framework) is a material consideration in the determination of planning applications. The Framework, at paragraph 14, introduces a presumption in favour of sustainable development. It advocates approving those planning proposals which accord with the development plan. Where the development plan is absent, silent or relevant policies are out-of-date (not the case for Wychavon District) then a different approach would apply i.e. grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or unless a specific Framework policy indicates otherwise. It is considered that there is a high degree of consistency between the development strategy of the WDLP and the overarching objective of the Framework which is to create sustainable development.

The South Worcestershire Development Plan (SWDP) is at an advanced stage, being at examination and is therefore also a material consideration in the determination of a planning application. In accordance with paragraph 216 of the Framework as there are unresolved objections to most SWDP policies the planning weight attributed to them must be less than that attributed to the adopted development plan policies. Notwithstanding this, the SWDP development strategy is considered to be generally consistent with the Framework as it allocates most development in locations where the greatest range of services and employment opportunities are accessible to all.

The Framework, at paragraph 47, requires local planning authorities to identify a supply of specific deliverable sites sufficient to provide a five years' worth of housing against their housing requirement. For the time being the housing requirement for Wychavon District for the period 2006-2030 is 9,950 dwellings. This figure is the one recommended by the Inspector conducting the examination in the SWDP and is set out in his 'Further Interim Conclusions' published on 31 March 2014.

Against a requirement of 9,950 dwellings this council considers it can demonstrate a robust 5YHLS. This is a significant change to the position previously reported. In essence the positive 5YHLS position means that there is no immediate imperative for windfall housing development outside development

boundaries of our towns and villages. The exceptions to this are set out in the reports to the July and October Planning Committee on the 5YHLS. From time to time there may be material reasons specific to a proposal which indicates it should be approved but the simple delivery of more market housing as the single benefit of a proposal may not in itself represent a justification for approval given that a 5 YHLS can now be robustly demonstrated.

The Managing Director strongly recommends that the Planning Committee in their decision making takes full consideration of the need to maintain the current positive 5YHLS position over the course of the next twelve months.

### Principle of the Development

Consequently, significant weight must be given to the Framework and the need to promote sustainable development. The conformity of the proposed development to the criteria for sustainability is considered throughout this report. The report seeks to weigh all the overall benefits of the development against the harm and as part of that overall planning judgement

Fernhill Heath is classified as a Category 2 village in the SWDP (Village Facilities and Rural Transport Study December 2012), which indicates that there is good access to services; facilities and public transport. The nearest bus stop is around 450m from the application site. The bus service is also considered to cover all journey types.

Fernhill Heath benefits from a local store with post office (along the Droitwich Road), which is around 1.3km from the site. There is also a small convenience store 'Select and Save' around 350m from the site. The applicant has confirmed that a barbers shop is located next to Hindlip School on the Droitwich Road along with three pubs in close proximity to the A38.

The Design & Access Statement outlines that the 'nearest GP practice is approximately 3 km to the south of the site at Elbury Moor Medical Centre in Worcester. There are a number of dental surgeries also within 3km of the site including the Warndon Clinic Dental Suite and the Northwick Manor Dental Practice in the Bevere area of Worcester'.

In terms of education facilities, there are 4 relatively local schools. Hindlip Church of England (CofE) First School is located in Fernhill Heath on the Droitwich Road and offers education for mixed classes aged between 5 and 9 years. Claines CofE Primary School is located just over 1200m (direct line distance) to the west of the site on School Bank. The River School, Worcester is located within 1200m to the south of the site on the A38.

The applicant has also detailed that 'the nearest secondary schools are located in Worcester. Tudor Grange Academy is a mixed, 11- 18 years, comprehensive school with a capacity to serve 1100 students, including a sixth form of 200 students'.

In a wider context, the applicants have set out that the retail core of Worcester City is approximately 5.4km from the site and offers a wide range of higher order retail and service facilities. To the north of the site is the town of Droitwich Spa (approximately 5.7km) and this too offers a wide range of higher order retail and service facilities.

Fernhill Heath is recognised as a sustainable location in the district and it is considered that the village is capable of accommodating the scale of the proposed housing development. The proposal is also an allocated site in the emerging plan (Ref. SWDP60/16) for 120 units.

Drawing together the above, it is considered that the principle for new residential development in this location is acceptable subject to the details.

### **Highway Capacity; Access and Safety Issues:**

The applicants have submitted a Transport Assessment (TA) and Travel Plan as part of the application.

There have been substantial objections raised on the impact of the development upon the surrounding highway network by the Parish Council and third parties.

As detailed above, the access to the site is via the construction of a new access road, which will comprise a new priority T-junction on Dilmore Lane. Dilmore Lane north of Danes Green is proposed to be realigned and widened to a minimum width of 5.5m. A new footway is proposed on the eastern side to facilitate pedestrian access from the site to the existing facilities and amenities within Fernhill Heath.

Members will recall that the previous resolution for granting permission was dependent upon highway works being carried out in accordance with the access plan (drawing no. 20051\_03\_013 (TA Appendix M)).

By reason of detailed discussions over the land ownership / highway boundaries, Worcestershire County Highways confirmed that an amendment to the highway boundary was required and that this is reflected in the proposed access plans.

Whilst this amendment has been undertaken, the proposed width of the carriageway remains at a width of 5.5m. The only difference is the reduction in the proposed footway. For the most part, the proposed footway will be 2m wide, but in certain locations it will narrow to approximately 1.4m (from 1.8m previously designed) due to availability of highway land. The new footway will extend from the existing footway provision (opposite the junction with Danes Green) up to the proposed site access where it will continue along the access road into the site.

Worcestershire County Highways have raised no objections to these amendments with both the 'Walking/Cycling Officer' and 'Accidents Studies

Engineer' concluding that on balance the proposed access to the site is acceptable in terms of highway and pedestrian safety.

Visibility splays of 2.4m x 120m have been provided in accordance with the observed 85th percentile speeds along Dilmore Lane. The access road will have a width of 6.1m with 2 x 2m footways on either side of the access road. An emergency access at a width of 4m will be provided onto Firlands Close to the east of the site which will also provide pedestrian and cycle access.

The submitted TA details that:

*'Capacity assessments have been undertaken at 8 off-site junctions in order to determine the impact the development has in these locations. Traffic counts were undertaken in 2011 and assessments have been undertaken at a current year of 2014, future base year of 2021 "without development" and "with development" flows and a future year of 2031 "without development" and "with development" flows. Assessments have been undertaken at the following off-site junctions:*

- Junction 1 - A38 Droitwich Road/Dilmore Lane
- Junction 2 - A38 Droitwich Road/Station Road
- Junction 3 - A38 Droitwich Road/ A4536 Hurst Lane
- Junction 4 - Dilmore Lane/Dilmore Avenue
- Junction 5 - Dilmore Lane/Dane's Green
- Junction 6 - A38 Droitwich Road/Hindlip Lane
- Junction 7 - A38 Droitwich Road/Coombs Road/Bilford Road
- Junction 8 - A4356 Blackpole Road/Cotswold Way'.

The TA also confirmed that:

*'The results of the capacity assessments demonstrate that impact of the proposed development on the local highway network is minimal at the junctions assessed. Junctions 1, 2, 4 and 5 all operate within capacity during all scenarios considered. Junctions 6 - 8 do not operate within capacity during all scenarios, although this was the case before any proposed development traffic was included. Therefore the addition of this development will have minimal detrimental effect on these junctions'.*

*Notwithstanding this, the TA has identified that 'Junction 3 operates over capacity during the base year and junction improvements are proposed as part of this report and at the request of the Highway Authority'.*

The TA also outlines that:

*'An assessment of Personal Injury Accident (PIA) data has been undertaken for the surrounding area including the assessed junctions and link roads. A total of 57 accidents have been recorded over a five year period with 1 fatality and 3 serious accidents. No accident patterns or clustering of incidents were identified and therefore no further investigation is required'.*

The TA identified a number of mitigation measures such as:

*- A Travel Plan has been produced to reduce dependency on the car by encouraging increased use of sustainable transport modes including walking, cycling and public transport.*

*- A new footway along Dilmore Lane to facilitate access from the site to the local amenities and facilities within Fernhill Heath.*

*- An uncontrolled crossing on the A38 to facilitate pedestrian access to/from the bus stops on the southern side of the A38 (Worcester bound services).*

*- Signalised pedestrian crossing of Hurst Lane implemented as part of wider junction improvement scheme.*

*- The closest pair of bus stops will be upgraded with raised kerbs, timetable information and flags where feasible.*

### Officers assessment

The Highway Authority have raised no objections to the proposal subject to conditions and planning obligations. It is also considered that the amended widening works (which are confirmed are now within the highway boundary) along Dilmore Lane and the access to the site are acceptable.

The TA carried out adequately demonstrates the impact of the proposed scheme upon the surrounding network in its current form. However, any further developments in the village would need further analysis.

The mitigation works proposed at the A38/A4536 junction are considered acceptable. The WTS contribution is likely to be used to carry out potential highway infrastructure improvements at the B4450 junction with Cotswold Way and the A38 Junction with Bilford Road, which is currently over capacity. A further contribution is also sought to make improvements to the nearest bus stop.

Subject to the mitigation options and conditions (including a revised Travel Plan), it is considered that the proposal would not have an adverse impact upon highway matters. The surrounding highway network is considered sufficient to accommodate the additional development without significant harm to the capacity of the roads / junctions. The proposal is also considered acceptable with regards to its impact upon highway and pedestrian safety.

### **Design Matters:**

Housing Mix -

The indicative mix for market dwellings is suggested as:

1-2 bed - 18%

3 bed - 39%

4 bed - 30%

5 bed - 13%

Data on demographic trends (found in the Worcestershire Strategic Housing Market Assessment (SHMA)), indicate a growing demand for smaller units in the district, including smaller general market units.

Whilst the overall market mix of the development would not accord with the council's Housing Mix Position Statement, Officers do not raise significant concerns on housing mix (including the affordable housing provision) given the above.

### Amount of Development

This proposal is for up to 120 dwellings on a net development area of 3.72ha represents a housing density of around 32dph. This is considered to be appropriate given the site's location on the edge of the village and the need to avoid constraints (such as heritage assets and surface water flooding) on the site. 2.51ha (37% Green Infrastructure) will provide open space; landscape buffers to retained and new planting features; natural green space and ecological mitigation areas; surface water attenuation features; and children's play facilities.

The amount of development proposed is acceptable, bearing in mind existing/emerging planning policies, the context and the location of the site.

### Design and layout

Saved WDLP's (GD2, SUR1) and SWDP21 require high design quality and development that integrates effectively with its surroundings. These policies are consistent with section 7 of the Framework and the provisions of the PPG that emphasise the importance the government attaches to the design of the built environment.

As part of the Design & Access Statement, the applicants have set out a number design principles. They include:

Scale and building heights:

- *As identified in the character study, storey heights in and around Fernhill Heath and particularly in the adjacent streets, are predominantly two storeys with occasional clusters of single storey bungalows and occasional 2 1/2 storey dwellings (rooms within the roof space) in the contemporary developments.*
- *The proposal will therefore be predominantly two storey with varying roof heights as well as occasional 2 1/2 storey dwellings.*

Landscape and Ecology Principles:

- *Retain, manage and enhance existing green and blue infrastructure network, including hedgerows, trees, ditches and ponds.*
- *Create additional Green Infrastructure (GI) connections which link to the existing GI network within the site and the wider countryside.*
- *Undertake landscape and ecological enhancements to provide an important*

wildlife resource and a strong landscape framework for the development area.

- Undertake significant areas of new native planting of tree, shrub, wildflower and aquatic vegetation.

#### Layout and Appearance Principles:

- *Urban Form* - illustrating development block areas (which are considered appropriate for this location), density variation and key design elements, informing layout and appearance approaches.
- *Block Principles* - identifies the key design principles (i.e. distance from neighbouring properties and garden depths) of each block type and parking typologies appropriate to the site.
- *Space Typology* - setting broad design principles for each street space within the development confirming the hierarchy of movement (in terms of vehicular and pedestrian routes).
- *Appearance Strategy* - setting architectural principles for the built form within the site (e.g. multi-tonal red brick; occasional render on key details of the elevation; contrasting lintels and cills to doors and windows, amongst others).

#### Access and Movement Principles:

- To integrate the development with the existing communities.
- To provide good quality pedestrian and cycling connections to existing networks giving access to local facilities.
- To priorities movement within the development for pedestrians and cyclists and to facilitate access to local public transport services.
- To accommodate car movements at a local level whilst minimising the dominance and influence of car parking on the urban form.

#### Community Safety:

- Includes principles relating to access and movement; structure; surveillance; ownership; physical protection; activity and management and maintenance.

#### Building Design and Renewable Energy:

- Maximising energy efficiency - through water efficiency measures; a waste management plan and layout principles.
- Meeting residual energy needs from renewable's where feasible.

#### Officers assessment

Being in outline form, the application provides limited information on the design details. However, the Design and Access Statement is comprehensive and includes principles and design parameters that show an appreciation of the local development context as well as the constraints of the site.

The Design and Access Statement is generally acceptable, addressing all the issues and constraints affecting the site.



Subject to compliance with the Design and Access Statement, a high quality design development can be achieved on the site.

### **Impact upon Residential Amenity:**

The closest residential properties to the site lie off Chestnut Close; Rossendale Close; Pennycroft Close; Broadfield Crescent; Northfield Close and Dilmore Lane.

As appearance, scale and layout have been reserved for future approval, it is difficult to make a comprehensive assessment as to whether the proposal would preserve residential amenity for adjoining properties and the occupiers of the site.

Notwithstanding this, it is considered that the proposed layout for this development can be successfully designed without significant harm in terms of privacy and overshadowing.

Based on the principles of the Design & Access Statement, it is also considered that the proposal can provide a layout, which ensures that all future occupiers amenities are preserved.

### **Impact upon Landscape:**

The applicants have submitted a Landscape and Visual Appraisal as part of the application. The document sets out the following -

*- The site is not covered by any statutory or non statutory designations for landscape character or quality and is generally of moderate landscape quality, comprising arable land and pasture on the urban fringe of Fernhill Heath.*

*- The site is well related to existing development which adjoins the site to the south and the east. The vast majority of existing vegetation within the site is capable of retention and there are opportunities to provide additional areas of new native planting and areas of open space.*

*- Development can be accommodated without material harm to the setting of the listed buildings around the site due to the location of public open space north of Upper Tappenhall Farmhouse and new woodland, tree and hedgerow planting at the boundaries of the site.*

### **Officers assessment**

Officers note the site is situated within the Landscape Type (LT) Settled Farmlands with Pastoral Land Use as identified within the County Landscape Character Assessment (LCA). The Key Characteristics of this LT include 'pastoral land use' and a 'small scale landscape defined by prominent pattern of hedged fields', with 'tree cover pattern of scattered trees along hedgerows and watercourses rather than woodland'. The Landscape Guidelines for this LT include 'maintain overall pastoral land use', 'conserve and enhance the pattern of hedgerows' and 'conserve hedgerow tree populations and promote new hedgerow tree planting.'

The site is also within the more localised Landscape Description Unit (LDU) Martin Hussingtree Settled Farmlands with Pastoral Land Use which identifies a condition including 'widespread moderate impact of new dwellings and gentrification' and 'localised impact of urban development and associated land uses.'

Although the proposed development is contrary to the identified LT (as, indeed, any development would be within or on the edge of the village), the more localised LDU description is typical of this area with the existing built form to the edge of the village impacting significantly on the localised landscape character.

It is considered that a sensitively designed development can provide an opportunity to enhance the current situation by providing a softer edge to the village and a more gradual transition from urban to rural land use, by the provision of linear planting to the periphery of the site.

Existing landscape features within the site, including hedgerows, trees and watercourses, are retained within the scheme, except for losses as a result of the proposed access. Compensatory planting may be provided within the scheme and to the periphery and within the public open space which subdivides the site.

In terms of visual impact, the site is considered visible in local and middle-distant views (from properties adjacent and some in Lower Town and Kennels Lane, public footpaths across site and south of Lower Town, and the highway to the west). However, the site is fairly well contained in the wider landscape due to a combination of local topography, existing built form and vegetation.

The existing hard edge to the village is also visible in these views, partly on the skyline, and the proposed development would be viewed below the skyline and against this backdrop. The proposed peripheral planting will, as it matures, help to reduce the adverse visual impact of the development when viewed from outside the site to the north and west and filter views from the east and south from adjacent properties.

The enjoyment of views to the north/west from the public footpath which runs through the site will be reduced as a result of the proposals.

However, on balance, it is considered that there are no strong landscape objections to development, which warrant a refusal of this application in this case. A condition is recommended to ensure that a sensitive landscape scheme is provided as part of the reserved matters application.

#### **Impact upon Protected Species:**

The applicants have submitted an Ecological Appraisal, which concluded the following:

*- The proposed development site is not within or adjacent to any statutory or non-statutory wildlife site and no significant impacts to any such sites are anticipated as a result of development in this location.*

*- The majority of the site comprises arable, improved or semi-improved species-poor grassland fields that are not considered of ecological value beyond the site level. However, the site contains a network of well established hedgerows mostly associated with mature standard trees and wet ditches. The hedgerows are considered to be of local ecological value.*

*- Recommendations are made for the retention, protection and appropriate future management of hedgerows and associated features (ditches and mature trees) at the site.*

*- Badgers - A further badger survey check is recommended to reassess the currently modest sett activity within the application site (ideally February-March). In the event that badger setts are to be impacted a badger disturbance licence will be required.*

*- Bats - Mature trees and hedgerow / ditch networks to be retained, buffered and protected from disturbance impacts (including those relating to construction and operation (e.g. lighting) to avoid impacts to bat foraging and commuting routes. A number of trees have been assessed as holding potential for roosting bats to occur. Retention of these features has been recommended and the need for further roost assessment identified should any potential impacts to these trees be anticipated.*

*- Birds - Landscape proposals for the site should seek to retain and enhance opportunities for birds within areas of retained green open space. Protection of activity nesting birds has been highlighted in relation to any removal of potential nesting habitat.*

*- Great Crested Newts - A small breeding population is known to occur c.150m to the west at Tapenhall Farm, although no GCN has been recorded within the pond immediately adjacent to the site. It has been recommended that loss of suitable GCN terrestrial habitat be minimised as far as possible within a 250m radius of the known breeding pond and a detailed GCN Mitigation Strategy be developed in consultation with the LPA Ecologist and Natural England. It is anticipated that an EPS licence from Natural England will be required to permit development to commence.*

*- Subject to the development and implementation of a suitable GCN Mitigation and Enhancement Strategy, the development may be achieved without unacceptable impacts to protected species or local biodiversity.*

### Officers assessment

No objections are raised on the impact of the proposal with regards to potential ecological impacts.

The survey's submitted with this application are acceptable and it is considered that the concept plan largely takes into account the constraints and opportunities resulting from the survey findings. Most of the existing features of biodiversity value are retained and there is scope for enhancement to be provided.

One important matter is that there is the potential to impact on great crested newts, a European protected species, due to the proximity of a pond which supports a small breeding population of great crested newts. The alterations to create the access road and the loss of some of the terrestrial habitat within 250m of this breeding pond, will mean that a EPS license will be required.

In light of this there is a need for the council to take specific account of the Habitats Regulations and in particular the 3 tests for European Protected Species when considering the planning application. If these tests cannot be met the local planning authority should refuse the application, or risk any permission being considered unlawful.

The 3 tests are:

1) - Regulation 44(2)(e) states that licences may be granted to "preserve public health, or public safety or other imperative reason of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment"

(2) - Regulation 44(3)(a) states that a licence may not be granted unless the licensing authority is satisfied that "there is no satisfactory alternative"

(3) - Regulation 44(3)(b) states that a licence cannot be issued unless the licensing authority (DEFRA in England) is satisfied that the action proposed 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.'

With regard to the first test it is considered that the proposal would be in the public interest for social and economic reasons, for example the provision of new market and affordable housing, as well as the economic benefits in terms of additional jobs when the new home is operational and also during construction.

The proposal is an allocated site in the emerging SWDP and is required to help meet the housing needs of the district up to 2030. Therefore, the alternative of retaining the site in its current form would have a detrimental impact upon the vision and objectives of the emerging development plan.

The overall scale of the impacts on the GCN is considered low. It is also considered that the recommendations in the GCN Mitigation Strategy are satisfactory in principle to meet the third test.

A number of conditions are recommended to secure appropriate mitigation and enhancements and to ensure that the construction is carried out in an appropriate way.

Drawing together the above, it is considered that the proposal is acceptable on biodiversity grounds.

## **Impact upon Drainage and Flooding:**

The applicants have submitted a Flood Risk Assessment (FRA) and Water Management Strategy (WMS) as part of the application.

The FRA and WMS details that:

*- The flood zone maps show that the site lies within Flood Zone 1 and is not at risk of fluvial flooding in storm events up to 1 in 1000 years. This means the site is at little or no risk of flooding with an estimated annual probability of river flooding of 1 in 1000 years.*

*- The vulnerability of the development to flooding from all other sources found to pose only low risk to development subject to the implementation of the recommended mitigation measures which will provide betterment to existing flood risks in the area.*

*- It is proposed to discharge the surface water flows from the site to two attenuation ponds located to the north of the site. Attenuation within the site will store flows up to the 1 in 100 year (+30% climate change allowance) return period event and limit outflows to greenfield run off rates. It is considered the proposed surface water strategy will not increase flood risk at the site or elsewhere, and the effect of the new development will provide betterment to existing run-off rates.*

*- Infiltration testing has been completed on site and it was found ground conditions are unsuitable for the use of soakaways.*

*- The drainage for the proposed development will be designed to mimic the existing surface water run-off drainage conditions from the site by discharging to the ditch course to the north of the site. Any flow above this rate will be restricted with a flow control and attenuated sewer crossing the site.*

*- Seven Trent Water have indicated that improvement works completed at the Fernhill Heath Pumping Station have resulted in capacity being made available within the existing mains network. This would enable the proposed development to connect to the existing 25mm diameter foul sewer located within the development area via an on-site pumping station.*

*- Reducing the internal potable water consumption across the development to less than 90 litres/person/day through the use of practical, water-efficient fittings. This will improve upon the Code Level 4 target of 105 litres/person/day.*

*- Providing all homes with large water butts to reduce the amount of potable water used for external irrigation.*

### Officers assessment

The site is situated within Flood Zone 1. The Strategic Flood Risk Assessment and Environment Agency surface water flooding maps identify an area of flooding along the existing ditch running, from the western boundary with Dilmore Lane towards the northern boundary. However, the majority of the site appears to be identified as at very low risk of surface water flooding.

From historical data, there are no known flooding issues with this site, though the highway appears to flood where the ditch crosses underneath Dilmore Lane.

It is understood that ground conditions are not suitable for infiltration methods of surface water disposal. Therefore the proposed means of surface water disposal will be to drain the site to two different attenuation ponds. Each pond will be suitably sized to attenuate the 1 in 100yr (+30% for climate change) rainfall event. The ponds will discharge to the adjacent ditch at a restricted rate. The Water Management Statement also confirms permeable paving where possible with swales will lead to the attenuation ponds.

In response to the Council's Engineers query over the surface water sewers, the applicants have stated that:

*'The ditches through the development area are controlled by the 3no. surface water sewers which outfall into these ditches and therefore the flows are controlled by the pipe capacity of these sewers. The development area has been suitably offset from these ditches to ensure overland flows routes and the movement of surface water within the ditches is not impeded and this is in line with the surface water flooding maps presented by the Environment Agency. The ditches within the site area will form part of the open space and will therefore be maintained accordingly.'*

*'All surface water flows within the development area will discharge via 2 new detention basins. Discharge rates from these ponds will be controlled by suitable flow control devices and rates will be reduced to below existing Greenfield run-off rates. The submitted Flood Risk Assessment shows the proposed discharge rate will be up to 88% lower than existing greenfield run off rates in the 100 year plus 30% for climate change storm event.'*

The additional information submitted is considered acceptable.

The applicants are proposing to connect to existing mains, which is supported by the PPG. Further confirmation from Severn Trent Water on foul drainage details is expected. However, a condition is recommended to agree the final details.

Subject to conditions, the proposal is considered acceptable on drainage and flooding grounds.

### **Impact upon Heritage Assets:**

The applicants have submitted a Heritage Statement as part of the application, which sets out the impact upon the following heritage assets -

*Upper Tapenhall House - It is ensured that the open land to the north and west is retained. The proposed residential units will be set back, to the east of Upper Tapenhall. Similarly when viewed from the north and west Upper Tapenhall will continue to be seen standing in its own plot overlooking the archaeologically interesting land to its front (north). The property will continue to mark the transition from the countryside into the village. The property already has a backdrop of modern housing to the south and east, and this will be maintained.*

*The scale of the new dwellings will be determined to ensure that they do not dominate the listed building.*

*Thatch Cottage - Thatch Cottage is located close to the site but has little, if any, direct visual connection with it. In addition its immediate setting has already been compromised by the modern houses.*

*Tapenhall Farm - The farmhouse is concealed from the site by a range of buildings, fences, trees, foliage and stored machinery. Consequently although it is a building of 'Medium heritage significance' it is orientated such that the proposed development will have no effect on its setting.*

*Ridge and Furrow system and Hollow-Way - These are landscape features which have been determined to be of 'Medium historic significance' although they are not-designated. The proposals allow for the buildings to be set back from the features so that they will continue to be visible from Dilmore Lane.*

### Officers Assessment

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act") imposes a "General duty as respects listed buildings in exercise of planning functions." Subsection (1) provides:

*"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Firstly it is considered that the proposal will not have an adverse impact upon the setting of Thatch Cottage or Tapenhall Farm. The County Council Historic Environment has also raised no objections to the impact of the proposal upon the ridge and furrow.

Upper Tapenhall House is sited on a hill with some partial open views onto fields below. Therefore, the proposal will affect its setting. However, this setting has already been compromised by modern development nearby.

These proposals would contribute to eroding the last remaining portion of open setting to the listed building. However, should permission be granted, the listed farmhouse would still benefit from its generous grounds and elevated position, which would minimise the impact of the proposed development on its setting.

It is recognised that as part of any reserved matters application, the layout would need to be carefully designed. This is to ensure that an open space immediately adjacent to the listed building is created providing a 'buffer zone' between the modern dwellings and Upper Tapenhall House.

Saved Local Plan Policies GD2, SUR 1, ENV14; the emerging SWDP 24 as well as the Framework; taken together, all require that development should take

account of the importance of heritage assets and not cause material harm to them.

With regards to paragraph 134 of the Framework, it is considered that the proposal would lead to less than substantial harm to the setting of the listed building. This will need to be balanced against the public benefits of the proposal.

Saved Local Plan Policy ENV14, in particular reflects the general duty, at s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to have special regard to the setting of Listed Buildings. To emphasise that duty the Courts (Barnwell Manor judgement) have held that the presumptive desirability of preserving heritage assets and their setting must be given considerable importance and weight in the overall balance of considerations.

Drawing together the above and in particular the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposal would have an impact upon the setting of Upper Tapenhall House. This impact will be given considerable importance and weight in the overall balance (see the below section 'Planning Balance and Conclusions').

Notwithstanding this, weight is also attached to the impact from existing modern development upon the setting of this heritage asset and the mitigation proposed by the applicants for an area of open space around the listed building.

#### **Impact upon Public Rights of Way:**

There is an existing Public Right of Way (NC-511), which runs close to the southern boundary of the application site. It is proposed to be retained within the site, but will be subject to realignment as part of the reserved matters application.

The Design & Access Statement does indicate a potential diversion route, which would be along the line of the spine road and connect to Rossendale Close as the path currently does.

Worcestershire County Council have raised no objections in principle to the realignment of the right of way. Therefore, as part of the reserved matters application, further assessment on the exact position of the right of way will be undertaken.

#### **Affordable Housing and Planning Obligations:**

##### Affordable housing

The applicants are proposing a 40% provision on site. The mix is as follows:

- 6no. one bed house / maisonette (Social or Capped Affordable Rate)
- 2no. one bed bungalow (Social or Capped Affordable Rate)



- 2no. two bed bungalow (Social or Capped Affordable Rate)
- 24no. two bed house (16 x Social or Capped Affordable Rate, 8 x intermediate)
- 14no. three bed house (Social or Capped Affordable Rate, 6 x intermediate)

The Council's Housing Officer is supportive of the principle of 40% subject to confirmation of the remaining mix/tenure.

The proposal is therefore considered to meet an identified need.

### Planning Obligations

The following contributions are considered reasonable, relevant and necessary for the proposed development in accordance with the Community Infrastructure Levy (CIL) Regulations 2010 -

- Affordable housing - **40%**
- Built sport facilities - off-site contribution of between **£91,954** and **£129,754** (dependant on occupancy figures) would be appropriate in this instance to be used towards Droitwich Leisure Centre.
  - Formal sports provision - off-site contributions is applicable. In this case it would be between **£81,600** and **£204,000** (dependant on occupancy figures) to go towards improvements to King George V Playing Fields, Droitwich.
  - Cycling - Total contribution is **£40,200**.
  - Education - The total contribution is dependent upon the final mix of market dwellings as it is currently unknown what the provision of 1-2 beds units will be. Based solely on the 3 bedroom units and above, the contribution currently calculates approximately **£324,067**.
  - Recycling - A contribution is sought for recycling totalling **£4,098**.
  - Worcester Transport Strategy (WTS) - **£202,170.71**.
  - Improvements to Bus Infrastructure, by suggesting improvements to bus stops near to the development a sum of **£30,000**.

A total of 2.51ha of public open space provided on-site, including the provision of children's' equipped play area. The scheme therefore, more than meets the requirement of 0.78ha of open space on-site required by Policy COM12. Therefore, no financial obligation is required in this case.

The applicant has expressed their willingness to enter into a section 106 legal agreement. However, no such agreement has yet to be finalised. An update will be provided at the meeting on the progress of this.

### **Other Matters:**

#### Agricultural Land Quality

In 1988 the Ministry of Agriculture Fisheries and Food produced a series of land classification maps covering England and Wales. Land was classified as either grade 1 (excellent), grade 2 (very good), grade 3a (good), grade 3b (moderate), grade 4 (poor) or grade 5 (very poor).

Paragraph 112 of the Framework requires local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Best and most versatile land is classed as grade 1, 2 and 3a.

The applicant has submitted a detailed Agricultural Land Classifications (ALC) survey, which identifies that the majority of the site is Subgrade 3b due to a mixture of limiting factors including micro-relief, soil wetness, and soil droughtiness. A small proportion of the site is Subgrade 3a.

In recent appeal decisions in Shottery and Bidford-upon-Avon Inspectors have determined that the loss of grade 1, 2 and 3a agricultural land is outweighed by the need to meet an identified undersupply of housing land in accordance with paragraphs 47 and 49 of the Framework. Consequently, it is considered that the loss of grade 3a & 3b agricultural land is justified given the council's housing land supply position outlined above.

### Green Infrastructure

Emerging Policy SWDP5 (Green Infrastructure), sets out the environmental improvements in helping to achieve sustainable development.

The application site measures at 6.84ha and as set out under SWDP5 would be required to provide 40% Green Infrastructure (excluding gardens). Green Infrastructure (G.I.) offers a wide range of economic; social and environmental benefits.

By reason of the extant objections to SWDP5, which have yet to be objectively tested; it is considered that only limited weight can be attached to this policy at this stage. Notwithstanding this, the applicants are proposing approximately 37% G.I. on site, therefore, no objections are raised on this matter.

### Impact upon Public Rights of Way

Notwithstanding the comments raised by the Ramblers Association, it is considered that the diversion of the footpath can be designed without detriment to its function and users at reserved matters stage.

### **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.

### **Planning Balance and Conclusion:**

Paragraph 6 of the Framework states that the purpose of the planning system is to contribute towards the achievement of sustainable development. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through decision making (paragraph 14). It is therefore relevant in the determination of this appeal to consider whether the proposal represents sustainable development

The Government's view on what constitutes sustainable development is set out in paragraphs 18 to 219 of the Framework. In addition, paragraph 7 sets out the three dimensions to sustainable development - economic, social and environmental roles. Paragraph 8 states that these roles should not be taken in isolation, because they are mutually dependent. In light of the provisions of the Framework it is necessary to consider if and how the proposed development meets the economic, social and environmental roles:-

**economic role** - The construction of the proposed development will make a significant contribution to the economy with regards to supporting the growth of the housing market, which in turn can support employment. The proposed development will also support the numerous local businesses in Fernhill Heath. The loss of agricultural land is an economic disadvantage of the proposal, but this is minor compared to significant economic benefits of the scheme;

**social role** - the proposed development would represent a high quality built environment whilst at the same time helping to meet housing needs. The scheme also includes affordable housing. The development would be close and accessible to local services / facilities, thereby allowing easy integration with an established community. The proposed development would increase demand for a range of community facilities, however subject to the completion of appropriate planning obligations, sufficient contributions should be provided to address any harm caused by this increase in demand.

**environmental role** - the proposed development will change the appearance of the site and lead to the loss of a significant area of open land. The proposal will preserve and enhance the surrounding built environment. The impact upon the natural environment is not substantial due to mitigation measures. The scheme also includes environmental benefits including large areas of managed green infrastructure, opportunities to enhance biodiversity and a drainage strategy that aims to reduce the impact from flooding. On balance the scheme

plays a positive environmental role. The proposal will have a significant impact upon the setting of the listed building Upper Tapenhall House. This carries significant weight in the determination of the application. However, this must be seen in the context of the substantial benefits of this proposal in providing a significant level of market and affordable housing to help meet the Council's housing supply and identified shortfall in affordable housing.

Having regard to the provisions of the Framework, the proposal is considered to represent sustainable development. The proposed development is contrary to the current development plan. However, it does fall within one of the exceptions identified in the July housing supply update report. It is considered that residential development of the scale proposed in this location is acceptable in principle. Even when attributing considerable importance and weight to harm caused to the setting of the listed building, the benefits of the scheme are not significantly and demonstrably outweighed by the adverse impacts of the scheme. As such, officers recommend approval.

## **8. RECOMMENDATION**

**Approval subject to the satisfactory completion of a section 106 legal agreement for contributions relating to affordable housing; cycling; recycling; education; built sport; on site formal sports and highways infrastructure improvements.**

1. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 18 months from the date of this permission. The development hereby permitted shall be begun before the expiration of 12 months from the date of approval of the last of the reserved matters to be approved.

Reason - In accordance with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. This is to ensure that the housing is deliverable (as set out in footnote 11 of the National Planning Policy Framework) to help significantly boost the supply of housing. This is in accordance with the Provisions of the Framework.

2. Approval of the details of the layout, scale and appearance of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason - This permission is in outline only and further details of the reserved matters are required to ensure satisfactory development.

3. Any reserved matters application relating to appearance shall include details of the materials to be used in the construction of the external surfaces of any building.

Development shall be carried out in accordance with the approved details.

Reason - To ensure that the proposal is high quality design and preserves the character and appearance of the surrounding street scene. This is in accordance with Local Policy SUR1 as well as guidance contained in the Residential Design Guide SPD.

4. As part of any reserved matters application relating to layout, a plan shall be submitted indicating the positions, design, materials and type of boundary treatment to be erected.

Development shall be carried out in accordance with the approved details and be implemented prior to the occupation of the dwellings.

Reason - In order to ensure that there is an acceptable form of screening with adjacent properties. This is in accordance with saved Local Plan Policy GD2.

5. Any reserved matters application relating to the appearance and layout of the development shall include details of the facilities for the storage of refuse for all proposed dwellings. No individual dwelling shall be occupied until refuse storage facilities to serve that dwelling have been constructed in accordance with approved details. The facilities shall thereafter be retained.

Reason - To ensure the proposed dwellings have adequate refuse storage facilities. This is in accordance with the adopted Residential Design Guide SPD.

6. Notwithstanding the information submitted with the application, as part of the reserved matters for appearance and layout the following details shall be submitted and approved:

- i) details on how renewable energy measures are to be incorporated into the proposed development;
- ii) details of measures to conserve and recycle water to be incorporated into the proposed development;
- iii) details of energy efficiency measures to be incorporated into the proposed development; and
- iv) details of construction materials to be used in the proposed development with the aim of minimising the use of primary non-sustainable materials.

The approved measures shall be implemented and incorporated into the approved development in line with an implementation timetable submitted and approved prior to the commencement of development.

Reason - To ensure the prudent use of natural resources. This is in accordance with guidance set out in the adopted Residential Design Guide SPD.

7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason - To ensure the proposed development does not cause avoidable harm to any features of archaeological interest and to ensure that a proper record of the archaeology of the site is recorded.

8. 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 18.00hrs Monday to Friday and 08.00 and 13.00hrs 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. This is in accordance with saved Local Plan Policy GD2.

9. Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until Parts 1 to 5 have been complied with:

Part 1.

Where an unacceptable risk is identified 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 DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

Part 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 DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"

Part 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.

#### Part 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.

#### Part 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.

#### Part 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.

10. All existing trees and hedges on site, or branches from trees on adjacent land that overhang the site, unless indicated on the approved plan(s) to be removed, shall be retained and shall not be felled or pruned or otherwise removed without the previous written consent of the Local Planning Authority.

Temporary fencing for the protection of all retained trees/hedges on site during development shall be erected in accordance with BS 5837:2012, before any materials or machinery are brought onto site and before any demolition or development, including erection of site huts, is commenced.

This protective fencing shall be maintained on site until the completion of development, and nothing should be stored or placed, nor shall any ground levels be 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.

If any retained tree/hedge is removed, uprooted or destroyed or dies, replacement planting shall be carried out in the first available planting season of such species, sizes and numbers and in positions on site as may be specified by the Local Planning Authority.

Reason - To prevent existing trees/hedges from being damaged during construction work and to preserve the amenities of the locality. In accordance with Policy SUR2 and ENV8 of the Wychavon District Local Plan (June 2006).

11. The application for reserved matters shall include:

1. survey information of all existing trees and hedges on the application site, and branches from trees on adjacent land that overhang the site. The survey shall include for each tree/hedge:

- i) the accurate position, canopy spread and species plotted on a plan.
- ii) an assessment of its general health and stability.
- iii) an indication of any proposals for felling or pruning.
- iv) details of any proposed changes in ground level, or other works to be carried out, within the canopy spread.

2. a landscape scheme which shall include:

- i) a plan(s) showing the planting layout of proposed tree, hedge, shrub and grass areas.
- ii) a schedule of proposed planting – indicating species, size at time of planting and numbers/densities of plants.
- iii) a written specification outlining cultivation and others operations associated with plant and grass establishment.
- iv) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

Reason - To preserve and enhance the visual amenities of the area and to ensure the satisfactory development of the site - in accordance with Policies GD2, ENV1; ENV8 and SUR2 of the Wychavon District Local Plan (June 2006).

12. Development shall not begin until details of the widening to Dilmore Lane as indicated on Drawing 20051\_03\_013 Rev D have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason - To ensure the safe and free flow of traffic on the highway.

13. Development shall not begin until details of the enhanced pedestrian crossing facilities on the A38 as indicated on drawing 20051\_03\_17 (TA Appendix Q) have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.



Reason - To ensure the safe and free flow of traffic on the highway.

14. Development shall not begin until details of the improvement works to the A38/A4536 junction as indicated on drawing 20051\_03\_15 (TA Appendix R) have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason - To ensure the safe and free flow of traffic on the highway.

15. Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

16. The development shall not be occupied until the road works necessary to provide access from the nearest publicly maintained highway have been completed in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

17. Notwithstanding the details submitted, the development hereby permitted shall not be brought into use until the applicant has submitted to and have approved in writing an acceptable Travel Plan that promotes sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Councils Travel Plan Co-ordinator.

Reason - The information submitted was not sufficient and to reduce vehicle movements and promote sustainable access.

18. A Construction Environmental Management Plan shall be submitted to and approved in writing by the local planning authority prior to commencement of development. This shall include the following:-

- a. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;

- b. Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);

The measures set out in the approved Plan shall be carried out 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 protect the amenities of nearby properties during the construction of the development and to protect the natural and water environment from pollution.

19. Any reserved matters application relating to the appearance, scale, layout and landscaping of the development shall be broadly in accordance with the amended Design & Access Statement (dated February 2014) and the Master Plan (Revision B). All reserved matters applications shall include a statement providing an explanation as to how the design of the development responds to the details submitted as part of the outline application.

Reason - To ensure that the proposal represents high quality design and preserve the setting of the adjacent Listed Building. This is in accordance with Saved Local Plan Policies SUR1 and ENV14; emerging SWDP21; the provisions of the (2010) Adopted Residential Design Guide SPD and guidance contained in the National Planning Policy Framework (Chapter 7).

20. As part of any reserved matters application, details of the diverted public right of way shall be provided.

Development shall be carried out in accordance with the approved details.

Reason - To preserve the public right of way and its users.

21. As part of the reserved matters application a comprehensive surface water drainage scheme shall be submitted and approved. Details of the implementation, maintenance and management of the sustainable drainage scheme shall also be submitted to and approved as part of the reserved matters. The scheme shall be implemented (prior to the occupation of any dwellings) and thereafter managed and maintained in accordance with the approved details. Those details shall include:

1. a timetable for its implementation, and
2. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
3. details of potential overland flood flow routes during an extreme rainfall event.

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 policy ENV19 of the Wychavon District Local Plan (adopted June 2006) and the provisions of the Council's Water Management Supplementary Planning Document (October 2009).

22. Prior to commencement of development, details of barriers or other methods of restricting the use of the emergency link by unauthorised vehicles shall be submitted to and approved in writing and development shall be carried out in accordance with those details and maintained thereafter.

Reason - In the interests of highway safety.

23. No development shall take place until an Ecological Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- i) An appropriate scale plan showing 'Ecological Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
  - ii) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
  - iii) A timetable to show phasing of construction activities to avoid periods of the year when activities could be harmful, such as the bird nesting and other wildlife breeding or hibernation seasons or times at which habitats may be most sensitive.
  - iv) Persons/ contractors responsible for:
    - Compliance with legal consents relating to nature conservation;
    - Compliance with planning conditions relating to nature conservation;
    - Installation of physical protection measures during construction;
    - Implementation of sensitive working practices during construction;
    - Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
    - Provision of training and information about the importance of 'Ecological Protection Zones' to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise agreed in writing with the local planning authority.

Reason - To prevent damage to protected species and retained habitats in accordance with paragraphs 109 and 118 of the Framework.

24. No development shall take place until full details of an Ecological Mitigation and Enhancement Strategy based on up-to-date survey information is submitted to and approved in writing by the local planning authority. The details shall include:
- i) updated ecological surveys if appropriate;
  - ii) a review of the site's ecological constraints and potential;
  - iii) a description of target habitats and range of species appropriate for the site;
  - iv) extent and location of proposed works;
  - v) details of precautionary and protection measures to ensure protected species and retained habitats are not harmed during and after construction;
  - vi) appropriate strategies for creating / restoring target habitats or introducing target species;
  - vii) method statement for site preparation and establishment of target features;
  - viii) sources of habitat materials (e.g. plant stock);
  - ix) timing of the works and
  - x) monitoring.

The Ecological Mitigation and Enhancement Strategy shall be implemented in accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason - To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 109 and 118 of the Framework.

25. No development shall take place until a Nature Conservation Management Plan is submitted to and approved in writing by the local planning authority. The Plan shall include:

- i) description and evaluation of features to be managed;
- ii) ecological trends and constraints on site that may influence management;
- iii) aims and objectives of management;
- iv) appropriate management options for achieving aims and objectives;
- v) prescriptions of management actions;
- vi) preparation of work schedule, including a 5 yearly project register, an annual work plan and the means by which the plan will be rolled forward over a 25 year period;
- vii) personnel responsible for implementation of the plan; and
- viii) monitoring and remedial / contingency measures triggered by monitoring.

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

Reason - To provide a reliable process for after care and remedial measures to ensure the protection and survival of important protected and notable species and features of nature conservation importance. This is in accordance with saved Local Plan policy ENV6.

26. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No - RG01 Revision F; RG36 Revision A; RG23 Rev B;  
20051\_03\_013 Rev D; 20051\_03\_17 (TA Appendix Q) 20051\_03\_15 (TA Appendix R)

Reason - To define the permission.

## **Notes:**

### Positive and Proactive Statement

In dealing with this application, the Council has worked with the applicant in the following ways:-

- providing pre-application advice;
- seeking further information following receipt of the application;
- seeking amendments to the proposed development following receipt of the application;
- considering the imposition of conditions and 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.

This permission does not authorise the laying of private apparatus within the confines of the public highway

The applicant should apply to the Worcestershire County Council's Community and Response Unit, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 0845 607 2005), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority.

No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.

If it is the Developer's intention to request the County Council, as a Highway Authority, to adopt the proposed road works as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed road works, which shall comply with the County Council's requirements, together with all necessary drainage arrangements and run off calculations shall be submitted to Worcestershire County Council's Network Control Manager, Environmental Services Directorate, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 01905 763763). No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act, 1980, entered into.

It is not known if the proposed road works can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, the County Council, as Highway Authority, will be unable to adopt the proposed road works as public highways. The applicant is, therefore, advised to submit the engineering details referred to in this conditional approval to the Worcestershire County Council's Network Control Manager, Environmental Services Directorate, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 01905

763763), at an early date to enable surface water disposal arrangements to be assessed.

The applicants attention is drawn to the existence of an agreement made under Section 106 of the Town and Country Planning Act 1990 (as amended), and the restrictions imposed therein.

This permission does not authorise the obstruction of the existing public right of way (HT-511) in the site. The diversion of the footpath is subject to the Planning Act legislation.