

PLANNING COMMITTEE REPORT

28 March 2024

Application Number	21/02974/FUL		
Site Address	Land At (Os 8623 5933), Dilmore Lane, Fernhill Heath		
Description of Development	Development of 40 dwellings, including 40% affordable homes, and associated access, drainage and green infrastructure.		
Case Officer	Alison Young	Applicant	Tom Dillarstone William Davis Limited
Parish	North Claines	Agent	Kirstie Clifton
Ward Member(s)	Cllr N Wright Cllr D Birch		
Reason for Referral to Committee	Cllr Birch Ward Member referral on grounds of conflict with the Neighbourhood Plan (NCH2, NCT1, NCD1) and SWDP (SWDP21, 29 and 39)	Expiry Date	11 April 2022
Key Issues	<ul style="list-style-type: none"> - Principle of the development - Design - Landscape character and visual impact - Historic environment - Access and highway issues - Biodiversity - Flooding and drainage - Affordable housing - Planning obligations 		
Recommendation	Approve – subject to conditions and the signing of a s106 for contributions towards education, POS, formal and built sports provision, community transport, public bus service enhancement and to secure the required affordable housing		

1. SITE DESCRIPTION AND DETAILS OF PROPOSAL

SWDP - SWDP 5: Protect and Enhance - Distance: 0
 SWME - Surface Water: Medium 1 in 100 extent - Distance: 0
 SWLO - Surface Water: Low 1 in 1000 extent - Distance: 0
 NEWS - Paper: Droitwich Advertiser - Thursday - Distance: 0

SWDP - SWDP 32: Sand and Gravel - Distance: 0
CIL - CIL008 - Non-Urban Area - Distance: 0
CLAN - Contaminated Land - Distance: 0
TURB - Wind Turbines - Distance: 0
NEIG - Neighbourhood Plan: NPA Boundaries - Distance: 0
ODB - Outside SWDP Development Boundary - Distance: 0
SWDP - SWDP 2: Development Boundary - Distance: 0
GEN9 - PD Rights Removed may apply: W/15/02736/RM - Land Off, Dilmore Lane, Fernhill Heath - Distance: 0
SAND - Minerals:Sand & Gravel Area - Distance: 0
AQU - Minor Aquifer - Distance: 0
S106 - Section 106 Agreement - Distance: 0
SWHI - Surface Water: High 1 in 30 extent - Distance: 1.98
PROW - Public Right of Way: Type- Footpath. Path No- NC-535 C - Distance: 8.64
PROW - Public Right of Way: Type- Footpath. Path No- NC-536 C - Distance: 8.77
PROW - Public Right of Way: Type- Footpath. Path No- NC-537 C - Distance: 8.77
LISTA - Listed Buildings Affect Setting 25m Buffer: Grade II. HE Ref: 1172763. Listed Building. THATCH COTTAGE. LB/1172763 - Distance: 21.63

The application site is a green field site which is currently an agricultural field which is surrounded by mature boundary hedges. The site measures 2.2ha. The site is bounded by Dilmore Lane to the East, agricultural fields to the north and west, and by Fernhill Heath to the South.

The application proposes the construction of 40 dwellings of which 40% (16 dwellings) are affordable. The layout has been revised to address concerns raised by the urban designer, landscape officer, highways and drainage.

A single point of access is proposed from Dilmore Lane. The proposed layout includes an area of public open space including a Suds feature in the south eastern corner of the site with the estate road curving around the POS and dwellings fronting onto the road and POS. There is a mature oak tree on the site which is to be retained and located within the area of POS.

The Market housing consists of 24 units with the mix comprising 17% 2-bed, 38% 3-bed, 33% 4-bed and 12% 5-bed. The housing mix proposes 16 (40%) affordable homes, comprising 11 (69%) social rent and 5 (31%) First Homes, as marked on the Site Layout. This includes a mix of 1, 2 and 3 bed homes (including 2 bed bungalows) for social rent and 2 and 3 bed homes as First Homes.

To the south of the site are the rear boundaries of existing residential dwellings along Danes Green, which include a Grade II listed thatched cottage. There are two other Grade II listed buildings in close proximity to the site, comprising Tapenhill Farmhouse situated circa 110m to the north and Upper Tapenhall situated circa 110m to the east.

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

- Statement of Community Involvement
- Design and Access Statement
- Planning Statement
- Energy Statement

- Ecological Survey and Report
- Arboricultural Statement/Tree Survey
- Landscape and Visual Impact Assessment
- Flood Risk Assessment/ Drainage Strategy
- Heritage Statement
- Transport Assessment
- Biodiversity Impact Assessment
- Health Impact Assessment
- Landscape and Environmental Management Plan

2. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

2.1 The Development Plan

The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations."

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

South Worcestershire Development Plan (SWDP)

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

- SWDP 1: Overarching Sustainable Development Principles
- SWDP 2: Development Strategy and Settlement Hierarchy
- SWDP 4: Moving Around South Worcestershire
- SWDP5: Green Infrastructure
- SWDP 6; Historic Environment
- SWDP 7: Infrastructure
- SWDP13: Effective Use of Land
- SWDP15: Meeting Affordable Housing Needs
- SWDP20: Housing to Meet the Needs of Older People
- SWDP 14: Market Housing Mix
- SWDP 21: Design
- SWDP 22: Biodiversity and Geodiversity
- SWDP 24: Management of the Historic Environment
- SWDP 25: Landscape Character
- SWDP 26: Telecommunications and Broadband
- SWDP 27: Renewable and Low Carbon Energy
- SWDP 28: Management of Flood Risk
- SWDP 29: Sustainable Drainage Systems

SWDP 30: Water Resources, Efficiency and Treatment
SWDP 31: Pollution and Land Instability
SWDP33: Waste
SWDP39: Provision for Green Space and Outdoor Community Uses in New
Development
SWDP50: New Housing for Villages

Relevant Neighbourhood Plan

North Claines Neighbourhood Plan 2015 – 2030 adopted April 2017

NCH1A: New Residential Development
NCH1B: Site Specific Requirements for Sling Lane/Old Drive residential allocation
NCH2: New Housing Infrastructure
NCH3: Housing Mix
NCT1: Transport and Development
NCT3: Environmental Improvement Corridor
NCLE1A: Connections with the Countryside – Landscape
NCLE2: Local Heritage Assets
NCLE3: Local Heritage Area
NCLE6: Trees and Woodland and Development
NCD1: Development and Design Principles
NCD3: Sustainable Design
NCC1: Community Infrastructure
NCC3: Healthy Communities

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

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

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

2.2 Government Policy

National Planning Policy Framework
Planning Practice Guidance

2.3 Other Material Planning Considerations

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

2.4 Relevant Legislation and regulations

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

3. RELEVANT PLANNING HISTORY

There is no relevant planning history for the application site itself but the following are for a site to the east of Dilmore Road adjacent to the site:-

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

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

Pre-application Engagement

21/01041/PA. Residential development of 50 dwellings and associated public open space and infrastructure, including the provision of a new T-Junction off Dilmore Lane. Land At (OS 8623 5933),, Dilmore Lane, Fernhill Heath, . ADV. Jun 18 2021

4. CONSULTATION RESPONSES

North Claines Parish/Town Council:

The Parish Council have provided comments on several occasions during the

application process and they object on the following grounds:-

- The Parish has accommodated its share of housing – since 2006 at least 545 net additional dwellings have been approved, even taking out the allocation for Worcester the figure is 315 dwellings and further development should be considered through the plan making process
- The SWDPR seeks to define Fernhill Heath as a category 1 village but it does not have at least four key services as required
- Local schools are oversubscribed and there is no GP surgery within the village
- The site is not well connected to existing facilities via walking or other sustainable transport means. Key services such as schools, shops and pubs are over 1km from site. Contrary to SWDP4 and NCT1.
- There is no pavement on Dilmore Lane adjacent to the Danes Green junction making walking unsafe
- The site is beyond the settlement boundary and within the open countryside, development is contrary to SWDP 2
- Loss of best and most versatile (BMV) agricultural land
- NCH3 of the Neighbourhood Plan requires the submission of a local housing provision statement which has not been provided and mix doesn't meet requirements of HNS for Parish or SWDP14
- Concerns regarding additional traffic on Dilmore Lane – highway and pedestrian safety, parts of the road are narrow with no footway.
- The speed survey recorded average speed of over 30mph
- Harm to landscape character and contrary to SWDP25 and SWDP2F.
- No link with existing PROW provided.
- No renewable or low carbon energy measures – contrary to SWDP27 and NCD3
- The Conservation report states there is no link between the field and the listed cottage and therefore would not affect the heritage – maps provided show the land was associated with the cottage in the past
- Photo provided showing that the road had to be closed due to flooding, concern that future residents would not be able to access the site in times of flooding.

Worcestershire Regulatory Services – contaminated land: WRS have reviewed available records to determine any potential contaminated land issues. Based on this and a review of supporting information for the application, we have no concerns regarding the proposed development in relation to contaminated land matters.

Worcestershire Regulatory Services – Air Quality: No objection subject to conditions

County Highways Authority: Based on the analysis of the information submitted, the Highway Authority concludes that there would not be a severe impact and, therefore, there is no highway objection, subject to conditions and financial obligations (Community Transport and Public Buse Enhancement).

Worcestershire Children First:

Three things to note:

1. There has been a change to the Dwelling Tenure since the last comment which has impacted the contribution

2. The cost per pupil place has increased since the last iteration
3. We have been informed that the footpath network along Dilmore Lane, opp Danes Green, will be extended by a different developer which has in turn made Hindlip CE Primary a related school due to the nature of a potentially safe walking route. If this footpath is not completed before W21/02974/FUL begins being built out, then we will need to reassess the related schools. CHA confirm that footway is to south of site and not yet done although they think it will be.

Total Contributions Required Education Phase Contribution Required

Early Years £0

First School £287,586.00

High School £243,304.00

SEND N/A

TOTAL CONTRIBUTION £530,890.00

Urban design – recommended layout alterations have been taken into account in the revised plans.

Landscape Officer - In terms of landscape character, the site is located within the Landscape Type (LT) Settled Farmlands with Pastoral Land Use as identified in the County Landscape Character Assessment (LCA). Settlement is described for the LT as being a dispersed pattern of farmsteads and groups of wayside dwellings. The settlement of Fernhill Heath, which the site adjoins, is not typical of this identified characteristic – being a larger settlement of more sub-urban character.

Landscape Guidelines for the LT include ‘conserve and enhance the pattern of hedgerows,’ ‘maintain overall pastoral land use,’ ‘seek opportunities to conserve all remaining areas of permanent pasture’ and ‘conserve hedgerow tree populations and promote new hedgerow tree planting.’ The application site has had arable, rather than pastoral, usage over recent years – however, the boundary hedges and trees have been retained. Development on the site as proposed intends to retain the existing pattern of hedgerows and hedgerow trees with supplementary planting planned.

In terms of settlement pattern, the Landscape Guideline is to ‘retain the integrity of the dispersed pattern of settlement.’ However, the site abuts the edge of the relatively large settlement of Fernhill Heath which has a suburban character – development on the site would not introduce a cluster of built form in a setting where such settlement is not already characteristic.

The site is relatively well contained and visual impacts are relatively localised with development on the site being viewed in the context of adjoining development within Fernhill Heath.

LLFA - The design is acceptable in principle, though it is important that subsequent drainage designs incorporate the four SuDS objectives where water volume considerations reduce flood risk, water quality is restored, and biodiversity and

amenity value is enhanced. These objectives can be achieved through a SuDS design distributed around the entire site, where interception and storage are as close to the source of rainfall as possible and conveyance with treatment is above ground before entering the attenuation basin. Recommend conditions regarding detailed drainage design.

Drainage Engineer: The application site is in flood zone 1 and in an area at low risk of surface water flooding. Due to inadequate ground conditions, infiltration means of surface water disposal will not be used. As a result, surface water will be discharged to an attenuation pond with sufficient capacity to cater for an extreme rainfall event. A restricted outfall will connect to an existing STW Ltd surface water sewer in Dilmore Lane.

Housing:

The site plan shows that the following affordable housing mix is proposed:

Rented 4 x 1 bed flats, 2 x 2 bed bungalows, 2 x 2 bed houses, 3 x 3 bed houses

Intermediate ownership 2 x 2 bed houses 3 x 3 bed houses

Housing Officers are pleased to see the suggested mix of property types previously set out has now been accommodated. However, it remains unclear which rented tenure is proposed. As per the original consultation response (dated February 2022) and updated consultation responses (dated November 2022 and April 2023), Housing Officers would seek social rent for the rented tenure due to high unaffordability within the district. In terms of the Intermediate affordable ownership, Housing Officers would also like to seek clarification as to the tenure proposed.

Housing Officers have previously raised concern over the affordable units being too heavily concentrated over one section of the site. The Affordable Housing SPD (2016) sets out requirements for the avoidance of clustering and details that it is preferable for affordable units to be dispersed throughout the site to create a mixed and balanced community. It appears from the updated plan that the affordable housing units remain in the same location. The Housing Team would prefer to see the affordable housing units better dispersed throughout the site.

Notwithstanding this, affordable properties should be designed to be occupied as follows:

- All 2-bedroom dwellings designed for 4 persons
- All 3-bedroom dwellings to be designed for 5 persons
- 4-bedroom dwellings to be designed for 5, 6 and 7 persons

Housing Officers previously highlighted that the house pack document submitted as part of this application shows that not all property types comply with the above. The Kildale and Bedale property types only accommodates 3 persons and the Thirsk only accommodates 4 persons. This will need to be addressed to comply with the above. It was also previously noted that the sizes displayed on the site layout plan appear to be below the NDSS. First Homes must meet the NDSS in terms of internal sizes, therefore this will need to be addressed. Housing Officers would also like to ask if it is possible for the rented dwellings to achieve NDSS sizes too.

Conservation Officer

The site is an open agricultural field. There are three listed buildings within the area that could be impacted by the proposals. Firstly, to the north lies Tapenhall Farmhouse, secondly to the south Thatch Cottage, and thirdly, to the east Upper Tapenhall. The setting of all three listed buildings will be impacted by the development, some in a wider sense, and Thatch Cottage in particular. However, due to the extensive development in the area directly impacting on Thatch Cottage and Upper Tapenhall's direct setting much of the understanding of the original setting has been lost and this needs to be recognised. The proposal has tried to be sensitive by locating the amenity/green space next to Thatch Cottages rear garden and opposite to Upper Tapenhall will provide a small buffer to allow some understanding of the original setting to continue. On balance the harm to the setting of Thatch Cottage against the public benefit that new houses could have and the fact the landscape plans retains green open space behind the cottage, it is concluded that the application would accord with the conservation aims of policies SWDP6, SWDP21 and SWDP24 of the South Worcestershire Development Plan 2016 (SWDP). The proposal is also considered to meet the requirements of the National Planning Policy Framework including chapters 12 and 16.

Archaeology : No objection subject to a condition requiring a programme of archaeological work be undertaken.

Planning Policy: The application site lies outside of the development boundary of Fernhill Heath, however it is a proposed allocation for approx. 40 dwellings in the SWDP Review (SWDP NEW 29), although limited weight is attached at this stage.

The council does not have a 5YHLS and therefore the presumption in favour of sustainable development is engaged.

The proposal is currently not in conformity with policies SWDP14 (Housing Mix), SWDP27 (Renewable energy) and SWDP32 (Minerals) , and further assessments and technical documents may be required to ensure that these policies are met.

POS contribution:

A contribution of £27544.33 will be required

Natural Heritage Officer:

The conclusions and recommendations made in the Ecological Assessment by LSC dated January 2022 are acceptable and any further details and/or update surveys can be secured through appropriate conditions.

In terms of BNG - the baseline on the original version of the metric is acceptable and the habitats and their conditions proposed for post-development are realistic and capable of achieving a net gain both for area habitats and linear hedgerow habitats. Recommend that a final updated calculation is submitted for our records and in conjunction with an updated LEMP.

NHS Primary Care:

A contribution of £15 778 is required towards healthcare provision.

Projects and Emergency Planning:

Built sports contribution: £25,176 would be appropriate in this instance to be used towards additional sports provision at Briar Mill, Droitwich

Formal sports contribution: £76,626

5. **REPRESENTATIONS RECEIVED**

Groups and Organisations

Danes Green Residents group letter – inconsistent with policy, design concerns and highways / pedestrian safety concerns especially regarding the part of Dilmore Lane that has no footway which is yet to be resolved in respect of another housing site

Objectors

145 letters of representation have been received raising objections to the scheme.

6. **Representations Made**

In opposition

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

- Outside development boundary in SWDP and Neighbourhood Plan
- Overdevelopment in the area with recent housing development – Fernhill Heath has exceeded its quota in SWDP
- New development in the area resulting in traffic congestion on the A38 and speeding on Dilmore Lane which will be exacerbated by the further development proposed
- A further housing development of 130 dwellings is also under consideration and the cumulative impacts should be considered
- The road network cannot accommodate the additional traffic movements that will be generated
- Large lorries and farm vehicles use the lane
- Photo of accident submitted
- Highway and pedestrian safety – pedestrian safety -children walking to school, narrow footpaths
- Lack of pedestrian access to the proposed site - there is no footpath at the Danes Green and Dilmore Lane Junction. Gap in footpath still on Dilmore Lane meaning that pedestrians have to walk in the road – this should have been completed by Taylor Wimpey in connection with their development but has still not been done
- Road safety audit carried out in December and January when few pedestrians and cyclists are out on the roads

- Whilst cycle parking is proposed there are no cycle lanes in or at the entrance to the development
- Loss of good quality agricultural land – Grade 2
- No levels information
- Overlooking and loss of privacy to neighbouring properties/ loss of light, noise and disturbance to neighbouring dwellings both during construction and after
- Impact on wildlife including bats and birds/ loss of important habitat and impact on biodiversity
- Impact on footpaths
- Limited facilities/ infrastructure within the village (doctors, dentists etc)/ lack of amenities
- Limited school places and already pressure for school places and other infrastructure from other housing development
- Fernhill Heath has already accommodated significant new housing development
- Poor design
- Issues with drainage, site used for run off, site subject to regular flooding
- Field has acted as a natural soakaway and flooding will occur once it is built on with impermeable surfaces
- Design is not environmentally friendly
- Scale of houses – some three storey proposed
- The affordable housing is grouped together and separate from market housing
- Encroachment into the countryside/ loss of open green space
- Noise pollution and traffic/ air pollution
- Loss of village character from new housing developments
- Brownfield sites should be sought
- Loss of visual amenity from PROW
- Out of keeping with adjoining low density rural housing – density too high
- Impact on Listed Building – Thatch Cottage and its setting. The listed building was formerly an agricultural dwelling associated with the site
- Light pollution and wildlife impact
- Hedgerows provide important habitat and should be retained
- No energy saving measures/ renewable energy proposed
- The proposal does not include a park and pressure would be put on the park on the adjoining housing site
- Lack of sewerage infrastructure

- Landscape impact

7. **OFFICER APPRAISAL**

The following material planning issues are relevant to this application:

- Principle of the development
- Design and Amenity Impacts
- Landscape character and visual impact
- Historic Environment
- Access and highway safety
- Biodiversity and ecology
- Flooding and drainage
- Affordable housing and housing mix
- Open space and GI
- Renewable/ low carbon
- Planning obligations
- Planning balance and conclusion

7.1 **Principle of the Development**

The South Worcestershire Development Plan (SWDP) (2016) is the adopted development plan for the area. The plan comprises Policy SWDP 2 entitled 'Development Strategy and Settlement Hierarchy' which confirms the intention to ensure development is distributed appropriately across the plan area and particularly to those settlements that are considered 'sustainable'. These settlements have been assessed as such due to having a range of local services, facilities, employment opportunities and having strong transport links.

Within the South Worcestershire Development Plan, Policy SWDP 3 entitled "Employment, Housing and Retail Provision Requirement and Delivery" states that that the plan will "*plan, monitor and manage the delivery of housing, employment land and retail floorspace from 2006 to 2030*". Criterion "C" states that "*Housing provision will be made for about 28,400 dwellings (net) during the plan period, comprising the area subtotals, which are separate and non-transferable and comprise the related market housing and affordable housing provision sub-totals, as set out in Table 4b(i). The annual requirement rates in Table 4b(ii) will apply when monitoring delivery of the area sub-total targets set out in Table 4b(i), and when calculating the five year supply requirement for the purposes of Framework paragraph 47*". The policy is therefore considered to clarify the Plan's housing target for the plan period. Those figures are intended to be achieved by sites specifically allocated for development of housing as well as windfall sites that may be proposed too.

Policy NCH1A of the North Claines Neighbourhood Plan allocates a site at Sling Lane for housing which has now been developed and built out and the policy states that 'proposals for further new residential development beyond the existing development boundaries of Worcester and Fernhill Heath will be resisted unless it is demonstrated that there is not a five year supply of deliverable housing sites and that no other

policies within the NCNP and SWDP would preclude development on the site such as Green Belt, Local Green Space or locations at risk of flooding.'

Policy NCH2: New Housing and Infrastructure – states that proposals for new housing within the NPA should demonstrate they provide the appropriate infrastructure, utilities and services necessary to serve the development without causing an unacceptable adverse impact on existing provision. Where necessary, proposals may require to mitigate for its impact through the provision of phased infrastructure, utilities and services to meet the needs of the development.

The application site is located outside the development boundary for Fernhill Heath, which is designated as a Category 2 village within the South Worcestershire Development Plan. Therefore, in accordance with Policy SWDP2, the application site must be considered to lie in open countryside, defined as a 'rural area'. Policy SWDP2 (2) (C) stipulates that in the 'rural areas' and open countryside, development will be strictly controlled and will be limited to the following specific exceptions:

- i) Dwellings for rural workers;
- ii) Employment development in rural areas (in accordance with Policy SWDP12);
- iii) Rural exception sites;
- iv) Buildings for agriculture and forestry;
- v) Replacement dwellings;
- vi) House extensions;
- vii) Replacement buildings; and
- viii) Renewable energy projects.

The proposed development does not comply with any of these listed exceptions and the application site is not allocated for residential development within the South Worcestershire Development Plan or within the North Claines Neighbourhood Plan. Therefore, the proposal cannot be considered to comply with the Locational Strategy of the Development Plan and the proposal must be considered as a departure application.

It should be noted that the site is a draft allocation within the SWDPR although this carries little weight at the current time as the plan has not been through examination.

Five Year Housing Land Supply Position

At the present time, Wychavon District Council is unable to demonstrate a 5 year housing land supply. In the latest Five Year Housing Land Supply report published in December 2023, the Council calculates the current position to be that there is a 2.65 year supply.

The current position with respect to housing supply and delivery is an important factor when determining whether the South Worcestershire Development Plan policies for the locational strategy and provision of housing (i.e. SWDP2) are to be considered out of date and consequently whether Paragraph 11d of the National Planning Policy Framework (NPPF) (the so called 'tilted balance') is to be engaged in the determination of an application for housing.

In such circumstances, it is noted that Footnote 8 to Paragraph 11 of the National Planning Policy Framework (NPPF) is clear, that where a Local Planning Authority

cannot demonstrate a five year supply of deliverable housing sites, or where the Housing Delivery Test (HDT) indicates that the delivery of housing has been substantially below (less than 75% of) the housing requirement over the previous three years, policies for the provision of housing are to be considered out of date.

Subsequently in such circumstances, Paragraph 11d (the 'tilted balance') of the NPPF is engaged. Paragraph 11 states that Plans and decisions should apply a presumption in favour of sustainable development. In respect of decision making, Paragraph 11 confirms:

'where there are no longer relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission

unless:

i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

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

With the relevant footnote 8 of the Framework indicating that: *"This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply (or a four year supply, if applicable as set out in paragraph 226) of deliverable housing sites (with buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76..."*

On the basis of the above, the South Worcestershire Development Plan policies concerning the provision/supply of housing, relevant to the Wychavon District, are considered to be out of date and consequently Paragraph 11d (the 'tilted balance') is engaged in all such decision making.

Furthermore, in relation to the North Claines Neighbourhood Plan, Paragraph 14 of the NPPF has also recently been amended so that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

a) 'the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.'

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

That Wychavon District Council is presently unable to demonstrate a 5 year housing land supply weighs heavily in favour of the development and the contribution that this proposal would make towards meeting the housing shortfall of the District is afforded significant weight in the planning balance and in the determination of this planning

application.

It is also acknowledged that the proposal would provide for affordable housing need within the village of Fernhill Heath, as confirmed by the Council's Housing Team. In this regard, it is reasonable to conclude that the development offers significant social and economic benefits which weigh heavily in the planning balance and accordingly are afforded significant weight in the determination of this planning application.

Locational Sustainability

Policy SWDP 4 states that proposals must demonstrate that the layout of development will minimise demand for travel and offer genuinely sustainable travel choices. Paragraphs 109 and 114 of the NPPF state that the planning system should actively manage patterns of growth and appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location. However, it is acknowledged that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Policies SWDP1 and SWDP2 seek to direct development to locations most appropriate to the form and scale of development proposed.

The site is located immediately adjacent to the village development boundary of Fernhill Heath. In this regard, the application site can reasonably be considered to be well-related to the settlement. Fernhill Heath is currently listed as a Category 2 village in the SWDP and is proposed to be upgraded to Category 1 in the SWDP.

The proposal would include the creation of pedestrian footways alongside the access road, both of which would lead onto Dilmore Lane and the pavement network that exists and runs along much of its length. This would enable future residents of the dwellings to access the local shops, services and facilities which exist within the village. There is a gap in the footway to the south of the application site but this is required to be constructed in relation to another housing development. This section of new footway was to be delivered as part of the residential development by Taylor Wimpey, which is known as 'The Shire'. The Highway Authority has stated that land ownership issues prevented this footway being constructed but the matter has now been resolved and the remaining section of the footway is expected to be completed in due course. A continuous footway network will provide access from the development to key amenities and facilities in the village. Pedestrians may be required to cross the road during their journey, though formal and informal crossing points are available to facilitate this.

The application site is located approximately 400 metres from the nearest convenience store and bus stops and approximately 500m from the Brum play area and playing field. The nearest primary school is Claines which is approximately 1.2km from the site via roads with footways.

There are sustainable public transport options readily available from Fernhill Heath with a regular bus service linking Worcester with Droitwich and Bromsgrove.

South Worcestershire Development Plan Review

The application site does form a draft allocation for residential development within the current Development Plan Review (site ref: CFS0689). The indicative allocation for

this site would be for 40 houses (as proposed by the current application). In this regard, the current application would be consistent with the Council's current proposals for future residential development and growth within Fernhill Heath. However, the South Worcestershire Development Plan review has not yet been through examination and as such it not considered to be at an advanced stage of adoption. As such, the emerging draft policies it contains, including future site allocations, carry very limited weight at the present time and in the current determination of planning applications.

Prematurity

In terms of prematurity in determining this planning application, it is noted that Local Planning Authorities are bound to determine applications within the statutory timescales by Section 34 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. In the case of the current application, a statutory period of 13 weeks is set (in this instance as extended through formal agreement with the applicant).

It is noted that planning applications should be determined in accordance with the development plan unless there are material considerations that indicate otherwise. Although the application site would achieve greater weight and in-principle support as an allocated site were the Development Plan Review to be adopted in its current form, as no certainty can be given at this stage with regards to the adoption this local plan review, or the form it will take. It would be inappropriate and unreasonable to attach further weight to this document or to delay the determination of this application for such reasons.

This position is confirmed through Paragraph 49 of the National Planning Policy Framework (NPPF) which states, *'...in the context of this Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*

- a) *the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
- b) *the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.'*

Therefore, whilst the current status and stage of adoption of the Local Plan Review is duly noted, and whilst the policies and draft allocations it contains cannot yet be afforded more than limited weight, the current planning application can still be determined and would not be considered to be premature. Furthermore, as the current proposal is consistent with the Development Plan Review, the determination of this application would not undermine the plan-making process.

7.2 Design

Policy SWDP21, seeks to ensure that new development is of a high quality. This is in line with the Framework that states:-

- good design is a key aspect of sustainable development;
- planning decisions should aim to ensure that developments function well, establish a strong sense of place, optimise the potential of the site to accommodate development; respond to local character whilst not preventing appropriate innovation, create safe and accessible environments; and are visually attractive
- planning decisions should not attempt to impose architectural styles or tastes. However, it is proper to promote or reinforce local distinctiveness;
- planning decisions should address connections between people and places and integration of new development into the environment;
- permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy NCD1 - Development and Design Principles states that where appropriate proposals should demonstrate through a Design and Access Statement that they achieve high quality and inclusive design and integrate into the existing area in terms of landscape character, design and density by meeting the following outlined criteria; responding to and reflecting local character, making efficient use of land, appropriate scale and mass, create safe and accessible environment, take account of landscape character and biodiversity assets, provide attractive architecture/ landscaped environment and take into account the water environment.

Siting and Layout

The layout is set around a main spine road that enters the site from Dilmore Lane and which curves around the proposed area of POS which is located to the eastern side of the application site. The proposed dwellings would be sited to the north and west of the POS and fronting onto the roads and private driveways which run through the application site. The layout has been the subject of negotiation throughout the application process and has been amended in line with the comments made by the Urban Design Officer. Originally the POS at the entrance to the site was to have been split into two with the estate road running through the middle whereas the road is now proposed curving around the north and west of the POS. A footpath is proposed around the POS and Suds feature and another footpath to the north and west of the housing linking to the estate road. The layout has been amended so that the majority of houses have a back-to-back relationship with the private rear gardens linking together and to those of existing neighbouring properties.

The layout has been amended so that bungalows are proposed in locations which have the most sensitive relationships with existing neighbouring dwellings. The rear parking courts that were previously proposed adjoining the boundary have been removed from these locations. The layout now features active frontages onto the POS and roads and responds more appropriately to its context.

The site is surrounded by existing mature hedgerows which are to be retained and reinforcement planting is proposed where required. The Landscape Officer raised concerns regarding the retention of narrow strips of land around the edges of the site between the rear gardens and boundary hedge. These have been removed where possible whilst still allowing the landowner access to the hedge for maintenance and where retained these areas of land shall be gated off and appropriately managed in accordance with an approved Landscape Management Plan.

The plots to the east and north of the site front onto the POS with parking proposed to the sides and rear of the dwellings. Frontage parking is proposed to the northern side of the access road that runs through the site although some planting is proposed between some of the spaces to visually break up the parking.

Overall, the amended layout is now considered acceptable in design terms and appropriate to the context of the site and surrounding development.

Design

The individual house types proposed have been amended during the application process and a range of house types are proposed on the site. The proposed dwellings range from bungalows to two and a half storey houses with a mixture of detached, semi-detached and terraced dwellings. The proposed dwellings are of brick and tile finish and all have brick verges, canopies or porches and some form of brick detailing. The larger, market houses have brick arch or stone cill and lintel features to the windows on the front elevations and some plots have brick porches and chimneys. Whilst there is a clear distinction between the level of detailing provided on the market and the affordable housing overall the design of the individual properties is considered acceptable.

Density

Policy SWDP13 requires that housing development makes the most effective and efficient use of land with housing density designed to enhance the character and quality of the local area, commensurate with a viable scheme and infrastructure capacity. The proposal would provide 40 dwellings on a net developable area of 1.26 ha along with an area green infrastructure measuring 0.9ha. This would provide a density of development of 31 dwellings per hectare. Policy SWDP 13 states that within the villages new development should be provided at an average net density of 30dph and the proposed density is just above the 30 dwellings per hectare stated. Taking into account the character and density of the surrounding built form, this is considered acceptable.

Part H of Policy SWDP 13 concerns the development of Best and Most versatile agricultural land and requires that the submission of justification for proposals which would result in the loss of more than 2 hectares of BMV. The Applicant has submitted a survey of the site and the land is classified as Grade 2 and 3a agricultural land which is high quality agricultural land. No justification for development of this land in terms of an assessment of the use of non BMV land has been submitted and the proposals are contrary to Policy SWDP 13 in this regard. The loss of this high quality agricultural land therefore falls to be weighed against benefits associated with the development, this balancing exercise is included within the conclusion below.

Neighbouring amenity

The application site is located to the north of existing dwellings which front onto Danes Green and which have rear elevations and rear gardens adjoining the application site. These neighbouring properties are predominantly 20th century semi-detached dwellings although there are exceptions including the listed Thatch Cottage. The dwellings to the eastern and western ends of Danes Green have long rear gardens whereas some of the dwellings in between have short rear gardens. A

bungalow is proposed on Plot 40 of the application scheme along with an open area of land to the side to ensure that the dwelling on this plot would not be overbearing on the occupiers of the neighbouring dwellings to the south. The bungalow on Plot 40 and the neighbouring two storey dwelling proposed on Plot 39 would have rear elevations that face towards the side boundary of the rear garden to the neighbouring property, All Seasons, which fronts onto Danes Green. As stated Plot 40 is a bungalow and so would not result in any unacceptable overlooking of the garden to All Seasons and Plot 39 is sited 10m from the rear boundary to ensure that there is no unacceptable loss of privacy to this neighbouring dwelling. The layout has been amended during the application and is now considered acceptable with regards to impact on the amenity of neighbouring dwellings.

Amenity of future occupiers

The size, scale and layout of the new dwellings are considered to achieve acceptable standards of residential amenity for future occupiers of all dwellings proposed. Adequate separation distances are maintained between new and existing development to ensure that there is no loss of amenity due to loss of privacy, overlooking or loss of light from overshadowing. Each dwelling has access to private outside garden areas.

The layout has been considered to ensure that there is no detriment to the residential amenity of future occupiers or the occupiers of existing neighbouring properties.

In order to ensure that there is no loss of residential amenity during the construction phase, it is recommended that a Construction Environmental Management Plan is submitted for approval.

Overall it is considered that the proposed development would be unlikely to have any significant detrimental impacts upon residential amenity, would represent good quality design and would be of a scale, height and massing appropriate to the surrounding rural landscape. The proposals are therefore compliant with SWDP21 and the SPD Design Guide.

7.3 Landscape Character and Visual Impact

Policy SWDP25 requires that development proposals take into account the latest Landscape Character Assessment and are appropriate to/integrate with, the character of the landscape setting.

Policy NCLE1A of the Neighbourhood Plan requires landscape provision on the boundary of proposals within the countryside or at the edge of settlements to provide a strong and defensible buffer to enhance the interface of the development on the visual appearance of the area.

In terms of landscape character, the site is located within the Landscape Type (LT) Settled Farmlands with Pastoral Land Use as identified in the County Landscape Character Assessment (LCA). Settlement is described for the LT as being a dispersed pattern of farmsteads and groups of wayside dwellings. The settlement of Fernhill Heath, which the site adjoins, is not typical of this identified

characteristic – being a larger settlement of more sub-urban character; settlement in the surrounding landscape does, however, follow the identified pattern. The Primary Key Characteristics for the LT are ‘pastoral land use,’ ‘small-scale landscape defined by prominent pattern of hedged fields’ and ‘tree cover character of trees rather than woodland.’

Landscape Guidelines for the LT include ‘conserve and enhance the pattern of hedgerows,’ ‘maintain overall pastoral land use,’ ‘seek opportunities to conserve all remaining areas of permanent pasture’ and ‘conserve hedgerow tree populations and promote new hedgerow tree planting.’ These guidelines address the concern for the LT that a change in farming practices may result in the loss of hedgerow and hedgerow trees, the pattern of which defines the character of the LT, and the loss of pasture of significant biodiversity interest. The application site has had arable, rather than pastoral, usage over recent years – however, the boundary hedges and trees have been retained. Development on the site as proposed intends to retain the existing pattern of hedgerows and hedgerow trees with supplementary planting planned.

In terms of settlement pattern, the Landscape Guideline is to ‘retain the integrity of the dispersed pattern of settlement.’ The ‘Landscape Type Advice Sheet - Planning and Development’ for the LT advises ‘The distinctive settlement pattern of this Landscape Type - scattered farmsteads and groups of wayside dwellings - is best perpetuated by the avoidance of significant new development. Creating clustering or settlement nuclei through new development is inappropriate to the characteristic settlement pattern while current planning guidance precludes dispersed settlement in the landscape in general. Consequently, significant amounts of new development will generally be discouraged from these landscapes, being better sited in those landscapes where settlement clusters and nuclei are appropriate.’ However, the site abuts the edge of the relatively large settlement of Fernhill Heath which has a suburban character – development on the site would not introduce a cluster of built form in a setting where such settlement is not already characteristic.

The application is supported by a Landscape and Visual Appraisal which has been carefully considered by the Councils Landscape Officer who agrees with its conclusions that the site is relatively well contained and that visual impacts are relatively localised with development on the site being viewed in the context of adjoining development within Fernhill Heath. Where there is visibility from the rural areas to the northern arc from east to west, any development would ‘read’ in the wider landscape alongside existing built form of the wider settlement. Supplementary planting to the site boundaries will help to further soften proposed built form. Visual impacts are mainly localised - the site being viewed from the highway (which also forms part of Monarch’s Way Long Distance Footpath (LDF)) and open space to the east and existing dwellings in the immediate vicinity. Supplementary boundary planting, and setting development back from the highway, is proposed in mitigation.

In summary, the proposed siting and layout of the development would not cause unacceptable harm to landscape character or significant visual impact and the scheme complies with the provisions of Policy SWDP 25 in that regard. The existing hedgerows are to be retained and reinforced and provide a strong buffer in line with the requirements of NCLE1A of the Neighbourhood Plan.

7.4 Historic Environment

Within the South Worcestershire Development Plan Policy SWDP6 states that development proposals should conserve and enhance heritage assets subject to the provisions as set out in SWDP24.

Section 16 of the NPPF offer guidance in relation to development to ensure that the historic environment and its heritage assets are conserved and enjoyed for the quality of life they bring to future generations. Annex 2 defines Archaeological Interest as a heritage asset which holds or potentially could hold evidence of past human activity worthy of expert investigation at some point.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states similarly that in the exercise of planning decisions in Conservation Areas, attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

The Conservation Officer has commented that there are three listed buildings within the area that could be impacted by the proposals. Firstly, to the north lies Tapenhall Farmhouse, secondly to the east Upper Tapenhall, however only one, Thatch Cottage that lies to the south, is likely to be affected by the proposals. The rear garden boundary to Thatch Cottage abuts the site. Thatch Cottage is of timber frame and rendered infill construction. It is single storey with attic and dormers under a thatched roof. It is believed to date to the seventeenth century with mid twentieth century extensions and alterations. It is grade II listed due to its historic and architectural significance and is consequently considered as a heritage asset for the purposes of the planning system.

Other than the application site Thatch Cottage has largely been surrounded by residential development and much of the understanding of the original setting has been lost and this needs to be recognised. Whilst the proposals will clearly bring about a change to the setting of Thatch Cottage through the loss of an open field, the site plan demonstrates that the area directly behind the Cottage will remain green and relatively open with the addition of further planting. As this space will remain green, the significance of the building will not be adversely impacted. As such, whilst there will be a change to the setting of Thatch Cottage, it will be negligible in its impact on the significance of the building.

For the reasons identified there would be harm to the setting of Thatch Cottage although the harm would be less than substantial in nature. Paragraph 208 of the National Planning Policy Framework requires that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset the harm should be weighed against the public benefits of the proposal. The development would deliver 40 dwellings, including affordable units, meeting an identified need for housing given that the Council does not have a 5 year housing land supply. There would be economic benefits during construction of the development. Given the comments of the Conservation Officer that the development will not adversely impact the significance of the building and that a green space is retained to the rear of the building the benefits of the scheme are considered to

outweigh the less than substantial harm identified.

Archaeology

The Council's Archaeological Advisor has commented that the proposed development may affect heritage assets of known archaeological significance (WSM66202) and that the proposed development area (PDA) is adjacent to a site that was subject to trench evaluation where no features of archaeological interest were identified. However, metal detecting finds from the area suggest Iron Age activity in the environs and given the scale of the development, and the possible archaeological potential, the implementation of a conditional programme of archaeological works is required in order to meet the requirements of paragraphs 194 and 205 of the NPPF.

7.5 Access and Highway Safety

Policy SWDP4 requires all development proposals to address road safety and be compliant with the Streetscape Design Guide.

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

This position is supported by Paragraph 115 of the National Planning Policy Framework which confirms that, *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

Policy NCT1 of the Neighbourhood Plan (Transport and Development) states that proposals for all new development that create 10 or more dwellings will only be supported provided that it meets, where appropriate, all the following criteria:

- 1 It has adequate vehicular access arrangements onto the highway;
- 2 It is appropriate in terms of its impact on the local highway network in terms of capacity and road safety;
- 3 It provides adequate vehicular and cycle parking in accordance with standards adopted by Wychavon District Council;
- 4 It is, or can be, appropriately accessed by public transport; and
- 5 It prioritises the safe and efficient movement of the mobility impaired, pedestrians and cyclists.
- 6 The design of proposed roads, pavements and cycle routes create a safe and efficient layout for all users including emergency service and refuse vehicles.

Accessibility by alternative modes of transport

An assessment of pedestrian access from the site to facilities in Fernhill Heath is detailed above. Dilmore Lane is part of the national cycle network.

Fernhill Heath is served by a regular bus service between Worcester and Droitwich.

Impact on highway network

In the case of the current proposal, it is noted that concerns have been raised by objectors to the application in relation to the existing traffic levels on the surrounding highway network and the cumulative impacts and highway and pedestrian safety impacts associated with the proposed development. However, the Highway Authority has not raised any objection on grounds of highway safety and consider that trip generation figures are below the capacity figures for Dilmore Lane. They state that from experience, it is accepted the site access would operate well within its theoretical capacity, so computer modelling is not necessary. In addition, the number of estimated peak period development trips are considered unlikely to have any severe detrimental impact on the local highway network or nearby junctions including the Dilmore Lane/ A38 junction.

The Highway Authority originally raised concerns with access and the internal layout but most of these concerns have been addressed through the submission of revised plans and additional information. The Highway Authority has confirmed that the remaining issues can be dealt with through the required S38 Highways Agreement.

Site access arrangements

'Site Access General Arrangement' shows revised access proposals to the development, with a new junction with Dilmore Lane, having a 5.5m wide carriageway and 2.0m wide footways on both sides, together with 8.0m radii corners. The Highway Authority is of the opinion the proposed vehicular access is acceptable and can be secured by condition.

The Applicant also intends to provide sections of new 2.0m wide footways on the west side of Dilmore Lane, along part of the site frontage, to the north and south. Two sets of new uncontrolled dropped kerb pedestrian crossing points, with tactile paving, would also be provided, so residents can access the existing east footway. The Highway Authority supports the provision of these lengths of new footway.

As such, for the reasons set out above, it is considered that the impact of the development upon the surrounding highway network would not be significantly harmful. Furthermore, the existing highway network is considered to be capable of accommodating the likely levels of vehicle movements generated by the site in a safe manner. As such, the proposal is considered to accord with the requirements of the South Worcestershire Development Plan, the Neighbourhood Plan and the requirements of Paragraph 115 of the National Planning Policy Framework.

7.6 Ecology and Biodiversity

Policy SWDP 22 entitled "*Biodiversity and Geodiversity*" seeks to ensure that development proposals would not compromise designated biodiversity and geodiversity sites as well as more locally designated areas considered to have ecological value.

The features of higher ecological value such as mature trees and species-rich hedgerows are to be retained, protected and potentially enhanced. The only hedgerow which is to be lost is a stretch of species poor native hedgerow along Dilmore Lane, to be removed to achieve a safe visibility splay.

An ecological assessment and BNG metric were submitted with the application. The details have been assessed by the Natural Heritage Officer who has confirmed that the conclusions and recommendations made in the Ecological Assessment are acceptable and any further details and/or update surveys can be secured through appropriate conditions.

In terms of BNG, the metric that was used is now out of date however the baseline on the original version is acceptable and the habitats and their conditions proposed for post-development are realistic and capable of achieving a net gain both for area habitats and linear hedgerow habitats. A condition is proposed requiring a final updated calculation to be submitted in conjunction with an updated LEMP.

The scheme is therefore considered acceptable with regards to ecology and BNG subject to conditions to include submission of a CEMP, external lighting details, boundary treatment details, a LEMP and details of biodiversity enhancement measures.

7.7 Flooding and Drainage

Within the South Worcestershire Development Plan, Policy SWD28 requires development proposals to be sited in areas that are not susceptible to all forms of flooding. Policy SWDP29 requires development proposals to be accompanied by a water management statement demonstrating how surface water will be managed.

The application site lies within Flood Zone 1 as identified within the Environment Agency Flood Map for Planning, which means that the land is having a less than 1 in 1000 annual probability of fluvial flooding, where there is a low risk of flooding.

The application is accompanied by an updated Drainage Strategy report, which has been reviewed by both the Local Lead Flood Authority (LLFA) and the WDC Drainage Engineers.

The LLFA state that permission in principle has been given by Severn Trent Water Ltd to discharge into their surface water sewer in Dilmore lane, which is proposed and acceptable. The drainage scheme proposed includes a large basin to the southeast of the site and the plan indicates that the flow rate will be restricted by a hydrobrake. As stated the LLFA has confirmed that the proposed drainage arrangements are acceptable subject to two conditions requiring submission of a construction surface water management plan and surface water drainage strategy.

The Drainage Engineer has commented that the application site is in flood zone 1 and in an area at low risk of surface water flooding. Due to inadequate ground conditions, infiltration means of surface water disposal will not be used. As a result, surface water will be discharged to an attenuation pond with sufficient capacity to cater for an extreme rainfall event. A restricted outfall will connect to an existing STW Ltd surface water sewer in Dilmore Lane.

Given these consultation responses it is considered that the submitted surface water drainage arrangements are acceptable subject to the conditions detailed above.

The application form states that the foul drainage would be to the mains sewers.

7.8 Affordable Housing and housing mix

Policy SWDP 14 requires all new residential developments of 5 or more units to contain a mix of types and sizes of market housing. The mix will be informed by the latest Strategic Housing Market Assessment (Sept, 2021) and/or other local data. Table 7.1 of the SHMA identifies a need for the following mix:

1 and 2 bedroom dwellings – 10-15%
3 bedroom dwellings – 35-40%
4 and 4+ bedroom dwellings - 20-25%

The proposed market housing mix on the site is 17% 2-bed, 38% 3-bed, 33% 4-bed and 12% 5-bed and so there are a significant number of larger four plus bedroom properties being proposed when compared with the figures in the SHMA. When the affordable housing provision is taken into account the overall percentage of four and five bedroom houses falls to 28% but the policy concerns market housing only and so the mix fails to comply with the provisions of Policy SWDP 14.

Policy NCH3 in the North Claines Neighbourhood Plan requires that all proposals for new residential development of 5 or more units should demonstrate that they take account of local housing needs. Wychavon District Council carried out a Housing Needs Survey for the Parish of North Claines during August/September 2020. The Survey identified that eight respondents stated a need for affordable rented accommodation. At the time the survey was carried out, there were 12 affordable rented dwellings under construction within the Parish.

The Survey identified a further ten respondents who stated a need for affordable home ownership accommodation. At the time the survey was carried out, there were 4 affordable home ownership dwellings under construction within the Parish which should have met some of the need identified. However, there would remain an outstanding need.

Policy SWDP20 also requires the provision of housing suitable for the needs of older people on all allocated and windfall sites of 5 units or more as part of the housing mix and three bungalows are proposed within the layout. .

The site plan shows that the following affordable housing mix is proposed:

Rented 4 x 1 bed flats, 2 x 2 bed bungalows, 2 x 2 bed houses, 3 x 3 bed houses

Intermediate ownership 2 x 2 bed houses 3 x 3 bed houses

Housing Officers have confirmed that the suggested mix of affordable property types is acceptable and the Applicant has confirmed these are to be for social rent as requested.

Housing Officers have previously raised concern over the affordable units being too heavily concentrated over one section of the site. The Affordable Housing SPD (2016) sets out requirements for the avoidance of clustering and details that it is preferable for affordable units to be dispersed throughout the site to create a mixed and balanced community. This has not been addressed in the amended layout plans and the proposed affordable housing is concentrated together to the eastern side of

the site. Housing Officers have also raised concerns that some of the proposed house types do not meet the required space standards in terms of number of future occupants that can be accommodated and state that this will need to be addressed.

The provision and delivery of affordable housing will be secured through a Section 106 agreement.

Whilst in the context of the LPA having a shortfall in its 5-year housing land supply, the proposal would provide up to 40 dwellings (including affordable housing) which must be afforded significant weight in decision making. This must be balanced with the fact that the scheme does not meet the required housing mix and that the layout clusters the affordable housing to the eastern side of the site which does not meet the requirements of the Affordable Housing SPD.

7.9 Open space and Green Infrastructure

Green Infrastructure

Policy SWDP5 requires sites of 1 hectare or more to provide 40% green infrastructure. The scheme would provide 0.9 hectares of public open space (from a total site area of 2.2 hectares) which equates 40% in accordance with policy SWDP5. The provision of new public open space and green infrastructure within the site would be a benefit but given this is policy requirement for the development so only modest weight can be attached.

As stated in the design and layout section above the main area of open space would be to the western side of the site and would include a balancing pond. Other areas of green infrastructure are located to the edges of the site and the scheme proposes the retention of the existing boundary hedges. There are 2 mature oak trees on the site – one in the roadside hedge and one within the site itself and both are to be retained and protected during development of the site. A detailed landscape masterplan and planting plan has been submitted with the application and are considered acceptable.

SWDP Policy 39 states that *Development proposals exceeding 5 dwellings should make provision for Green Space and outdoor community uses as set out in Table 10, together with secure arrangements for its long-term management and on-going maintenance.*

Policy NCLE4 of the Neighbourhood Plan states at Part C that proposals for new Green Infrastructure and Green Space provision within the NPA will be supported provided that they:

- 1 Are well designed with good natural surveillance, planting and access;
- 2 Are appropriate to the site's context and setting;
- 3 Provide appropriate formal and informal recreation facilities; and
- 4 Provide opportunities to improve flood risk, assist climate change adaptation and support biodiversity

Public Open Space

The proposed Site Layout plan indicates that only the required Amenity and Semi-natural Greenspace is being provided on-site, meaning an off-site contribution towards the provision of Equipped Play Space, Civic Space and Allotments (and associated land acquisition and maintenance costs) is required. In accordance with Table 6 of the Developer Contributions SPD, this would require a total contribution of £27,544.33 as detailed in the table below.

It is assumed that the amenity and semi-natural greenspace will not be adopted by the Council and will be maintained by a private management company. So, the cost of maintaining the land is also not included in the below calculations.

Market Dwellings - Developers Contribution

	Contribution Per Dwelling	Dwellings* 24	Tarriff Based Contribution per Dwelling Size				Total
			1 Bed	2 Bed	3 bed	4+ Bed	
Amenity and Semi-natural greenspace	£ -	£ -	£ -	£ -	£ -	£ -	£ -
Equipped Play Space	£ 139.00	£ 3,336.00	£ -	£ 417.00	£ 1,251.00	£ 1,529.00	£ 3,197.00
Cemetery	£ -	£ -	£ -	£ -	£ -	£ -	£ -
Civic Space	£ 23.64	£ 567.36	£ -	£ 70.92	£ 212.76	£ 260.04	£ 543.72
allotment	£ 18.44	£ 442.56	£ -	£ 55.32	£ 165.96	£ 202.84	£ 424.12
Sub total	£ 181.08	£ 4,345.92	£ -	£ 543.24	£ 1,629.72	£ 1,991.88	£ 4,164.84
land acquisition	£ 70.45	£ 1,690.78	£ -	£ 211.35	£ 634.04	£ 774.94	£ 1,620.33
total	£ 251.53	£ 6,036.70	£ -	£ 754.59	£ 2,263.76	£ 2,766.82	£ 5,785.17
Commuted Sum per dwelling*	£ 906.63	£ 21,759.16					£ 21,759.16
						Tariff Adjusted Contribution	£ 27,544.33

The Applicant has stated that the scheme takes into account the South Worcestershire Open Space Assessment and are providing a playable space that is not equipped but which is a door step space and which also supports the SWDPR evidence base that identifies a need for more amenity space in this location. The Applicant has stated that *rather than provide equipped play space on site s106 funds have been proposed that could support the expansion of the neighbouring play area(s), which would accord with the Design Guide SPD, notably 5l part 5 - which proposes 10+ dwellings need to consider play needs of children (SWDP3) either through the provision of a play area on site or through contributions to an adjacent facility. Existing children's play and youth areas are well within appropriate walking distances of the site and the latter is supported by improvements in conjunction with the development by Taylor Wimpey to the east to provide a continuous footpath along Dilmore Lane.*

The contribution outlined above can be required through a s106 agreement to meet the requirements of SWDP 39.

7.10 Renewable/low carbon energy generation

Policy SWDP27 requires development schemes of this size to incorporate facilities to enable at least 10% of predicted energy requirements to be achieved via renewable or low carbon sources.

Policy NCD3: Sustainable Design All new developments, including change of use, should seek to incorporate measures that improve energy efficiency of existing and proposed buildings consistent with government policy.

No specific energy statement has been submitted with the application although reference is made to a fabric first approach in the Design and Access Statement along with some other basic measures including installing EVCP where not too expensive. The Building Regulations now require all new dwellings to have EVCP installed along with other clean air measures and so these need not be covered by a planning condition. As detailed above Policy SWDP 27 requires 10% energy to be renewable or low carbon and details of the renewable/low carbon energy strategy can be secured via the imposition of planning conditions to ensure compliance with the requirements of policy SWDP27 and NCD3.

7.11 Planning Obligations

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

Education

Early Years £0
First School £287,586.00
High School £243,304.00
SEND N/A
TOTAL CONTRIBUTION £530,890.00

Affordable Housing

16 dwellings in total
Social rent: 4 x 1 bed flats ,2 x 2 bed bungalows ,2 x 2 bed houses, 3 x 3 bed houses
First homes: 2 x 2 bed houses 3 x 3 bed houses

Public Open Space

£27544.33 in lieu of on-site provision of different open space typologies

Formal Sports and Leisure

The total formal sports contribution expected will be £76,626
The total built sports contribution would be £25,176 to be used towards additional sports provision at Briar Mill, Droitwich.

Worcester Transport Strategy

Community transport £2675
Public bus service enhancement £13 605.56

CIL Regulations

The above requests comply with Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 204 of the Framework in that

they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. In addition the above planning obligations comply with the provisions of regulation 123 relating to the pooling of planning contributions.

7.12 Human Rights

Article 8 of the Human Rights Act 1998 (as amended) states that everyone has the right to respect for his private and family life. A public authority cannot interfere with the exercise of this right except where it is in accordance with the law and is necessary (amongst other reasons) for the protection of the rights and freedoms of others. Article 1 of Protocol 1 of the Act entitles every natural and legal person to the peaceful enjoyment of his possessions.

The law provides a right to deny planning permission where the reason for doing so is related to the public interest. Alternatively, having given due consideration to the rights of others, the local planning authority can grant planning permission in accordance with adopted policies in the development plan.

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

7.13 Planning Balance and Conclusion

The application site is located outside of but immediately adjacent to the development boundary for Fernhill Heath, which is defined as a category 2 settlement in the SWDP 2016 and has good public transport links and a range of facilities. With the absence of a five year/ four-year housing land supply, paragraph 11 (d) of the NPPF and the so called 'tilted balance' is engaged. Significant weight is afforded to the contribution these proposed units would make to the current shortfall in housing supply in Wychavon District. The development would also provide 16 dwellings to meet identified affordable housing requirements.

The scheme has been assessed with regards to impact on heritage assets, the character of the area, landscape and ecology, all of which can be mitigated against and the proposal would not have any adverse impact on the amenity of neighbouring properties. The highway authority are satisfied that the proposed development is safe and would not have any adverse impact on the highway network. The LLFA have confirmed that the proposed surface water drainage arrangements are acceptable in principle.

Other issues identified above namely the proposed housing mix, the clustering and concentration of affordable housing in the proposed layout and the loss of BMV agricultural land have not been fully justified in the application submission in accordance with the provisions of the relevant local plan policies. However, these adverse impacts associated with the proposal are not considered to significantly or demonstrably outweigh the benefits stated in this report and in particular concerning the provision of market and affordable housing in a sustainable location.

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

1. Obligations

Education

Early Years £0
First School £287,586.00
High School £243,304.00
SEND N/A
TOTAL CONTRIBUTION £530,890.00

Affordable Housing

16 dwellings in total
Social rent: 4 x 1 bed flats ,2 x 2 bed bungalows ,2 x 2 bed houses, 3 x 3 bed houses
First homes: 2 x 2 bed houses 3 x 3 bed houses

Public Open Space

£27544.33 in lieu of on-site provision of different open space typologies

Formal Sports and Leisure

The total formal sports contribution expected will be £76,626
The total built sports contribution would be £25,176 to be used towards additional sports provision at Briar Mill, Droitwich.

Worcester Transport Strategy

Community transport £2675
Public bus service enhancement £13 605.56

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information provided on the application form and the following plans/drawings –
E2358:1 – Location plan
n1936_P02 J - Planning Layout
201300-SGP-ST-ZZ-DR-A-131007 – Site context plan

23365cv-01, 02 and 03 RevA – Topographical survey
C86007-JNP-66-XX-DR-T-2002 P05 - Site Access General Arrangement
C86007-JNP-66-XX-DR-T-2003 P07 - Refuse Vehicle SPA-9.6m
C86007-JNP-66-XX-DR-T-2003 P07 - Refuse Vehicle SPA-10.5m
C86007-JNP-66-XX-DR-T-2004 P06 - Fire Tender
C86007-JNP-66-XX-DR-T-2005 P07 - Internal Geometry
C86007-JNP-66-XX-DR-T-2007 P04 - Estate Car SPA
C86007-JNP-66-XX-DR-T-2006 P02 - Pedestrian Connectivity Plan
201300-SGP-ST-ZZ-DR-A-131300 B – Street elevations
n1936_P05 C - Boundary Treatments Plan
n1936_P04 A - Hard Landscaping Plan
n1936_P03 A - Materials Plan
GL1471 01C Landscape Masterplan
GL1471 02E Detailed Landscape Proposals
BHA_5230_02_RevB – Tree Protection Plan
C86007-JNP-52-XX-DR-C-2000-P02 - Drainage Strategy Layout
C86007-JNP-52-XX-DR-C-2001-P02 - Proposed Basin
n1936_101 E Green Infrastructure Plan
6300_Rev A Proposed Habitats Plan (BNG)
Fernhill Heath HTP-20231110 – House type drawing pack

Reason: To define the permission.

3. No building operations hereby permitted shall commence until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include:-
- type, colour, texture, size, coursing, finish, jointing and pointing of brickwork/stonework;
 - type, colour, texture, size and design of roofing materials;
 - details of external doors/garage doors including information on finish;

The development shall be carried out using the materials as approved.

Reason - To ensure that the new materials are in keeping with the surroundings and/or represent quality design in accordance with policy SWDP21 of the South Worcestershire Development Plan.

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

Reason: To ensure development would not result in unacceptable risk of pollution or

harm to the environment and to ensure the proposed development does not exacerbate flood risk and deals with surface water run-off from the site in a sustainable manner, in accordance with policies SWDP28, SWDP29 and SWDP 30 of the South Worcestershire Development Plan.

5. No works in connection with site drainage shall commence until a scheme for a surface water drainage strategy for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include details of surface water drainage measures, including for hard standing areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015) and C86007-TN002-P03 - Drainage Strategy Report. The scheme should include run off treatment proposals for surface water drainage. Where the scheme includes communal surface water drainage assets proposals for dealing with the future maintenance of these assets should be included. The scheme should include proposals for informing future home owners or occupiers of the arrangements for maintenance of communal surface water drainage assets. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

Reason: To ensure development would not result in unacceptable risk of pollution or harm to the environment and to ensure the proposed development does not exacerbate flood risk and deals with surface water run-off from the site in a sustainable manner, in accordance with policies SWDP28, SWDP29 and SWDP 30 of the South Worcestershire Development Plan.

6. No building hereby permitted shall be occupied until details of the design, implementation, maintenance and management of foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried out, and the drainage maintained/managed, in accordance with the approved details.

Reason: To ensure development would not result in unacceptable risk of pollution or harm to the environment in accordance with policy SWDP30 of the South Worcestershire Development Plan.

7. (A) No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- 1) The programme and methodology of site investigation and recording.

- 2) The programme for post investigation assessment.

- 3) Provision to be made for analysis of the site investigation and recording.

- 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation.

- 5) Provision to be made for archive deposition of the analysis and records of the site

investigation.

6) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

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

8. The Development hereby approved shall not be brought into use until the vehicular access has been provided as generally shown on the JNP Group Drawing No. DR-T-2002/P05 'Site Access General Arrangement'.

Reason: To ensure conformity with submitted details.

9. The Development hereby approved shall not be brought into use until visibility splays are provided from a vertical point 1.05m above carriageway level at the centre of the application main site access and 2.4m back from the near side edge of the adjoining carriageway, (measured perpendicularly), for 97.0m in both directions, measured along the nearside edge of the adjoining carriageway (vertical off set of 0.6m). Nothing shall be planted, erected and/or allowed to grow on the triangular areas of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

10. No dwelling hereby approved shall be occupied until sheltered and secure cycle parking to comply with the Council's adopted cycle parking standards has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

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

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

Reason: To reduce vehicle movements and promote sustainable access.

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

Reason: To reduce vehicle movements and promote sustainable access.

13. The Development hereby approved shall not be brought into use until the following highway improvements works comprising:-
- Two sections of new 2.0m wide footways on the west side of Dilmore Lane from the new site access, both northwards and southwards.
 - Two sets of uncontrolled dropped kerb pedestrian crossing points, with tactile paving, across Dilmore Lane, in the vicinity of the new site access. Actual locations to be agreed with the Local Highway Authority.
- have been completed to the satisfaction of the Local Planning Authority and approved in writing (in discussion with the Local Highway Authority) and open to traffic.

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

14. The Development hereby approved shall not commence until a Street Lighting Assessment report has been submitted to and approved in writing by the Local Planning Authority, in discussion with the Local Highway Authority. The Assessment shall consider the following:
- The need or not for additional public highway street lighting in the vicinity of the new vehicular access.
 - The linking of any new public highway street lighting with adjacent lighting.
 - Condition of existing adjacent public highway street lighting and any need for upgrading or replacement.
 - Any proposed development lighting within the site and its justification.
 - The environmental impact of any proposed street lighting, be it on the public highway or within private land.

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

15. The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:
- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway.
 - Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc).
 - The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
 - Details of any temporary construction accesses and their reinstatement.
 - A highway condition survey, timescale for re-inspections, and details of any

reinstatement.

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

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

16. All planting and seeding/turfing comprised in the submitted landscape scheme, hereby approved, shall be carried out in the first planting season following the first occupation/use of the development OR in accordance with the submitted implementation programme.

All planting shall be watered as necessary and competitive weed growth controlled to ensure successful establishment.

Any trees or plants that die, or are removed; or become seriously damaged or diseased within a period of five years from the completion of the planting, shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area in accordance with policies SWDP21 and SWDP25 of South Worcestershire Development Plan 2016.

17. Prior to the occupation of any part of the development hereby permitted details of renewable or low carbon energy generating facilities to be incorporated as part of the development shall be submitted to and approved in writing by the local planning authority. The details shall demonstrate that at least 10% of the predicted energy requirements of the development will be met through the use of renewable/low carbon energy generating facilities. The approved facilities shall be provided prior to any part of the development hereby permitted being first occupied or in accordance with a timetable submitted to and approved by the local planning authority as part of the details required by this condition.

Reason: To ensure the proposed development includes sufficient renewable/low carbon energy generating facilities to comply with Policy 27 of the South Worcestershire Development Plan 2016.

18.

The development hereby permitted shall be carried out in accordance with the approved Landscape Plan//Arboricultural Impact Assessment. Unless indicated on the approved Landscape Plan or Arboricultural Impact Assessment to be removed, all existing trees and hedges on the application site, or branches from trees on adjacent land that overhang the application site, shall be retained and shall not be felled or pruned or otherwise removed within the construction period and then for a period of five years from the completion of the development without the previous written consent of the local planning authority. If any retained tree/hedge is removed, uprooted or destroyed or dies, replacement planting shall be carried out in the first available planting season, in accordance with details to be approved in writing by the local planning authority.

Reason – To preserve the visual amenities of the surrounding natural and built environment. This is in accordance with policies SWDP21 and SWDP25 of the South Worcestershire Development Plan.

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

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

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

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

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

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

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 and minimise impacts on with protected species in accordance with Policy SWDP22

21. No development shall take place (including any ground works, demolition or clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The

CEMP (Biodiversity) on the recommendations made in the Ecological Assessment by LSC dated January 2022 and on appropriate update surveys, including an update badger survey.

- a. Risk assessment of potentially damaging construction activities;
- b. Identification of "biodiversity protection zones";
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including, but not restricted to, detailed badger and herpetofauna method statements;
- d. The location and timing of sensitive works to avoid harm to biodiversity features;
- e. The times during construction when specialist ecologists need to be present;
- f. Responsible persons and lines of communication;
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h. Use of protective fences, exclusion barriers and warning signs.

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

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

22. Prior to the first occupation of the development hereby approved full details of a management plan for the use and maintenance of any areas of open space shall be submitted to and agreed in writing by the local planning authority. The management plan shall include details of the arrangements for implementation of landscaping, management responsibilities and maintenance schedules for all landscape areas (excluding domestic gardens). The approved landscape maintenance schedule shall be fully implemented.

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

23. 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 in accord with Policy SWDP21 of the South Worcestershire Development Plan.

24. Before the commencement of construction works on the development hereby permitted, details of a bat roosting features, bird nesting boxes, invertebrate boxes, hedgehog highways and reptile / amphibian refuge shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include an implementation timetable. The features shall be provided in accordance with the

approved details and in accordance with the approved timetable.

Reason: To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area in accordance with policy SWDP22 of the South Worcestershire Development Plan.

25. The construction work on the buildings hereby approved shall not be commenced until the precise floor slab levels of each new building, relative to the existing development on the boundary of the application site have been submitted to and approved in writing by the local planning authority. Thereafter the new buildings shall be constructed at the approved floor slab levels.

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

INFORMATIVE NOTES

1.

Section 278 Agreement

The granting of this planning permission does not remove any obligations on the Applicant

to undertake a technical design check of the proposed highway works with the Highway Authority, nor does it confirm acceptance of the proposal by the Highway Authority until that design check process has been concluded. Upon the satisfactory completion of the technical check, the design would be suitable to allow conditions imposed under this permission to be discharged but works to the public highway cannot take place until a legal agreement under Section 278 of the Highways Act 1980 has been entered into and

the applicant has complied with the requirements of the Traffic Management Act 2004.

The Applicant is urged to engage with the Highway Authority as early as possible to ensure that the approval process is started in a timely manner to achieve delivery of the highway works in accordance with the above-mentioned conditions.

The Applicant should be aware of the term "highway works" being inclusive of, but not

limited to, the proposed junction arrangement, street lighting, structures, and any necessary traffic regulation orders.

Section 38 Agreement Details

If it is the Applicant's intention to request the County Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with

any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to the County Council's Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No works on the site of the

development shall be commenced until these details have been approved by the County

Council, as Highway Authority, and an Agreement under Section 38 of the Highways Act,

1980, entered into.

Drainage Details for Section 38

It is not known if the proposed roadworks 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 roadworks as public

highways.

The Applicant is, therefore, advised to submit the engineering details referred to in this

conditional approval to the County Council's County Network Control Manager,
Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP at
an

early date to enable surface water disposal arrangements to be assessed.

No Drainage to Discharge to Highway

Drainage arrangements shall be provided to ensure that surface water from the
driveway and/or vehicular turning area does not discharge onto the public highway. No
drainage or effluent from the proposed development shall be allowed to discharge into
any

highway drain or over any part of the public highway.

Construction Environmental Management Plan (CEMP)

It is expected that contractors are registered with the Considerate Constructors scheme
and comply with the code of conduct in full, but reference is made to "respecting the
community" this says:-

Constructors should give utmost consideration to their impact on neighbours and the
public.

- Informing, respecting, and showing courtesy to those affected by the work.
- Minimising the impact of deliveries, parking, and work on the public highway.
- Contributing to and supporting the local community and economy.
- Working to create a positive and enduring impression and promoting the Code.

The CEMP should clearly identify how the principal contractor will engage with the local
community; this should be tailored to local circumstances. Contractors should also
confirm

how they will manage any local concerns and complaints and provide an agreed
Service

Level Agreement for responding to said issues.

Contractors should ensure that courtesy boards are provided and information shared with

the local community relating to the timing of operations and contact details for a site coordinator in the event of any difficulties.

This does not offer any relief to obligations under existing legislation.

Travel Plan Requirements

Worcestershire County Council has published guidance on how it expects travel plans to

be prepared, this guidance is freely available from the County Councils Travel Plans

Officer. As part of this process the applicant must register for Modeshift STARS Business

and ensure that their targets have been uploaded so that progress on the implementation

of the Travel Plan can be monitored. Worcestershire County Council can assist applicants

with this process should they need.

Modeshift STARS Business is a nationally accredited scheme which assists in the effective delivery of travel plans, applicant can register at www.modeshiftstars.org

Lighting

To determine the safety and requirement to light, the developer shall contact WCC Street

Lighting to retrieve a feasibility report template and request existing lighting asset information. The report shall be completed and all documents requested within the template provided to WCC for approval.

2. Positive and Proactive Statement.

In dealing with this application, the Council has worked with the applicant in the following ways:- - seeking further information following receipt of the application; - seeking amendments to the proposed development following receipt of the application; - considering the imposition of conditions and or the completion of a s.106 legal agreement. In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

S106

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.