

**PLANNING SERVICES DELEGATED DECISION REPORT**  
**Planning Ref : M/23/01711/OUT**

Proposal: Outline planning permission for up to 55 dwellings (with means of access to the site be considered at this stage and all other matters reserved)

Site: Land At (Os 7500 5952), Berrow Green Road, Martley

Applicants name: Mrs T Almeida

Recommendation: **REFUSE**

<b>Registration Date:</b> 15 January 2024 <b>8 week date:</b> 15 April 2024 <b>Extension of Time:</b> <b>Site Notice expiry:</b> 22 February 2024 <b>Earliest Decision date:</b> 23 February 2024	<b>Officer Site Visit:</b>
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**Consultation Responses:**

**Martley Parish Council** strongly objects to this application. The site is outside the development boundary as defined in the Martley Neighbourhood Plan and does not appear in the emerging SWDPR, the developers are using the SWDPR delay and land supply to gain further development at Martley which has its share of allocations. There is development underway for 83 dwellings and a planning permission for a further 55. These need to be constructed and the village given time to assess and improve infrastructure. Further to this the Parish Council objections are:

1. The inappropriate location, it is in open Countryside and away from the existing development boundary, the site is the wrong side of Martley causing likely more traffic to go through the Village Worcester bound.
2. The location of the application is within the extension to the Malvern Hills National Landscape and is currently best and most value agricultural land.
3. Local drainage and flooding – flooding is becoming an increasing problem in Martley with increased building and changing weather patterns there needs to be time to adjust and address the impacts of the two developments already approved.
4. The NPPF suggests prioritise brownfield sites and other urban sites and not be building on the open Countryside.
5. The members draw attention to the listed building Longstone Cottage and how any permitted development here will affect the curtilage and aspect of this listed building.

The Parish Council fully endorse and support the objection submitted by the CPRE.

**County Highways** (summarised): recommends deferral with further supporting information required. Based on the analysis of the information submitted, the Highway Authority concludes that there remain a number of access design concerns that require further consideration.

**MHDC Tree and Landscape Officer:**

1. There is a well-established mixed species native hedgerow running along the site frontage. An important part of the area's green infrastructure network and providing habitat opportunities. Species identified (not necessarily an exhaustive list) include hawthorn, blackthorn, ash, and clematis. It is estimated that the creation of the access proposed would mean the removal of 30 metres of this hedgerow. This measurement does not include any additional hedgerow that might need to be removed for the visibility splays associated with the entrance.
2. There are open views across the site from the perspective of the existing allotments immediately neighbouring the site to the north. Development would be to the significant detriment of these views, would be majorly adverse and permanent in nature.
3. There are open views across the site from the perspective of the of the very well-used public right of way (PRoW) (reference 698(C)). Development would be to the significant detriment of these views, would be majorly adverse and permanent in nature.

4. There are open views across the site from the perspective of the burial ground to the south of the site. Impacts on these views do not appear in the submitted landscape and visual appraisal (LVA). Development would be to the significant detriment of these views, would be majorly adverse and permanent in nature.
5. The submitted LVA identifies the visual impacts when looking north-west from the B4197 heading north as being moderate to major adverse. I would agree with this part of the assessment. However, I do not share the optimism that any landscape mitigation proposed could reduce the harm to minor/moderate adverse within 15 years. The view across the site would still include a housing estate even if there are one or two newly planted trees within the view.
6. The submitted LVA does not include an assessment of the impacts from the perspective of the B4197 and its associated footway heading south.
7. The view is currently a field hedge, established tree lines in the landscape with Berrow Hill as a backdrop. The introduction of housing into this view would forever be to its detriment. Development would be to the significant detriment of these views, would be majorly adverse and permanent in nature.
8. The submitted LVA identifies several other views from the perspective of PRoWs on which the negative visual impacts will be permanent and long lasting. This includes the view looking west from public footpath 815(B), adjacent the Martley memorial Hall (suggested in LVA to remain moderately adverse), the view looking west from public footpath 815(B), overlooking the sports pitches (suggested in LVA to remain moderately adverse) and view looking north-west from public footpath 703(C) (suggested in LVA to remain moderately adverse). However, again I do not share the expectation that any landscape mitigation proposed would make a marked difference to the level of impact, particularly as, when viewed from the perspective of these vantage points, the land rises east to west, and the visual impacts would instead remain majorly adverse (as identified in the LVA at one year after completion).
9. The submitted LVA does not include an assessment of impacts from the perspective of the single-track lane to the north of the site that leads to Kingswood. Travelling east on this road, the western edge of the site would be clearly visible. The hedge running along the southern edge of the lane is heavily degraded or absent. These views are largely devoid of any development. Development would be a marked contrast to the current view and would be majorly adverse and permanent in nature.
10. The proposed development would be to the detriment of the landscape character of the site and its immediate surrounds. Eroding the rural feel of the village and encroaching on the neighbouring burial ground and single-track lane that leads Kingswood. Open agricultural land would be lost with a suburban style access road cut through an established native hedgerow.
11. There is a typographical error in the submitted LVA (section 5.4) which states "*This assessment of landscape effects focuses on the areas of landscape character which are defined by the East Hertfordshire Landscape Character Assessment 'Principal Timbered Farmlands' LT*" (my emphasis).
12. NPPF policy 136 states that "*Planning policies and decisions should ensure that new streets are tree-lined and that opportunities are taken to incorporate trees elsewhere in developments*". While it is appreciated that the submitted layout is indicative only, although there are some trees shown along some of the streets in the currently submitted layout, the streets cannot be considered "*tree-lined*". Were this application to progress past the outline planning stage, I would strongly suggest that the layout would need to be changed to address this issue, and the layout should not be considered the basis for a parameter plan. This could impact the site's capacity in terms of quantum of development.
13. The proposed drainage strategy plan fails to embrace the SuDS ethos and the benefits SuDS bring to site design/layout, in terms of landscape amenity, place making, streetscape interest and biodiversity opportunities. Other than the ubiquitous relatively steeply sided attenuation basin to the east of the site, the proposed drainage is all below ground. No surface level SuDS at all. No gullies, no rills, no SuDS tree pits, no rain gardens. SWDP 29 states that "*site drainage and runoff will be managed in a sustainable and co-ordinated way that mimics the natural drainage network*". The currently proposed approach does not. Once again, were this application to progress past the outline planning stage, I would strongly suggest that the layout would need to be changed to address this issue, and the layout should not be considered the basis for a parameter plan. This could impact on the site's capacity in terms of quantum of development.
14. The submitted arboricultural impact assessment and method statement (ACD Environmental reference HAY24322aiaams dated 13/11/23) does not seem to be supported by a tree survey.
15. The submitted "tree protection plan" (ACD Environmental reference HAY24322-03, dated 13.11.2023) highlights direct conflict between proposed building locations and the root protection areas of two trees

(T12 and T13) in third party ownership. This is not considered acceptable. Were this application to progress past the outline planning stage, I would suggest that the layout would need to be changed to address this issue, and the layout should not be considered the basis for a parameter plan.

**MHDC Urban Design** (summarised): The 'Ryecroft Way' and 'Jessop' developments include wide areas of green infrastructure/ public open space lining the northern side of the B4197, in conjunction with Martley Playing Field Recreation Ground and the proposed development site, this green space helps to emphasise and enhance the openness of the view towards Berrow Hill and act as a visual indicator that you are leaving the built settlement when heading south-west.

What residential development there is on the west side of the road is small-scale, intermittent, and next to the road. Most properties have generous garden plots, usually to the rear or side. Properties include the grade II listed Longstone Cottage, on the bend, Barleycove Cottage, Rose Cottage and Row End. Beyond this the mature tree lined boundary to the Elgar Estate and the Maylite Trading Estate, interrupt the view to the hill before its closer proximity dominates the view as the land rises toward Berrow Green.

Whereas all recent residential developments at this western end of Martley seek to protect and enhance the views towards Berrow Hill, this scheme places itself in the foreground. The scale of the residential development is at odds with that on the western side of the B4197, as described above, and extends the village into the open countryside that provides the rural setting for Martley.

In common with the intermittent dwellings lining the western side of the road towards Berrow Green, the change in character from the existing village is noticeable when, for example, taking the lane westwards towards Kingswood at the bend in the B4197. Along this route, scattered and isolated cottages and farmsteads, undulating topography, arable fields and hedgerow boundaries and distant views across the Teme Valley take precedence and a rural character is immediately established in contrast to the incremental ribbon style development that has branched out from the original historic core of Martley.

In terms of urban design, planning policy and associated Neighbourhood Plan, it is suggested that the proposed development is incongruous in this location for the reasons given. However, if the Planning Officer considers the application is acceptable, then the following general urban design advice should be considered:

- As stated above, the general appearance of all residential development to the west of the B4179 is of intermittent individual or groups of properties that are either isolated in the landscape, in the case of farmsteads or line the edge of the road. The layout submitted does not reflect this 'feathering out' of the built form beyond the village. An obvious solution would be to reduce the number of dwellings.
- The views towards Berrow Hill need to be preserved and enhanced, and this is the most challenging aspect. A solution is to include green open space through the centre of the layout taking account of the alignment of this space in relation to the Berrow Hill view. This green space could retain the PROW without the need to realign it and could include a revised SUDS solution with planted swales, raingardens and ditches that extend to SUDS tree pits lining the roads within the scheme. Location of tree planting would need to be carefully considered in relation to screening properties and maintaining the Berrow Hill view. The proposed play space could be included in this central green space where it would benefit from further passive surveillance.
- The wildlife pond might be better located in the southwest corner, away from the road and closer to boundary planting that could, potentially, become part of a wider wildlife habitat network of surrounding hedgerow field boundaries and trees.
- Road layout – This would need to be revised in relation to comments above.
- Boundary treatments – The Indicative Masterplan indicates places where rear and side garden boundaries would be visible from the public realm. Use of high close boarded fencing should be avoided in these locations. Refer to the Neighbourhood Plan for local boundary materials that can include red brickwork, hedgerows and local stone or a combination of these.
- Residential parking bays – These work best, visually when they are to the side of a dwelling and the view is terminated by a garage rather than close boarded fencing. Frontage parking should be avoided where possible as rows of parked cars have a negative visual impact on the street scene. Where possible, parking bays should be separated by shrub planted strips and tree planting to soften and screen vehicles.
- Parking bays should be of high-quality permeable surfaces (not black tarmac) to add visual interest to the street scene and visually define private space.
- Side elevations of dwellings should include windows where they overlook POS, to allow for passive

surveillance, and at nodal points (corners, junctions etc) and views along streets, where they would otherwise display a blank, featureless wall.

- The NPPF requires that new developments should include tree lined streets. In this rural location it is suggested that more streetside trees should be included, ideally as part of a SUDS scheme as described above.
- Dwellings should overlook POS to provide natural/passive surveillance. In limited situations, where this is not possible, side elevations should include windows/doors to give a similar degree of passive surveillance over these spaces.
- Rear gardens of dwellings should not back onto POS as private space should be enclosed (ie back to back rear gardens) for security reasons.
- Situations such as the POS in the bottom southeast corner on the Indicative Masterplan should be avoided. Do not create small, unoverlooked areas of open space with limited potential for use other than anti-social behaviour.
- These trees should not be included in the front gardens of properties but in managed GI space to ensure that they are not removed by future residents.
- Access onto paths through POS from private driveways – Where possible make private driveways part of the path network to avoid residents creating shortcuts across grassed areas to access the paths.

The above is not exhaustive and if outline planning application is granted there would be further urban design consultation, regarding the design, type and scale of dwellings yet to be brought forward.

**WCC Public Rights of Way** (summarised): We have no objection. Martley parish footpath MT-698 runs through the red line boundary, starting in the south-west corner and running in a generally north-easterly direction. The Indicative Master Plan shows the intention to divert footpath MT-698.

The applicant should note that Public Path Diversions, undertaken to facilitate development, are processed by the Local Planning Authority; it will be for them to determine the legal validity of any such application. This process is distinct from the planning procedure in that it requires separate public consultation and should be pursued at the earliest opportunity.

Page 21 of the Design and Access Statement suggests that it is unlikely that the amenity of the PRoW can be protected, however, given that the Indicative Masterplan includes the provision of a footpath along the northern and western boundaries, we suggest that this may be a more suitable location for a diversion.

Despite the longer route, the applicant should note the National Planning Policy Framework (Sept. 2023), particularly paragraph 100, '*...planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails*'. This route would increase accessibility for PRoW users, given the likelihood of vehicle encroachment along footways – maintaining the desired 2000mm width for Public Rights of Way.

- The Public safety of those using the right of way must be ensured at all times.
- There must be no diminution in the width of the rights of way available for use by the public.
- No disturbance of, or change to, the surface of the paths, or part thereof, should be carried out without our written consent.
- Building materials must not be stored on the rights of way.
- Vehicle movements and parking are to be arranged so as not to unreasonably interfere with the public's use of the rights of way.

Where possible, the definitive line of public rights of way should be kept open and available for use throughout the construction phase. However, if Public Safety demands a temporary closure, application should be made at least 8 weeks in advance to: The Public Rights of Way Mapping Team at [prowclosures@worcestershire.gov.uk](mailto:prowclosures@worcestershire.gov.uk). Obstructing a Public Right of Way without a formal closure constitutes an offence under the Highways Act 1980.

No additional barriers are to be placed across the rights of way. No stile, gate, fence or other structure should be created on, or across, a public right of way without written consent of the Highway Authority.

It should be noted that, under section 34 of the Road Traffic Act 1988, any person who, without lawful authority, drives a motor vehicle on a public right of way commits an offence. The applicant should make themselves satisfied that they, and anyone else who may use public rights of way for private vehicular

access in connection with the development, has a right to do so. They may wish to seek legal advice on the matter. The County Council is responsible for maintaining rights of way to a standard suitable for their usual *public* use.

**S.W. Land Drainage Partnership:** The extent of these proposals (10+ dwellings) classifies this as a major development planning application. SWLDP is only in a position to comment on matters that may affect existing ordinary watercourses on or adjacent the site of which there is reported to be one along the east site boundary with Berrow Road. However, the status and condition of this roadside ditch has not been demonstrated, and may prove not be an Ordinary Watercourse and, therefore, not viable as an ultimate point of discharge for surface water disposal. Further information is required from the Applicant on this matter, and I recommend the condition to secure proposed routes and points of discharge for the restricted surface water discharge from the site.

**Lead Local Flood Authority:** I am responding to your request for further comment to additional drainage details submitted on 15/02/2024. The LLFA placed a holding objection concerning where the surface water drainage scheme will discharge and ultimately drain to. The new drainage details provided do not clarify the flow route or capable capacity of the open watercourse/ ditch where surface water is proposed to be discharged.

I would like the holding objection to remain in place until satisfactory details for the discharge method of surface water have been submitted and approved by the Local Planning Authority.

**Lead Local Flood Authority:**

Drainage hierarchy: Discharging surface water from the site has been considered in accordance with the drainage hierarchy. In accordance with the drainage hierarchy and Box 1.2 of the Ciria SuDS manual (C753), rainwater harvesting should be the first means of surface water discharge which is entirely appropriate for this development type with the use of water butts. Please include water butts in further plans. Infiltration testing at the BRE 365 standard has not been proposed and will need to be conducted to confirm if infiltration SuDS are unfeasible as a surface water discharge method. If tests find infiltration to be feasible, surface water discharge via infiltration SuDS will be expected within the drainage network. There is an existing open watercourse (ditch) parallel to the eastern boundary, current proposals are to discharge surface water to this ditch. The ditch doesn't appear to lead anywhere and may not be suitable for an outfall. Further details need to be submitted clarifying the condition, ownership and where the ditch leads to. If the ditch leads to a culverted watercourse or drain, the condition of the pipework and able capacity will need to be confirmed along with any remedial works needed.

Calculations: The greenfield runoff rate ( $Q_{bar}$ ) has been calculated at 4.3l/s for the site and the proposed discharge rate is 4.75l/s up to the 1:100-year return period (1% AEP) + 40% climate change (CC) uplift. Why is the proposed discharge rate higher than  $Q_{bar}$ , please justify this. The total attenuation storage proposed for the impermeable area North Worcestershire Water Management On behalf of the LLFA is 1,486m<sup>3</sup> up to the 1%AEP + 40% CC. There are no drainage calculations in the appendix to review.

SuDS design: The site will be split into two catchments, each draining via pipework to two separate attenuation ponds. The ponds are appreciated as above ground SuDS are favoured by the LLFA. Please could detailed drainage designs show the permanently wetted pond area and include a staged base, shelves, and informal design to adhere to the SuDS objectives. Where water volume considerations reduce flood risk, water quality is restored, and biodiversity and amenity value are 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 pond. The LLFA prefers two stages of treatment in the SuDS train, please consider the addition of further SuDS. SWDP 29-B. states "Lack of space, prohibitive costs, inadequate infiltration and land contamination will not be accepted as reasons for not including SuDS. Given the wide range of SuDS techniques available, there is a sustainable drainage solution to suit all sites."

Water treatment: A water treatment appraisal in line with the Ciria simple index approach will need to be completed and show the mitigation of all pollution hazards on site.

Exceedance flow route: Exceedance flow route drawings are not within the appendix as stated. An exceedance flow route drawing, demonstrating site wide flows will not be directed to properties or private land and will be directed to roads and areas of POS will need to be submitted in further plans.

**Maintenance:** SuDS maintenance details are satisfactory in principle. A detailed maintenance plan including a schedule for all drainage assets, who will provide the maintenance and how the maintenance of drainage assets in private ownership will be communicated to private landowners, will need to be submitted in further plans.

**Conclusion:** It is not known if the site will be suitable for infiltration SuDS and the only other way to drain the site is to a roadside ditch which appears to be disconnected from other watercourses. The flow route of the ditch, if any, and capacity need to be confirmed before any conditions or approval can be recommended. This is to ensure there is a viable method for draining the site. All appendices are missing from the FRA/DS, please can these be amended. I would like to place a holding objection until the details requested have been submitted and approved by the LPA.

**Severn Trent Water Ltd.:** No objections to the proposals subject to the inclusion of a condition to secure drainage plans for the disposal of foul and surface water flows.

**Worcestershire Regulatory Services – Nuisance/ Noise:** No objection to the application in terms of road traffic nor commercial noise. If any domestic Heat Pumps are to be installed the applicant should ensure that the recommendations of the Institute of Acoustics Briefing Note on Heat Pumps [https://www.ioa.org.uk/sites/default/files/briefing\\_note\\_-\\_heat\\_pumps\\_-\\_publication\\_11.pdf](https://www.ioa.org.uk/sites/default/files/briefing_note_-_heat_pumps_-_publication_11.pdf) are taken into consideration.

**Construction Phase Nuisance:** The applicant should submit a Nuisance Management Plan detailing the proposed measures to monitor and mitigate emissions of noise, vibration (piling) and dust during the construction phase for approval. In terms of noise and vibration reference should be made to BS5228 Parts 1 & 2 Code of practice for noise and vibration control on construction and open sites.

**Worcestershire Regulatory Services – Land and Air Quality:** The Phase 1 Geo Environmental report (ref M44148-JNP-XX-XX-RP-G-0001 P01, dated July 2023) details an agricultural and allotment history, onsite and adjacent, and recommends further intrusive site investigation, with which WRS are in agreement. In line with these recommendations, WRS recommend the following condition wording is applied to the application, should any permission be granted to the development, to ensure PCL issues on site are appropriately addressed.

**Recommendations:** Knowledge of the site suggests that contamination issues may potentially be a significant issue. As a result, in order to ensure that the site is suitable for its proposed use and accordance with The National Planning Policy Framework, Conditions are recommended below for inclusion on any permission granted.

The National Planning Policy Framework advises that Planning Decisions should ensure the site is suitable for its proposed use taking account of ground conditions, pollution arising from previous uses and any proposals for mitigation including land remediation. The Framework also requires adequate site investigation information be prepared by a competent person is presented.

**MHDC Housing:** The Strategic Housing Market Assessment (SHMA) (2021 update) – Indicates a minimum net imbalance of 331 affordable dwellings each year over the next five years across the Malvern Hills District.

Housing For You (Housing Register) – As of 17th of January 2024 data shows that there are 1428 households registered with a banding which indicates that they have a local connection to the Malvern District. These households have the following bedroom need:

1 bed – 745  
2 bed – 386  
3 bed – 232  
4 bed – 59  
5 bed – 6

As the site is located in a rural area, when allocating any affordable housing, priority would be given to those with a local connection to the parish the site is located within (in this case Martley), followed by priority to those with a local connection to the adjoining parishes (Great Witley and Hillhampton, Wichenford and Kenswick, Doddenham and Knightwick, Clifton upon Teme) before the wider District could be considered.

Housing For You data shows that there are 10 households registered with an address in Martley. These households have the following bedroom need:

1 bed –4  
2 bed –5  
3 bed –1

There are a further 12 households registered with an address in one of the surrounding parishes (Great Witley and Hillhampton, Wichenford and Kenswick, Doddenham and Knightwick, Clifton upon Teme). These households have the following bedroom need:

1 bed- 3  
2 bed – 6  
3 bed- 2  
4 bed- 1

The above may be an under representation of housing need as it is not possible from our current reporting system to establish how many households have a local connection to the parish/surrounding parishes through employment or close family links.

The Council's document titled 'formal position with respect to affordable housing and tariff style developer contributions following the publication of National Planning Policy Framework (NPPF) 2021' states that on sites of 15 or more dwellings, on greenfield land, 40% of the units should be affordable and provided on site. On the basis of a total of 55 dwellings, this equates to 22 affordable homes. The Planning Statement confirms that 40% affordable housing will be provided and is therefore compliant.

In terms of tenure split, the South Worcestershire Strategic Housing Market Assessment 2021 Update recommends a tenure split of 69% Social Rented, 25% First Homes and 6% Shared Ownership. Additionally, The NPPF states that 10% of the total number of homes on major sites are to be provided as affordable home ownership and these will count towards the affordable housing provision. For this application of up to 55 dwellings (of which up to 22 will be affordable), the required tenure split is 69% Social Rent (15 dwellings), 25% First Homes (6 dwellings) and 6% Shared Ownership (1 dwelling), on the basis of 22 affordable. Should the total number of dwellings reduce at Reserved Matters stage, the tenure splits may need to be re-calculated and therefore any Section 106 Agreement would need to include a caveat to reflect this.

### First Homes

The National Planning Practice Guidance (NPPG) states that 'First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations'. The adopted SWDP does not include a policy on First Homes because it preceded the Affordable Housing Update Written Ministerial Statement (WMS) issued in May 2021 (Written statements - Written questions, answers and statements - UK Parliament). The emerging SWDPR policy on affordable housing will include a requirement for First Homes and the policy will carry full weight once the SWDPR is adopted. In the meantime, regard has to be made to the WMS and therefore on sites of 5 or more dwellings MHDC and WDC will seek 25% of all affordable homes required by policy SWDP15 South Worcestershire Development Plan 2016 ([swdevelopmentplan.org](http://swdevelopmentplan.org)) to be delivered as First Homes.

Whilst Housing Officers appreciate that the finer details will be submitted at a later stage, the below comments may be helpful for future Reserved Matters application should this outline application be approved.

The Strategic Housing Market Assessment (SHMA) 2021 Update sets out an overall dwelling type mix by tenure (extract below). Housing Officers would expect to see a proposed mix that complies with this at Reserved Matters stage. However, given that 2-bedroom homes are likely to accommodate children and gardens are considered to be essential for their health and well-being, Housing Officers would like to see 2-beds delivered as houses rather than flats.

Additionally, Housing Officers would suggest that two-bedroom houses are the most appropriate to deliver as First Homes in order to attract first-time buyers. To ensure potential first-time buyers can afford to purchase the properties, Housing Officers would ask that approximate values are provided of the proposed homes at / prior to Reserved Matters stage. Housing Officers would welcome a discussion around the mix of property types for each tenure with the applicants.

Housing Officers encourage the Nationally Described Space Standards (extract below shows the recommended sizes of internal floor areas and storage) in terms of the size of affordable dwellings.

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

First Homes must meet the NDSS in terms of internal sizes.

The Affordable Housing Supplementary Planning Document also sets out the requirements for tenure blindness and the avoidance of clustering (ref 4.3 (b) and 4.3 (c)).

Despite this being an outline application, Housing Officers would seek to agree some fundamental principles, to be secured as part of the Section 106 agreement in relation to these dwellings at the outline stage, including the following:-

- 40% affordable housing with 69% Social Rent, 25% First Homes and 6% Shared Ownership.
- Provision of a range of property types to help meet local housing need which is to be agreed in writing with the Council prior to commencement of the Development, in the form of a comprehensive affordable housing scheme.

**Herefordshire and Worcestershire NHS Integrated Care System** (summarised): The development would give rise to a need for improvements to capacity, in line with emerging ICB estates strategy, by way of new and additional premises or infrastructure, extension to existing premises, or improved digital infrastructure and telehealth facilities.

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

The table below provides the Capital Cost Calculation of additional primary healthcare services relating to the development proposal.

Primary Care Network	Additional Population Growth (55 dwellings) <sup>1</sup>	Floorspace required to meet growth (m <sup>2</sup> ) <sup>2</sup>	Capital required to create additional floor space (£) <sup>3</sup>
Droitwich & Ombersley & The Rurals PCN	132	9.6	38,400

**Notes:**

1. Calculated using an average household size of 2.4 taken from the 2021 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number)
2. Based on 120m<sup>2</sup> per 1750 patients (this is an average list size for a single GP). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
3. Based on standard m<sup>2</sup> cost multiplier for primary healthcare in the Midlands and East from the BCIS Public Sector Q3 2015 price & cost Index, adjusted for professional fees, fit out and contingencies budget (£4,000/m<sup>2</sup>).

A developer contribution will be required to mitigate the impacts of this proposal. Herefordshire and Worcestershire ICB calculate the level of contribution required in this instance directly relating to the number of dwellings to be **£38,400**. Payment should be made before the development commences.

**MHDC Community Infrastructure:** The South Worcestershire Development Plan (SWDP) ensures that new developments set out high quality formal and informal recreational opportunities and makes a contribution to enhancing sporting and community facilities in order to encourage healthy lifestyles. Furthermore, the South Worcestershire Developer Contributions Supplementary Planning Document (July 2018) confirms the basis with which both on-site and/or off-site contributions will be sought against all developments within the district. Further information on the policies underpinning Community Services response and the details of how the Council manages developer contributions relating to open space can be found at [www.malvern hills.gov.uk](http://www.malvern hills.gov.uk)

Strategic Evidence: Paragraph 96 of the NPPF states: *Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.*

The South Worcestershire Open Space Strategy (OSA) 2019, South Worcestershire Playing Pitch and Outdoor Sports Strategy (PPOSS) 2021-41 and Built Sports Facility Strategy (BSF) 2021-41 have been completed in accordance with Sport England's Guidance: Assessing Needs and Opportunities Guide for Indoor and Outdoor Sports Facilities (ANOG) and the PPG17 companion guidance 'assessing the needs and opportunities. These strategies ensure the evidence is sound, robust and up to date for the purposes of assessing the needs for playing pitches, open spaces and built facilities in accordance with National Planning Policy Framework (NPPF).

This response confirms the council's position and the level of developer contributions required as permitted within SWDP policies:

**SWDP39:** Provision for Green Space and Outdoor Community Uses in New Development  
**SWDP37:** Built Community Facilities  
**Add. Policies:** Additional contributions that are felt necessary to make the development acceptable i.e. SWDP7: Infrastructure and SWDP9: Creating and Sustaining Vibrant Centres

Observations and Assessment: It is noted that:

- As outlined within the Design and Access statement, this development will deliver 40% public open space and it is clear the applicant has considered the importance of quality open spaces between and surrounding the dwellings, by taking a strategic approach to landscaping, open spaces and play.
- Whilst the retention and enhancement of the allotments on site is welcomed, there will be no apparent net gain to contribute to the existing identified shortfall.
- As summarised within the strategic needs assessment (Appendix 2), there is an identified shortfall of equipped play provision for both children and youths within Martley. The proposal includes 'playable landscape', however the applicant fails to provide any specific details on the proposals and so it is not possible to assess the impact.
- The strategic needs assessment also highlights the lack of capacity/shortfall in formal sports provision, including football pitches of all sizes, in 3G pitch provision, the number of cricket wickets and rugby provision. And confirms the council's strategic aim to enhance outdoor sports facilities quality improvement and provide new facilities where there is a current or future shortfall.
- There will also be an impact on the existing built sports facilities. Specifically, Sport Martley leisure centre and Martley village hall which would both benefit from upgrades and enhancements to cater for increases in demand.

Strategic Needs Assessment: The strategic evidence as outlined within Appendix 2 demonstrates that for the local infrastructure to accommodate an increased population, investment is required to enhance existing provision and/or to provide new provision within the catchment of this development.

Given the size of this development, its proximity to existing provision and the attached conclusions that there is a clear need to provide new or enhance existing open space, sport and recreation provision which the development will be directly related. An off-site public open space contribution is deemed both appropriate and necessary as quantified below.

Off Site Public Open Space Developer Contribution: Based on a development of 55 dwellings, a Section 106 developers' contribution to support off-site public open space provision will be required as following:

Typology	Dwellings 55	
Amenity and Semi-natural greenspace	£	5,104.00
Equipped Play Space	£	7,503.10
Cemetery	£	-
Civic Space	£	1,276.00
allotment	£	356.95
land acquisition	£	9,749.30
Commuted Maintenance Sum	£	125,455.00
Formal pitches	£	12,761.10
Built Facilities (SFC)	£	48,800.00
<b>*Maximum Contribution</b>	<b>£</b>	<b>211,005.45*</b>

*\*\*In line with the Developer Contributions SPD (2018), one and two bed dwellings make a reduced contribution, paying 50% and 75% of the dwellings total tariff, and affordable housing units are exempt from paying a POS tariff. Additionally, any variation in the housing mix or the delivery of any of the above typologies on-site would also see a variation in the level of off-site contribution required. Accordingly, and subject to planning approval, the final developer contribution would be varied in line with the above factors.*

To ensure this development mitigates the impact it has on formal and informal local infrastructure and strategic sites. It is necessary for the off-site public open space developer's contribution to support the delivery of local and strategic improvement projects. The contribution should be secured through the provisions of a Section 106 Agreement and in line with the definition for off-site public open space.

The contributions stated above are considered acceptable in terms of meeting the NPPF tests set out in paragraph 204 of the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2010 as amended, those being 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.

**Hereford & Worcester Fire Service:** Fire Service Vehicle access must comply with the requirements of ADB 2019 Vol. 1 B5, section 13 & Table 13.1 In particular, Fire Service vehicle access should be provided for a Fire Appliance to within 45 metres of all points inside dwelling houses/Flats. Access road and hard-standings to be in accordance with ADB 2019 Vol. 1 Table 13.1. Dead-end access routes longer than 20m require turning facilities, Water for firefighting purposes should be provided in accordance with: National guidance document on the provision of water for fire - fighting and BS 9990.

**MHDC Archaeologist:** The site has been subject to a geophysical survey. A trench evaluation by condition is acceptable, I suggest a condition be attached to any approval to secure a programme of archaeological work, including a Written Scheme of Investigation.

**Worcestershire Children's Services** (summarised): This assessment has been carried out and is accurate as at 09/04/2024. Dwellings excluded from the requirement for an education contribution, notably 1- bedroom dwellings, affordable rent and social rent properties, although properties categorised as 'intermediate rent' are still liable. Any social rent and affordable rent dwellings are exempt from a contribution and once the housing mix is confirmed, figures can be revised. However, should there be a proportion of intermediate housing included within the Social/Affordable housing then this would need to be included and the below amounts are subject to change.

Worcestershire Children First will, from the 10th of February 2023, receive planning obligations via Section 106 means only within these districts.

The area of Martley, in which the proposed development is sited, is within the catchment area of Martley CE Primary and The Chantry School.

Early Years: The proposed development is located within the ward of Martley (Post-May 2023) and forecast to yield seven (7) children who may need childcare places at an early-years setting. Updated sufficiency figures for 2022 show there is a sufficient level of funded childcare places in three wards close to this development.

## Primary School

### Number on Roll by Year Group (October 2023 school census)

School	Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	TOTAL
<b>Martley CE Primary</b>	16	20	9	18	23	16	30	<b>132</b>
<i>Additional pupils from approved housing</i>	7	7	7	7	7	7	7	<b>49</b>
<b>Total</b>	<b>23</b>	<b>27</b>	<b>16</b>	<b>25</b>	<b>30</b>	<b>23</b>	<b>37</b>	<b>181</b>
<b>Surplus / Deficit of places</b>	<b>-3</b>	<b>-7</b>	<b>4</b>	<b>-5</b>	<b>-10</b>	<b>-3</b>	<b>-17</b>	<b>-31</b>

### Other relevant information

School	School Capacity	Published Admission Number (Sept 2023)	PAN of largest year group minus NOR in that year group	Number of year groups	Average spare places per year group
<b>Martley CE Primary</b>	140	20	<b>-17</b>	7	<b>-1</b>

### Forecast Information

#### Year of admission to Reception

School	Sept 2024	Sept 2025	Sept 2026	Sept 2027
<b>Martley CE Primary</b>	14	22	21	19
<i>Additional pupils from approved housing</i>	7	7	7	7
<b>Total</b>	<b>21</b>	<b>29</b>	<b>28</b>	<b>26</b>
<b>Forecasted places per year group</b>	<b>-1</b>	<b>-9</b>	<b>-8</b>	<b>-6</b>

\* Catchment School

There are insufficient places for the nineteen (19) primary aged children expected from this development. Therefore, a contribution towards primary provision will be sought.

Primary School Contribution required: £420,318

Primary School Contribution Formula:

$(N \times 0.05 \times 7) \times 0.97$  (rounded up to a whole number)  $\times \text{£}22,122$

$55 \times 0.05 = 2.75 \times 7 = 19.25 \times 0.97 = 18.67 = 19 \times \text{£}22,122 = \text{£}420,318$

To be used for the provision of additional education facilities at Martley CE Primary School, or any other school serving the development.

## Secondary School and Sixth Form

### Number on Roll by Year Group (October 2023 school census)

School	Year 7	Year 8	Year 9	Year 10	Year 11	Year 12	Year 13	Total
<b>The Chantry School</b>	181	180	178	180	166	-	-	1083
<b>Spare places per year group</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9</b>			

### Other relevant information

School	School Capacity	Published Admission Number (Sept 2023)	PAN of largest year group minus NOR in that year group	Number of year groups	Average spare places per year group
<b>The Chantry School</b>	875	175	<b>-6</b>	5	<b>-2</b>

\* Catchment School

### Forecast Information

#### Year of admission to Year 7

School	Sept 2024	Sept 2025	Sept 2026	Sept 2027
<b>The Chantry School</b>	181	166	179	176
<i>Additional pupils from approved housing</i>	7	7	7	7
Pupils from outside planning area	<b>-7</b>	<b>-7</b>	<b>-7</b>	<b>-7</b>
<b>Total</b>	<b>181</b>	<b>166</b>	<b>179</b>	<b>176</b>
<b>Forecasted places per year group</b>	<b>-6</b>	<b>9</b>	<b>-4</b>	<b>-1</b>

Over the past seven (5) years, between forty-nine (49) and sixty-six (66) pupils per year group attending The Chantry live outside the catchment area, with an average of seven to eight (7-8) pupils per year group attending from out of county. The potential to push future applicants for Year 7 places who live outside the catchment area back to their catchment secondary school still requires additional capacity to be available at The Chantry School. Therefore, a secondary education contribution will be required from this development.

Secondary School Contribution required: £420,318

Secondary School Contribution Formula:

$(N \times 0.04 \times 6) \times 0.97$  (rounded up to a whole number)  $\times \text{£}30,413$   
 $55 \times 0.04 = 2.2 \times 6 = 13.2 \times 0.97 = 12.804 = 13 \times \text{£}30,413 = \text{£}395,369$

To be used for the provision of additional education facilities at The Chantry School, or any other school serving the development.

Specialist SEND Provision:

An assessment will also be carried out regarding any SEND (Special Educational Needs and Disabilities) contribution required. Section 315 of the Education Act 1996 requires that arrangements for children with SEND be kept under review.

As explained within our Policy, where the impact of a development on educational infrastructure is such that it can be shown that there will be a requirement for additional provision for children with SEND, either within existing mainstream or specialist schools, or in the creation of a new school, a contribution for special needs and disability provision will be sought.

This is based on the average percentage of pupils in Worcestershire with an Education Healthcare plan over the last 5 years, which is 3%.

Any requirements for a contribution through S106 or CIL will be assessed and calculated on a case-by-case basis. A contribution directly required for SEND provision will not be sought on any developments of less than 50 dwellings.

SEND places will be calculated at 4 times the cost of a place appropriate for the phase of education as per government guidance.

There are insufficient places for the 1 primary aged child with SEND expected from this development. Therefore, a contribution towards SEND provision will be sought.

SEND Contribution required: £88,488.

SEND Contribution Formula:

- Step 1 (Primary Contribution)  $(N \times 0.05 \times 7 \times 0.03)$  (rounded to nearest whole number)  $\times \text{£}22,122 \times 49$   
 $55 \times 0.05 \times 7 \times 0.03 = 0.5775$ , therefore  $1 \times \text{£}22,122 \times 4 = \text{£}88,488$
- Step 2 (Secondary Contribution)  $(N \times 0.04 \times 6 \times 0.03)$  (rounded to nearest whole number)  $\times \text{£}30,413 \times 4$
- Step 3. Step 1 + Step 2 = Total SEND Contribution

This contribution will be used to support education projects at SEND facilities either within mainstream schools or at stand-alone SEND settings within Worcestershire.

#### **Total Contributions Required**

Education Phase	Contribution Required
Early Years	N/A
Primary School	£420,318
Secondary School	£395,369
SEND	£88,488
<b>TOTAL CONTRIBUTION</b>	<b>£904,175</b>

The contribution rate is applicable from 1st April 2023 to 31st March 2024. If a planning decision is not

reached within the current financial year it may be necessary to review the level of charges. Financial contributions will be subject to indexation and interest on late payments. The calculation of indexation and interest will be set out in the legal agreement.

Contribution to be paid on or before occupation of one third of dwellings, unless agreed otherwise.  
Conclusion We do not object to this application subject to a requirement for an education contribution as detailed in this assessment.

**CPRE Worcestershire:** Strongly opposes this application.

1. Excessive increase in the size of a small country village.
2. Inappropriate location
3. Loss of valued local views
4. Impact on local drainage

The planning statement (paragraph 3.7) states that "It is clear that there has been a significant under-delivery of housing across the South Worcestershire area." This is untrue. The latest Housing Delivery Test shows that between 2019 and 2022, South Worcestershire completed 145% of the target set by the standard method (4789 homes delivered compared to 3294 required). An updated calculation of the five-year land-supply was completed by the South Worcestershire councils in December 2023, based on data up to March 2023. This found a five-year land-supply for Malvern Hills of 3.31 (excluding dwellings in the Wider Worcester Area). This is indeed below the target of four years required by the NPPF for planning authorities which have submitted a local plan for examination, but there have several major planning applications approved in the last 11 months including those in Leigh Sinton, Arley and Martley itself.

Footnote 27 of the NPPF proposes that: "... Strategic policies should promote an effective use of land and optimise site densities in accordance with chapter 11. This is to ensure that homes are built in the right places, to prioritise brownfield and other under-utilised urban sites, to utilise existing infrastructure, and to allow people to live near the services they rely on, making travel patterns more sustainable."

### **MHDC Natural Heritage and Biodiversity**

The application is supported by an Ecological Impact Assessment (EclA) report dated November 2023 and a Badger Survey report dated February 2024 both produced by Harris Lamb. The majority of the site comprises arable land with boundary hedgerows and scattered trees. In the north of the site there are allotments and a strip of broadleaved woodland. No major ecological constraints were identified in the report. I have reviewed the submitted ecological information and consider additional information is required. Since there is potential to provide the outstanding information and resolve issues by the reserved matters stage, I have recommended conditions to secure this additional information should permission be granted.

**Third Party Comments:** 30 responses have been received that object to the proposed development, following the Neighbour Notification.

#### Location

- The development is outside of the "settlement boundary" for Martley.
- This new application is on a green field site of prime agricultural land outside the settlement boundary.
- Both the PM and the Housing Secretary outlined plans in July 2023 by committing to: "not concreting over the countryside. Our plan is to build the right homes where there is the most need and where there is local support, in the heart of Britain's great cities." "Our reforms today will help make that a reality by regenerating disused brownfield land, streamlining the planning process and helping homeowners to renovate and extend their houses outwards and upwards."
- Martley is ripe for excessive development based on its 'so called' resources – the oversubscribed schools, the inadequate part-time doctor surgery manned by GT Witley doctors who are oversubscribed.
- Two sites for housing at the same side of the village have been approved recently. Work on one has already started.
- The site will be next to our village burial site which currently is in a quiet location.
- This new development with the two applications approved will amount to two thirds more houses.
- Here the main occupation locally is in farming and agriculture. People need to travel to work putting more traffic on the road to Worcester.

- The application seeks the support given by incorrectly referring to Pershore! The services and convenience of which do not apply to Martley, including: 'Additionally, the site is less than 3km from Pershore Station which is served by Great Western Trains. There are frequent trains through Pershore providing further connections to London Paddington, Worcester Shrub Hill, Great Malvern, Hereford, and beyond.'
- If the bus route mentioned is one of the 'key services' it only runs in term time so would not be an option for workers living in the village trying to get to Worcester, therefore more car use.
- There are very limited bus services, with the last bus leaving Worcester for Martley at 5.45pm. This will not adequately serve those working shifts in Worcester and will increase the volume of traffic through the village and surrounding areas.
- We understand that we are on a "bus route" but this is not convenient for most people who live in this area and certainly cannot help people who work away from Worcester.
- Our local bus service is infrequent and is not available at times to support school runs and meet the needs of working people.
- Densification and expansion of a village like Martley will increase the number of (long-distance) commutes, impacting on national targets to be net-zero by 2050.
- The impact on the village itself, we have one small shop with a post office, a 2 pump filling station and a public house that is closed, a Church and a burial ground.
- As there is little local employment the majority of people will need to travel by car to get to their place of work. The schools are full with little scope for expansion, the GP practices also full and public transport very limited.
- Use brown field sites and build house closer to where the work is and the infrastructure to carry people to work. I do not want to live in a soulless dormitory of a village
- Martley has provided two "windfall" developments, Sandyfields and Lioncourt
- With the other two developments this will take the number of new houses to 193 potentially increasing the population by an additional 600 people.

#### Highway Safety

- Highways and parking - Traffic volumes and accumulative effect of this over and above the two new developments already approved.
- Lack of road infrastructure.
- The current developments will mean at least 150 extra vehicle movements through the village and along the main access roads without the Hayfield development.
- Existing traffic problems in the village will be made much worse particularly at school times.

#### Flood Risk and drainage

- Elimination of flood risk on all these additional sites appears to rely on attenuation basins. It has been proven on The Hopyard estate that an attenuation system cannot adequately hold all surface runoff without overflowing onto the roads. Yet another proposal with this type of flood risk management will add to the likely flooding in the centre of Martley.

#### Biodiversity

- Risk to Ecology and trees - Wildlife habitats.

#### Best and Most Versatile Land

- Yet again we are appearing to turn perfectly good Grade 1 agricultural land into a housing Estate.

The Burial Ground is set in a peaceful countryside area which will be completely spoiled if this building takes place.

#### **Site Constraints:**

Outside SWDP Development Boundary - Distance: 0

SWDP 15: Designated Rural Areas - Distance: 0

Public Right of Way: Type- Footpath. Path No- MT-698 C - Distance: 0

Neighbourhood Plan: NPA Boundaries - Distance: 0

Water Supply. If Major Application consultation required with Severn Trent - Distance: 0

SWDP 5: Protect and Enhance - Distance: 0

CIL009 - Non-Urban Area - Distance: 0

Surface Water: 1 in 30 extent. - Distance: 0

Surface Water: 1 in 100 extent. - Distance: 0

Surface Water: 1 in 1000 extent - Distance: 0

Public Right of Way: Type- Footpath. Path No- MT-694 B - Distance: 8.75

Listed Buildings Affect Setting 25m Buffer Grade II Ref: 1082996. Longstone Cottage. Distance: 11.11

### **Planning Site History:**

14/00654/FUL Change of use to provide 15 allotments for the local community, with parking facilities. Approved 26/08/2014.

14/01601/FUL Change of use to provide 15 allotments for the local community, including sheds with parking facilities. Approved 7/01/2015.

### **Policies relevant to Decision:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. A local planning authority (LPA) may establish whether a development proposal is acceptable in principle by examining the policy that captures its basic, unalterable nature. If a development plan should lack such a policy, an LPA may refer to the NPPF.

Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

### **South Worcestershire Development Plan (SWDP)**

SWDP 1: Overarching Sustainable Development Principles

SWDP 2: Development Strategy and Settlement Hierarchy

SWDP 3: Employment, Housing and Retail Provision Requirement and Delivery

SWDP 4: Moving Around South Worcestershire

SWDP 5: Green Infrastructure

SWDP 6: Historic Environment

SWDP 7: Infrastructure

SWDP 13: Effective Use of Land

SWDP 14: Market Housing Mix

SWDP 15: Meeting Affordable Housing Needs

SWDP 20: Housing to Meet the Needs of Older People

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

SWDP 33: Waste

SWDP 39: Provision for Green Space and Outdoor Community Uses in New Development

SWDP 59: New Housing for Villages

### **Neighbourhood Plans and Supplementary Planning Guidance**

The Martley, Knightwick and Doddenham Neighbourhood Plan was Made in January 2018.

Policy MKD1 Landscape Design Principles

Policy MKD3 Building Design Principles

Policy MKD4 Maintaining the Settlement Pattern in Martley, Knightwick and Doddenham

Policy MKD6 Outside Development Boundary

Policy MKD7 Housing Mix.

Policy MKD10 Promoting Health and Wellbeing.

South Worcestershire Design Guide Supplementary Planning Document (March 2018)

Developer Contributions SDP July 2018  
Water Management and Flooding SPD July 2018  
Renewable and Low carbon Energy SPD July 2018  
Planning for Health SPD Sept. 2017  
Affordable Housing SPD Oct. 2016  
Joint Councils' formal position with respect to affordable housing and tariff style developer contributions (June 2019)

### **National Guidance**

National Planning Policy Framework (the Framework)  
Planning Practice Guidance (PPG)

### **Public Consultation:**

A leaflet has been distributed notifying residents of the application submission and requesting feedback. An online feedback form has been generated, which can be accessed via a QR code on the leaflet.

### **Officer Report:**

#### **Site Description and proposal**

The application site is located to the west of the village of Martley, on the western side of the B4137. The site is identified as grade 1 agricultural land and lies some distance from the identified development boundary.

As such, the site would be considered in designated open countryside. The site is not identified as a housing allocation and has not been part of the Call for Sites process. The developable area measures 3.86 hectares.

The boundary treatments include low hedgerow and some trees with an unbroken roadside hedgerow to the B4197. There is a public right of way (footpath 698C) that crosses the site. Along the site's northern boundary is an allotment site and a single dwelling house: Longstone Cottage (grade 2 listed). Two or three dwellings occupy the site's south-eastern area that include what are considered non-designated heritage assets, with the site's southern abutting the burial ground and the western boundary agricultural land.

The proposed description states: Outline planning permission for up to 55 dwellings with detailed access and all other matters reserved (appearance, landscaping, layout and scale).

The site sits within the view corridor of an identified 'Significant View' "towards the Iron Age fort Scheduled Monument on Berrow Hill and the outskirts of Berrow Green" in the Martley, Knightwick and Doddenham Neighbourhood development Plan.

The application is supported by amongst others the following:

- Planning Statement including Affordable Housing Statement and Statement of Community Involvement
- Design and Access Statement prepared.
- Arboricultural Impact Assessment (Including Tree Survey)
- Ecological Appraisal
- Flood Risk Assessment
- Heritage and Environmental Desk Based Assessment
- Geophysical Survey
- Landscape and Visual Impact Assessment
- Transport Statement

### **Officer Assessment**

#### **Principle of Development:**

Policies SWDP 2 (Development Strategy and Settlement Hierarchy) and SWDP 59 (New Housing for Villages) capture the basic, unalterable nature of the development proposal that is the erection of 'market' houses.

Part C of SWDP2 says the following: The open countryside is defined as land beyond any development boundary. In the open countryside, development will be strictly controlled and will be limited to dwellings for rural workers (see policy SWDP19), employment development in rural areas (see SWDP12), rural exception sites (see SWDP16), buildings for agriculture and forestry, replacement dwellings (see SWDP 18), house extensions, replacement buildings and renewable energy projects (see policy SWDP27) and development specifically permitted by other SWDP policies. None of which directly apply in this case, although the site is included in the emerging SWDP Review, with some weight attached to this.

Part B of SWDP 2 says that 'windfall' development proposals will be assessed in accordance with [a] settlement hierarchy'. Part B also identifies Martley as a category 1 village, where Table 2 considers Category 1, 2 and 3 villages collectively regarding to role and policy implementation. Martley is recognised a rural, rather than urban area (Table 2). The text within table 2 says: These villages provide varying ranges of local services and facilities. However, the larger settlements generally tend to provide the greatest range. Their role is predominantly aimed at meeting locally identified housing and employment needs. They are, therefore, suited to accommodate market and affordable housing needs.... Directly related policies include: SWDP12 and 16 together with allocation policy SWDP59. Infill development within (*my emphasis*) the defined development boundaries is acceptable in principle subject to the more detailed plan policies.

Part B of policy SWDP 59 says: In addition to part A which refers to housing allocations in villages, housing proposals in all villages will be permitted where they comply with SWDP2 B and fall into one or more of the following categories:

- i Located on land within defined development boundaries, as identified on the Policies Map, where they comply with relevant other Plan policies;
- ii Local initiatives including Neighbourhood Plans, Community Right to Build Orders and Neighbourhood Development Orders;
- iii Rural Exception Sites (see SWDP16).

Relevant also would be the two recent planning permissions, one of which is commenced and the other's application for Reserved Matters is currently being considered.

Part F of policy SWDP 2 requires: Development proposals should be of an appropriate scale and type with regard to the size of the settlement, local landscape character (see SWDP 25), location and the availability of infrastructure. The proposed development should be considered in terms of its cumulative effect on this rural settlement location.

Taking all of the above into account, it is a matter of fact that the proposed development would be contrary to adopted policy SWDP 2 and the sustainable development strategy that underpins the Plan. Further, the Martley, Knightwick, and Doddenham Neighbourhood Plan (Jan. 2018) Policy MKD6: New Housing Development Outside the Martley Development Boundary that accords with SWDP 2 in seeking to limit new housing development outside the development boundary. They represent policies that seek to manage sustainable housing within the countryside. They are consistent with the Framework objectives.

#### **Whether a Suitable Location:**

Policy SWDP 4 (A) states that proposals must demonstrate that the location of development will minimise demand for travel and offer genuinely sustainable travel choices. Further to this, the Framework states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking or cycling.

The application site stands apart from Martley's development boundary and is therefore within the open countryside as defined by the development plan.

In terms of the site's location to local services and facilities, occupants of the proposed homes would be approximately 1.2km from the secondary and primary schools. The village store and post office, the bus stop locations and the garage would be approximately 650m and more distant.

The South Worcestershire Development Plan Annex D (Policy SWDP2B) defines Martley as a Category 1 rural settlement. As such, the settlement is viewed in principle to be a sustainable location in which to support local housing need.

In terms of the proposed development to this settlement location. There is no statutory definition of a 'sustainable location'. However, such a location is normally one where people can reach everyday shops, services and facilities without having to drive a car or ride a motorcycle.

The WCC Street Guide Design refers to the proximity to bus stops involving a mean average walk distance for all properties within a development to scheduled bus stops of 400 metres. Distances of up to 800 metres will be considered where a high quality, direct and level routes are provided.

Martley has a primary school, a secondary school, a leisure centre, convenience store and garage, among others. While there is a community hall, recreation grounds and a church, the local concerns would lay with the part-time doctors' surgery in coming under sustained local pressures from local housing growth that reasonably could see its service removed from the village altogether. It is reasonable given such outreach type work has happened in similar situations. Of course, the village hosts a number of employment opportunities and while there are bus services through the village their frequency and hours of operation would have most residents make use of the private motor car.

Furthermore, being removed from the more central services and facilities, including the bus stops and with the furthest removed occupants within the proposed development to consider being located twice the recommended distance that is given in the WCC Street Guide Design, then this 'windfall' site is considered not to be a suitable location.

### **Housing Land Supply Position:**

The Council's Housing monitoring report dated Dec. 2023 concludes: The 5YHLS calculations at 1 April 2023 are 3.31 years for Malvern Hills against the standard method housing requirement, including a 5% buffer. The SWDP Review was submitted to the Secretary of State for public examination on 27 Sept. 2023 and hearing sessions are planned for 2024.

Paragraph 226 of the revised National Planning Policy Framework (Dec. 2023) is applicable in considering the current application that permits MHDC a 4YHLS. The implication being that the housing supply shortfall is thereby further reduced.

Notwithstanding the above, paragraph 11d of the Framework is engaged. Furthermore, in terms of paragraph 14 of the Framework, the Martley, Knightwick and Doddenham Neighbourhood Plan Development Plan, Made in January 2018 is more than 5 years old. Therefore paragraph 14 of the Framework is not engaged.

Paragraph 11d requires that for decision-taking this means: (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In terms of the above, the setting of designated heritage assets such as Longstone Cottage would fall within (i). Otherwise, (ii) would need to be engaged. These matters are considered further, below.

### **Landscape Character and Visual Amenity:**

In considering this Outline application, Appearance, Layout, Scale and Landscaping are Reserved Matters. The illustrative plan submitted with the application suggests a possible response. Its suggested layout is criticised by the council's Landscape, and Urban Design Officers. However, mindful that the application's description includes 'up to 55 dwellings', it is possible that such criticisms could be appropriately dealt with in bringing forward Reserved Matters.

Policy SWDP 5 identifies the requirement for new development to contribute to the provision, maintenance, improvement, and connectivity of Green Infrastructure (GI). For greenfield sites exceeding 1ha the policy outlines a requirement to deliver 40% of the development as GI. 40% of the site is proposed to be Green Infrastructure. This would satisfy the policy requirement.

Notwithstanding the above, there are significant concerns with the proposed location, as well as its resulting cumulative impact following the more recent planning permissions as well as being considered located in the wrong location.

Policy SWDP 25 relates to the consideration of landscape character and sets out that development proposals and their associated landscaping schemes must demonstrate that they take account of the Landscape Character Assessment. In particular proposals are required to demonstrate that they are appropriate to and integrate with the character of the landscape setting. Part B iii of Policy SWDP 2 states that development policy should 'Safeguard and (wherever possible) enhance the open countryside.

Policy SWDP 21 seeks to permit development where the layout, scale, massing, density, materials and design of the proposal respect the character and quality of the area. The issue of design is addressed in chapter 12 of the Framework (Dec. 2023). Paragraph 131 sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Further to this, paragraph 135 advises that decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

The applicant's report concludes that the landscape and visual effects arising from the proposed development are limited, localised and not significant overall.

The site's location is distinguished by the presence of the B4797 that aligns with the site's eastern boundary with an unbroken roadside hedgerow that links the small roadside group of dwellinghouses to the south with the listed Longstone Cottage at the site's north-eastern corner where it abuts the highway junction. The application site is positioned between the burial ground at the site's southern boundary. The agricultural land that lays along the site's western boundary, the allotment site to the north.

The council's urban design officer comments that the recent residential developments at this western end of Martley have all sought to protect and enhance the views towards Berrow Hill, whereas the proposed development places itself in the foreground. The scale of the residential development is at odds with that on the western side of the B4197, that is more rural with the site distinguished from the other residential developments with the public highway that acts to separate the locations, while the proposed development would be seen to extend the village into the open countryside away from the services and facilities that predominantly are located on the other side of the village.

There are open views across the site from the existing allotments, burial ground, and the many users of the recreational grounds, visitors to the community hall and from atop the Nubbins in looking out across the local area with the site providing a certain visual relief with the countryside encroaching upon the recreational ground. Users of the public right of way which crosses the site and the wider use made of the local footpaths would be only too aware of the proposed development.

The council's Landscape officer concludes that the site's proposed development would be to the significant detriment of the many views had of the site and would be majorly adverse and permanent in nature.

The landscape harm would be derived from the development of the greenfield affecting character and appearance by supporting development that projects out, away from the extant built form and that would not act to 'round off' or provide discrete infill for existing development.

### **Impact on Heritage Assets:**

Policy SWDP6 'Historic Environment' sets out how 'development proposals will be supported where they conserve and enhance the significance of heritage assets, including their setting. In particular this applies to:... ii. The historic landscape, including locally distinctive settlement patterns, field systems, woodlands and commons and historic farmsteads and smallholdings.'

Part A to policy SWDP24 sets out how development proposals will, amongst other things, be 'considered in accordance with the Framework [and] relevant legislation...'

Section 66(1) of the LBCA1990 requires, in summary, that the decision-taker has special regard to the desirability of preserving (listed) buildings or their settings, i.e. the surroundings in which heritage assets are experienced. As with landscape methodology there is an experiential dimension to setting beyond visibility.

Recognising that heritage assets are irreplaceable resources, paragraph 205 of the Framework sets out 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.' The Framework uses the terminology 'substantial' and 'less than substantial harm' to distinguish between levels of effects to heritage assets. Often a scale, or spectrum, is applied within the latter category for finer-grain analysis. Nonetheless paragraph 206 of the Framework sets out how any harm, not just that which is substantial, should require 'clear and convincing justification'.

Longstone Cottage (grade II listed) was first entered in the statutory list on 05 October 1976. The list entry reads: Cottage. C17 with C19 and C20 alterations. Timber-frame with brick infill, on brick plinth, plain tile roof, brick end stacks. Two storeys; three two-light C19 casements in three framed bays, entrance off centre left, C20 glazed door; single storey brick lean-to on left. Framing: four square panels high to wallplate, queen strut trusses to gables.

The listed building's special architectural or historic interest – the Framework refers to this as the building's heritage significance, considers the proposed development's impact on the asset's setting. The building is side on to the proposed development site, so impact to its frontage would be limited. However, historically the setting of this building would have been open, rural and likely agricultural, which adds to its character and significance. This has been diluted over time, but further development on what area remains, including loss of views and open space would undoubtedly have a further adverse impact, compounding the more recent planning permission on the land across the lane on the north side of Longstone Cottage. It would be deemed to be less than substantial harm.

Also of note are Rose Cottage and Row End, located at the roadside to the applications site's south-eastern boundary. These are considered as non-designated heritage assets whose setting would be impacted.

The historic significance of the designated and non-designated heritage assets lies in their rural setting with all enjoying the same open character, and this would be lost if the development was approved. The level of harm is likely to be reflected within the lower end of 'less than significant'. It remains that 'harm' would be derived from the proposed development. The Courts have ruled that the desirability of preserving the setting of listed buildings should be given "considerable importance and weight" to the desirability of preserving the setting of a listed building in carrying out the balancing exercise.

### **Highways Safety:**

Policy SWDP 21 (B.ix) states 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'. Policy SWDP 4 (Moving Around South Worcestershire) requires that Proposals must demonstrate that: the layout of development will minimise demand for travel, they offer genuinely sustainable travel choices, they address road safety, and they are consistent with the delivery of the Worcestershire Transport Plan objectives.

Paragraph 115 of the Framework (Dec. 2023) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Access is considered in detail in considering the outline application.

'Access' involves the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

Paragraph 104 of the Framework says: Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails'.

The Department of Environment Circular 1/09 (part 7) which explains that the effect of development on a public right of way is a material consideration in the determination of applications for planning permission and that the grant of planning consent does not entitle developers to obstruct a public right of way.

With the public right of way (footpath) that passes through the site an acceptable layout response would be needed. It is sufficient in considering the current outline application that an acceptable detailed response can be given further consideration upon receipt of an application for Reserved Matters.

However, while the Highway Authority has been consulted. In response they have requested deferral in seeking further information regarding access arrangements.

Given that there are other concerns that have been raised by the proposed development's location it is proposed to move to determination. As such a refusal reason would need to refer to the current position regarding insufficient information.

#### **Neighbour Amenity:**

Policy SWDP 21 requires that development has no significant adverse effect on the amenities of neighbouring properties. The impact of new development upon neighbouring amenity is set out in the Framework, which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. In considering the current outline application it is sufficient to establish that there remains the opportunity for a detailed scheme to be brought forward in considering Reserved Matters that can be made policy compliant

#### **Drainage & Flooding:**

Policy SWDP 29 states that to minimise flood risk, improve water quality and groundwater recharge and enhance biodiversity and amenity interest, all development proposals (as appropriate to their nature and scale) will be required to meet certain criteria including demonstrating through a Water Management Statement that site drainage and runoff will be managed in a sustainable and co-ordinated way that mimics the natural drainage network and managing surface water through Sustainable Drainage Systems (SuDS). As a minimum, demonstrate that for a Greenfield site, the post-development surface water run-off rate will not increase.

SWDP 30 states that all development proposals must demonstrate that there are or will be adequate water supply and water treatment facilities in place to serve the whole development.

Chapter 14 of the Framework provides various approaches to ensure development proposals provide appropriate sustainable drainage systems.

Notwithstanding that the application is in outline. It is necessary for the applicant to demonstrate that suitable foul and surface water drainage can be achieved. As such, the Applicant has provided a Flood Risk Assessment (FRA) and Drainage Strategy. The South Worcestershire Land Drainage Partnership and Severn Trent Water have responded and conclude that they have no objection, subject to conditions, including securing a drainage plan for the site.

Notwithstanding the above, and that the site is wholly in Flood Zone 1, the LLFA have sought additional information that is yet to be brought forward. In moving to a decision, given that there are other difficulties with the application a refusal would include the insufficient drainage information sought by the LLFA at this time.

#### **Ecology & Wildlife:**

Policy SWDP 22 seeks to protect wider biodiversity. Where a proposed development is likely to affect species protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc.) Regulation 1994, or the Badgers Act 1992, an up-to-date Protected Species Survey and Assessment should be submitted with the application.

The Council's ecologist has raised no objection to the proposal subject to conditions.

The Landscape officer provided comment on trees. It is considered that there remains the potential for the applicant to address the detailed finishes in dealing with the Reserved Matters.

#### **Affordable Housing:**

Policy SWDP 15 (Meeting Affordable Housing Needs) sets out the thresholds and amount of affordable housing that proposals should include to be policy compliant. The policy seeks onsite provision of affordable housing on sites of 15 or more dwellings, on greenfield land, 40% of the units should be affordable and provided on site. The application provides for the affordable housing policy requirement. The provision and delivery of affordable housing will be secured through a Section 106 agreement.

The proposal would include policy compliant 40% affordable housing, which will equate to, were 55 dwellings brought forward, 22 affordable units.

**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 Documents. The following Heads of Terms are identified. The figures are liable to adjustment depending on the number of dwellings to come forward.

**1. Education:** Contributions towards Primary School, Secondary School, and SEND to be secured: A total contribution of £904,175. The contribution rate is applicable from 1st April 2023 to 31st March 2024.

**2. Herefordshire and Worcestershire ICB:** A contribution of £38,400. Payment should be made before the development commences.

**3. Highways:** Awaited.

**4. Community Infrastructure**

Typology	Dwellings 55	
Amenity and Semi-natural greenspace	£	5,104.00
Equipped Play Space	£	7,503.10
Cemetery	£	-
Civic Space	£	1,276.00
allotment	£	356.95
land acquisition	£	9,749.30
Commuted Maintenance Sum	£	125,455.00
Formal pitches	£	12,761.10
Built Facilities (SFC)	£	48,800.00
<b>*Maximum Contribution</b>	<b>£</b>	<b>211,005.45*</b>

**5. Management and Maintenance of Public Open Space**

**6. Affordable Housing:**

- 40% affordable housing with 69% Social Rent, 25% First Homes and 6% Shared Ownership.

**Other Matters:**

Loss of agricultural land – Part H of Policy SWDP 13 refers to Best and Most Versatile Agricultural Land (BMV). This involves proposals which would result in the loss of more than two hectares of BMV land where the applicant will be required to demonstrate that:

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

The application site extends to 3.86 hectares that comprises Grade 1 agricultural land. It is acknowledged that this would be lost through the proposed development.

The Framework (para.180b) advises that economic and other benefits should be taken into account. Where significant development of agricultural land is necessary local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

While there is no definition of what constitutes 'significant development' in the Framework. The reference in SWDP policy to more than 2 hectares would suggest a level of significant development to be involved.

The loss of this best and most versatile agricultural land does not appear to have been justified and the proposal is considered contrary to para.180b of the Framework.

Notwithstanding the above loss of BMV land should not be seen as justification for an automatic rejection of the proposals. Rather it should be a consideration weighing against the development in the exercising of the overall 'planning balance'.

Broadband: Policy SWDP 26 requires new development to be provided with superfast broadband or alternative solutions where appropriate. This along with similar conditions can be attached in conserving the Reserved Matters.

Renewable and Low Carbon Energy: SWDP 27 requires all new developments over 100 square metres or one or more dwellings to incorporate the generation of energy from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements. This along with similar conditions can be attached in conserving the Reserved Matters.

**Concluding Remarks and Planning Balance:**

The harm to the designated and non-designated assets would be less than substantial. Even so, such harm is a matter of considerable importance and weight. The applicant draws attention to the appeal decision for the other site that was allowed north of the current application site, albeit the cumulative effect from this subsequent proposal results in a more aggressive encroachment upon the setting of the listed building.

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty on the decision-taker to pay special regard to the desirability of preserving the listed buildings or their settings or any features of special architectural or historic interest which they possess. The Framework sets out at paragraph 208 that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The proposal would provide a boost to housing supply and provide for a choice of houses including the affordable dwellings that would be added to the housing stock in terms of district need, although greatly in excess of such housing need that is locally identified. There would be economic benefits derived from the construction phase(s) and the occupation of the dwellings would provide opportunities for some support to local facilities and services.

The development to the south and west of Longstone Cottage would act to detrimentally alter the significance of the heritage asset seen in terms of the cumulative development taking place within the immediate area. As such the development would fail to preserve the setting of the Grade II listed Longstone Cottage. As a result, the proposal would conflict with policy SWDP6 and SWDP24.

Given the development would fail to sustain the significance of the heritage asset, and the public benefits would not, in this case, given the local housing developments being brought forward, outweigh the harm which would result from the proposed development. The development would also be contrary to the advice at paragraphs 203 and 208 of the Framework.

The Council is required to demonstrate a 4YHLS. The Council cannot demonstrate a 4 YHLS. As such, paragraph 11d of the Framework is engaged.

In environmental terms the proposal involves the loss of grade 1 best and most versatile agricultural land. It would have a detrimental effect on landscape character and visual impacts for this edge of rural settlement location. The harms engaged by the proposed development are considered would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework.

In this case, the public benefits of the development would not outweigh the less than substantial harm that would be caused to the listed building. The application of Framework policy that protects designated heritage assets provides a clear reason for refusing the development.

**Recommendation:** REFUSE

Please see attached Draft Decision Notice

**Member Involvement/Consultation:** No.

**CIL Liable ?** : YES, but this would be more effectively dealt with as part of the Reserved Matters.

**Case Officer Initials:**

Lee Walton

**Date:** 10 April 2024

**APO Initials :**

A handwritten signature in black ink, appearing to read 'S Jones', enclosed within a hand-drawn rectangular box.

Simon Jones

**Date:** 10 April 2024