

# STATEMENT OF COMMON GROUND

Land at Berrow Green Road, Martley

LPA ref. M/23/01711/OUT

Appeal ref. APP/J1860/W/24/3348743

## Contents

<b>1</b>	<b>INTRODUCTION</b>	<b>1</b>
<b>2</b>	<b>LIST OF PLANS &amp; APPLICATION DOCUMENTS</b>	<b>3</b>
	Plans for Determination	3
	Indicative Plans for Consideration	3
	Other Plans Submitted	3
	Reports that Informed the Council’s Decision	3
	Additional Reports submitted Post Determination	4
	Plans and Reports submitted to the LHA prior to determination but not considered by the LPA (These plans and reports were submitted to the Local Highway Authority on 21 <sup>st</sup> March 2024 and considered by the Local Highway Authority in their consultation response dated 11 <sup>th</sup> April 2024. These plans/reports were not submitted to the LPA prior to the determination of the application.)	4
	Additional Consultation	4
<b>3</b>	<b>SITE DETAILS AND CONTEXT</b>	<b>5</b>
<b>4</b>	<b>RELEVANT PLANNING HISTORY</b>	<b>7</b>
<b>5</b>	<b>THE DEVELOPMENT PLAN</b>	<b>8</b>
	Development Plan Context	8
	Neighbourhood Plan Context	9
<b>6</b>	<b>REASONS FOR REFUSAL</b>	<b>10</b>
	Refusal Reason 1: Impact on Character and Appearance / Heritage Assets	10
	Refusal Reason 2: Loss of Agricultural Land	10
	Refusal Reason 3: Site Access	10
	Refusal Reason 4: Flood Risk	10
	Refusal Reason 5: Developer Contributions	10
<b>7</b>	<b>PROGRESS MADE FOLLOWING SUBMISSION OF APPEAL</b>	<b>12</b>
	Highways	12
	Agricultural Land	12
	Flood Risk and Drainage	12
<b>8</b>	<b>AREAS OF CO-OPERATION</b>	<b>13</b>
	Scale of Weight to be given to Benefits/Harms	13
	Planning Benefits Comparison Table	13
	Potential Planning Harms Comparison Table	14
<b>9</b>	<b>AREAS OF AGREEMENT</b>	<b>15</b>
	Development Principle	15
	Locational Factors	15
	Housing Requirement and Plan Delivery	16
	Affordable Housing	16
	Landscape Character and Visual Amenity	16
	Heritage	16
	Loss of Agricultural Land	17
	Highways	17
	Neighbour Amenity	17
	Flood Risk and Drainage	17
	Green Infrastructure	18
	Ecology	18
	Employment Provision	18
	Transition to a Low Carbon Economy	18

**REPORT**

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Planning Balance .....18  
Planning Obligations .....18  
**10 AREAS OF DISAGREEMENT.....20**  
Development Principle .....20  
Locational Factors .....20  
Landscape Character and Visual Amenity .....20  
Heritage .....20  
Planning Balance .....20  
**SIGNED: .....21**

# 1 INTRODUCTION

- 1.1 This Statement of Common Ground (“SoCG”) has been prepared by RPS Consulting Services Ltd (“RPS”) on behalf of Hayfield (“the Appellant”). It has been agreed with Malvern Hills District Council, the Local Planning Authority (“the Council”).
- 1.2 This Statement is provided in support of an appeal submitted by RPS on behalf of the Appellant following the refusal by the LPA to grant outline planning permission for residential development comprising of up to 55 dwellings on land at Berrow Green Road, Martley (OS 7500 5952) (“the Appeal Site”).
- 1.3 The application was determined under reference number M/23/017111/OUT and refused under delegated powers on 11 April 2024.
- 1.4 The site address, as stated on the Decision Notice, is:
- Land At (Os 7500 5952), Berrow Green Road, Martley***
- 1.5 The description of development, as stated on the Decision Notice, is:
- 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)***
- 1.6 The application was submitted by Mrs Tamsin Almeida of Hayfield Homes on 1 December 2023. The application was submitted in outline with detailed means of access via Berrow Green Road (B4197); and all other matters reserved for future consideration.
- 1.7 The purpose of this SoCG is to set out the matters regarding the appeal proposals on which both parties can agree, in order that attention may then be focused on those matters that separate the parties in respect of the proposed development.
- 1.8 The structure of this SoCG is set out as follows:
- Section 2 provides a list of plans submitted with the application and against which the Council made their decision;
  - Section 3 outlines the appeal site context;
  - Section 4 sets out the relevant planning history;
  - Section 5 sets out the development plan context;
  - Section 6 confirms the reasons for refusal provided by the Council;
  - Section 7 sets out the matters currently under discussion between the parties where there is the prospect of resolving a related reason for refusal;
  - Section 8 sets out the areas of agreement; and
  - Section 9 sets out the areas of disagreement in relation to each reason for refusal.

## REPORT

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- 1.9 This SoCG has been drafted in accordance with the 'Procedural Guide: Planning Appeals – England' (updated 28 May 2024) ("the Procedural Guide"). Section 13.1 of the Procedural Guide sets out a requirement for the Appellant to submit a draft SoCG with the appeal where the Appellant wants to proceed by a hearing or an inquiry.
- 1.10 Under Section 78 of the Town and Country Planning Act 1990, the Appellant has requested that the appeal is dealt with by the public inquiry procedure.

## 2 LIST OF PLANS & APPLICATION DOCUMENTS

### Plans for Determination

- 2.1 The following list of plans are for formal determination by the Inspector:
- Site Location Plan (P22-1974\_DE\_003\_B\_01)
  - Proposed Site Access Arrangements (230520-RAP-XX-XX-DR-TP-3201 Rev P02)
  - Offsite Highway Works (230520-RAP-XX-XX-DR-TP-6000 Rev P02)

### Indicative Plans for Consideration

- 2.2 The following list of indicative material are for the development to accord with:
- Indicative Masterplan (P22-1974\_DE\_001\_C\_02)
  - Indicative Land Area Plan (P22-1974\_DE\_003\_A\_06)
  - Indicative Street Hierarchy Plan (P22-1974\_DE\_003\_B\_03)
  - Indicative Building Heights Plan (P22-1974\_DE\_003\_B\_04)

### Other Plans Submitted

- Tree Protection Plan (Hay24322-03)
- Proposed Site Plan (Drainage) (BGM-LE-GEN-XX-DR-CE-001)
- Topographic Survey (P3635 Rev A)
- Proposed Drainage Strategy Plan (BGM-LE-GEN-XX-DR-CE-001-S5 Rev A)
- Proposed Access SPA Refuse Vehicle (230520-RAP-XX-XX-DR-TP-4101 Rev P02)

### Reports that Informed the Council's Decision

- Arboricultural Impact Assessment & Method Statement (13 November 2023)
- Design and Access Statement (November 2023)
- Ecological Impact Assessment (November 2023)
- Biodiversity Metric 4.0 Calculation Tool (November 2023)
- Badger Survey Report (February 2024)
- Energy Statement (including Water Management Statement) (December 2023)
- Flood Risk Assessment and Drainage Strategy (October 2023)
- Geophysical Survey Report (15 September 2023)
- Historic Environment Desk-Based Assessment (September 2023)
- Landscape and Visual Impact Assessment (including Figures) (17 November 2023)
- Phase I Geo-Environmental Report (July 2023)
- Planning Statement (incl Affordable Housing Statement & Statement of Community Involvement) (November 2023)
- Updated Planning Statement (February 2024)
- Residential Travel Plan (November 2023)

- Transport Statement (November 2023)
- Covering Letter
- LLFA Response Letter - BGM-LE-GEN-XX-TN-CE-TN01
- Sewer Record (Tabular) (Severn Trent) (17.07.23)
- Developer Enquiry (1088363)
- Severn Trent Water Surface Water Guidance Note
- Drainage Simulation Analysis Results – BGM-LE-GEN-XX-CAL-CE-001
- Greenfield Runoff Rates Calculations - BGM-LE-GEN-XX-CAL-CE-002

### **Additional Reports submitted Post Determination**

- Agricultural Quality of Land West of Martley, Worcester (2341/1) (5<sup>th</sup> June 2024)
- Bat Survey Report (12th July 2024)

**Plans and Reports submitted to the LHA prior to determination but not considered by the LPA** (These plans and reports were submitted to the Local Highway Authority on 21<sup>st</sup> March 2024 and considered by the Local Highway Authority in their consultation response dated 11<sup>th</sup> April 2024. These plans/reports were not submitted to the LPA prior to the determination of the application.)

- Proposed Site Access Arrangements (230520-RAP-XX-XX-DR-TP-3201 Rev P02)
- Proposed Access SPA Refuse Vehicle (230520-RAP-XX-XX-DR-TP-4101 Rev P02)
- Offsite Highway Works (230520-RAP-XX-XX-DR-TP-6000 Rev P02)
- Updated Travel Plan (March 2024)

### **Additional Consultation**

- 2.3 Parties agreed to undertake a 3-week public consultation on the additional reports submitted post determination and the highway plans and updated travel plan submitted to the LHA prior to determination but not considered by the LPA. The public consultation commenced on 25 September 2024 and concluded on 17 October 2024.

### 3 SITE DETAILS AND CONTEXT

- 3.1 The Appeal Site comprises 3.86 hectares of greenfield land, to the west of Martley, a village in the county of Worcestershire. The settlement of Martley is approximately 11 kilometres to the north-west of the centre of Worcester City.
- 3.2 The Appeal Site comprises greenfield, agricultural land defined by a structure of existing hedgerows. The site is bound by an unnamed road to the north, and the B4197 (Berrow Green Road) to the east. A burial ground is located immediately south of the site, with an industrial estate beyond. To the west, the site is bordered by further agricultural fields.
- 3.3 To the east of the Appeal Site, and immediately east of B4197, lies the Martley Playing Field and Park, a local 'Green Space' which is adjacent to the western edge of the Settlement Boundary of Martley. The Green Space includes sports pitches, equipped play and a skate park. The north eastern corner of the site is approximately 140 metres from the western edge of the settlement. There are a small number of dwellings in close proximity to the site, with two small clusters of properties located immediately north and south east of the site, and the village of Martley to the east.
- 3.4 To the south-east of the appeal site, is a residential development which was granted full planning permission for 83 dwellings in November 2023. The site is currently under construction.
- 3.5 To the north of the appeal site, is a residential development which was granted outline planning permission for 52 dwellings in March 2023 and reserved matters approval in June 2024.
- 3.6 The Appeal Site is predominantly used as arable land, with a strip of land approximately 20 metres depth towards the north of the site used as allotments. Beyond the allotments and neighbouring the site's northern boundary is a block of trees. The site is accessed via an unsecured access to the north-east of the site directly onto the B4197. A Public Right of Way ("ProW") and high voltage power (11KV) line run diagonally through the site, from the north-eastern corner to the south-western corner.
- 3.7 The Grade II Listed Longstone Cottage (List Entry Number: 1082996) is situated adjacent to the north-east corner of the site with several additional dwellings located adjacent to the south-east corner (non-designated heritage assets). The Appeal Site is wholly within Flood Zone 1, does not fall within a Conservation Area, nor within the Green Belt, and is free from TPO's.
- 3.8 The Appeal Site sit within an area designated as 'Protect and Enhance' under SWDP Policy 5(c). The site is not within or adjacent to, and does not contain any of the following:
- National Landscape (formerly Area of Outstanding Natural Beauty);
  - Green Belt;
  - Historic Park and Garden;
  - Conservation Area;
  - Scheduled Monument;
  - Archaeological Sensitive Area;
  - Existing or Possible Special Area of Conservation;

- Site of Special Scientific Interest;
- Site of Regional or Local Wildlife Importance;
- Local Geological Site;
- Existing or Potential Special Protection Area;
- Existing or Proposed Ramsar site;
- A National Park;
- Irreplaceable habitat;
- Area at risk of flooding; or
- A statutorily designated landscape.
- A valued landscape in the context of paragraph 180a of the NPPF

## 4 RELEVANT PLANNING HISTORY

4.1 Prior to the current appeal proposals, there have been two applications submitted at the site which relate solely to the area of the site used as allotments. The relevant planning history is set out below.

**Table 4.1: Relevant Planning History**

<b>Application No.</b>	<b>Description of Development</b>	<b>Decision</b>
M/23/01711/OUT	Outline planning permission for up to 55 dwellings (with Refused 11/04/2024 means of access to the site be considered at this stage and all other matters reserved)	
14/01601/FUL	Change of use to provide 15 allotments for the local community, including sheds with parking facilities	Approved 07/01/2015
14/00654/FUL	Change of use to provide 15 allotments for the local community, with parking facilities	Approved 26/08/2014

## 5 THE DEVELOPMENT PLAN

### Development Plan Context

- 5.1 The South Worcestershire Development Plan (“SWDP”) was adopted in February 2016 and covers the period up to 2030. The SWDP became more than five years old in February 2021.
- 5.2 Malvern Hills District is one of three Authorities that have committed to the SWDP along with Wychavon District Council and Worcester City Council, together referred to as the South Worcestershire Councils (“SWCs”).
- 5.3 The SWCs are currently reviewing the SWDP, which will move the plan period along to 2041. The SWDP review and associated evidence base was formally submitted to the Secretary of State on 27 September 2023.
- 5.4 The SWDP policies considered relevant to the determination of the application and appeal are identified below. Following agreement of this list, the Appellant will seek to work with the Council to establish agreement on those policies deemed to be most important to the determination of the proposal.

**Table 5.1: Relevant Planning Policies**

South Worcestershire Development Plan (2006-2030)
SWDP 1: Overarching Sustainable Development Principles
SWDP 2: Development Strategy and Settlement Hierarchy
SWDP3: 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 21: Design
SWDP 22: Biodiversity and Geodiversity
SWDP 24: Management of the Historic Environment
SWDP 25: Landscape Character
SWDP 28: Management of Flood Risk
SWDP 29: Sustainable Drainage Systems
SWDP 39: Provision for Green Space and Outdoor Community Uses in New Development
SWDP 62: Implementation

## Neighbourhood Plan Context

- 5.5 The Martley, Knightwick & Doddenham Neighbourhood Plan (“the Neighbourhood Plan”) was formally ‘made’ on 23 February 2018 and forms part of the statutory Development Plan for Malvern Hills District. The Neighbourhood Plan is more than 5 years old and therefore paragraph 14 of the NPPF is not applicable.
- 5.6 The Neighbourhood Plan policies considered relevant to the determination of the application and appeal are identified below.

**Table 5.2: Relevant Neighbourhood Plan Policies**

Martley, Knightwick & Doddenham Neighbourhood Plan (2018)
MKD1: Landscape Design Principles
MKD3: Building Design Principles outside Martley Conservation Area
MKD4: Maintaining the Settlement Pattern in Martley, Knightwick and Doddenham
MKD6: New Housing Development Outside the Martley Development Boundary
MKD7: Housing Mix
MKD10: Promoting Health and Wellbeing

## 6 REASONS FOR REFUSAL

6.1 The application was refused under delegated powers on 11 April 2024. The Decision Notice included five reasons for refusal (“RfR”). The RFR are set out below.

### Refusal Reason 1: Impact on Character and Appearance / Heritage Assets

6.2 *The residential development of this site would, by reason of its location, scale and prominence constitute an incongruous and visually intrusive feature when viewed from a number of publicly accessible locations, and have an unacceptably urbanising and consequently adverse impact upon the character and appearance of the area, resulting in demonstrable harm to the open and undeveloped character and appearance of the land, rather than integrating as discrete infill or ‘rounding off’ of the existing village.*

*Furthermore, the proposal would overwhelm the Grade II listed Longstone Cottage by surrounding it with built development which would encroach upon and adversely impact its setting.*

*As such, the proposal would be contrary to Policy SWDP21, SWDP25, SWDP6, SWDP24, SWDP2 and SWDP5 of the South Worcestershire Development Plan, and policy MKD1, MKD3, MKD4 and MKD6 of the Martley, Knightwick, and Doddenham Neighbourhood Plan, and guidance contained within the National Planning Policy Framework that amongst others aim to safeguard the intrinsic character and beauty of the countryside and improve the character and quality of an area.*

### Refusal Reason 2: Loss of Agricultural Land

6.3 *In addition to the other harms identified, the proposed development would result in the loss of Grade 1 Agricultural Land that has been used for arable production, remains suitable for that purpose, and that is considered worthy of protection. The development is therefore contrary to Policy SWDP 13 of the South Worcestershire Development Plan and Paragraph 180 of the National Planning Policy Framework.*

### Refusal Reason 3: Site Access

6.4 *In its present form, the proposal fails to demonstrate that a safe access to the site could be achieved. As such the proposal is contrary to policies SWDP 4 and 21.*

### Refusal Reason 4: Flood Risk

6.5 *In its present form, the proposal fails to demonstrate that the development would cause or compound local flood issues. As such the proposal is contrary to policy SWDP 28 and 29.*

### Refusal Reason 5: Developer Contributions

6.6 *No mechanism (section 106 agreement) has been entered into to secure a legal obligation to provide for a policy compliant scheme for the provision of Highways, Education, Community Infrastructure, and Health contributions, and to secure the provision of affordable housing and the management*

*and maintenance of the public open space. Accordingly, the proposed development is contrary to Policies SWDP 7, 15, 3, 39 and 62 of the South Worcestershire Development Plan and the National Planning Policy Framework, as well as the guidance contained within the South Worcestershire Developer Contributions SPD (July 2018).*

## **7 PROGRESS MADE FOLLOWING SUBMISSION OF APPEAL**

### **Highways**

- 7.1 A signed Statement of Common Ground on Transport Matters has been agreed between the Appellant and the Worcestershire County Council Highways.
- 7.2 In paragraph 2.23 of the SoCG on Transport Matters, it has been agreed that the appeal site access arrangements are safe and suitable to serve the proposed development. The Council have subsequently withdrawn reason for refusal 3.

### **Agricultural Land**

- 7.3 The Appellant has prepared an Agricultural Quality of Land Report (5 June 2024) (appendix 2.4 of the Appellants Statement of Case) which concludes that only 1.9ha of the site comprises of Best and Most Versatile agricultural land. Following receipt of this report, the Council consider the proposal now complies with Part H of Policy SWDP 13. As such, the Council have withdrawn reason for refusal 2.

### **Flood Risk and Drainage**

- 7.4 A signed Statement of Common Ground on Drainage Matters has been agreed between the Appellant and the Lead Local Flood Authority.
- 7.5 In paragraph 3.2 of the SoCG on Drainage Matters, it has been agreed that following g the provision of the additional information requested by the LLFA the reason for refusal 4 has been addressed with no remaining objections in regard to drainage aspects. As such, the Council have withdrawn reason for refusal 4.

## 8 AREAS OF CO-OPERATION

- 8.1 The parties will work together to produce planning benefits sections in their respective proofs of evidence.
- 8.2 The parties will also work together to provide a table which sets out the weight to be given to a list of benefits and harms associated with the development after the exchange of proofs.

### Scale of Weight to be given to Benefits/Harms

- 8.3 The parties will apportion weight to any benefits and harms using a scale which has been agreed in advance, as set out below.
- 8.4 The following scale of weight to be allocated has been agreed between the parties:
  - 0. Neutral
  - 1. Negligible
  - 2. Very Limited
  - 3. Limited
  - 4. Moderate
  - 5. Significant
  - 6. Substantial
- 8.5 Following the exchange of evidence, the Appellant will summarise the weight given to each benefit/harm.

### Planning Benefits Comparison Table

- 8.6 Firstly, focussing on the likely benefits associated with the proposals, a copy of the benefits table without weighting added is provided in Table 7.1 below. The parties will continue to develop inputs into this table post-submission of the appeal.

**Table 7.1: Planning Benefits Comparison Table**

<b>Benefit</b>	<b>Appellant Weight</b>	<b>Council Weight</b>
<b>Locational Considerations</b>		
1. Growth at a Category 1 settlement.		
<b>Economic Considerations</b>		
2. Employment creation.		
3. Financial contributions towards local infrastructure.		
4. Generation of additional revenue for the local authority through Council tax generation and New Homes Bonus.		
<b>Social Considerations</b>		

5. Support for services and facilities within Martley.		
6. Location of development in relation to existing services, facilities and public transport.		
7. Accessibility to PROW network.		
<b>Provision of Housing</b>		
8. Provision of 33 market homes.		
9. Delivery of 22 affordable units on site (40% of total).		
10. Contribution towards addressing housing shortfall.		
<b>Provision of New Public Open Space and Opportunities for Play</b>		
11. Provision of green infrastructure, including open space and areas of play.		
<b>Environmental Considerations</b>		
12. Impact on Biodiversity/Habitat compensation and enhancement.		
<b>Transition to a Low Carbon Economy</b>		
13. Incorporation of a range of measures to maximise energy efficiency in order to reduce energy consumption and achieve high levels of sustainability.		

### Potential Planning Harms Comparison Table

8.7 The below table sets out the potential harms associated with the development and confirms the weight to be given to those harms by both parties. The parties will continue to develop inputs into this table post-submission of the appeal.

**Table 7.2: Planning Harms Comparison Table**

Potential Harms	Appellant Weight	Council Weight
Heritage Impact		
Landscape Impact		
Visual Impact		
Impact on green infrastructure assets		
Loss of Agricultural Land		

## 9 AREAS OF AGREEMENT

9.1 The parties agree on the following matters.

### Development Principle

- 9.2 The Appeal Site is designated as Open Countryside in the SWDP and is not allocated for housing.
- 9.3 Windfall development proposals should be assessed in accordance with the settlement hierarchy. The SWDP identifies Martley as a Category 1 village. The role of Category 1, 2 and 3 rural villages is to meet locally identified housing and employment needs in order to satisfy the social objectives of sustainable development. Such villages are therefore suited to accommodate market and housing needs alongside limited employment for local needs.
- 9.4 Martley is, in principle, a sustainable location which can support local housing need. Martley is recognised in the Council's latest (2018) Village Facilities and Rural Transport Survey as the highest performing village in Malvern Hills District.
- 9.5 Recent planning permissions that are of relevance to the appeal proposals are identified in the Delegated Report. This includes outline planning permission for up to 52 dwellings on land to the north of the Appeal Site (reference 21/02245/OUT); and full planning permission for 83 dwellings on land to the south east of the Appeal Site (reference M/23/00863/FUL).
- 9.6 As the Independent Examination remains far from conclusion, the SWDP review can only be given limited weight at this current time.
- 9.7 Parties agree that the development is compliant with any other policies not listed in RfR1 and RfR5.

### Locational Factors

- 9.8 The Appeal Site lies outside of the existing settlement boundary. There is a small number of scattered houses immediately to the north and south east of the site.
- 9.9 To the south-east of the appeal site, is a residential development which was granted full planning permission for 83 dwellings in November 2023. The site is currently under construction.
- 9.10 To the north of the appeal site, is a residential development which was granted outline planning permission for 52 dwellings in March 2023 and reserved matters approval in June 2024.
- 9.11 The Appeal Site is located within 800m of local services and facilities, including the surgery, convenience store and Post Office. The Martley Primary School, The Chantry School, and Martley Leisure Centre are all approximately 1.1km from the site, accessible on foot using existing pavements
- 9.12 The nearest bus stops are located approximately 690m to the north east of the site. Existing bus services provide access to Worcester City.

## Housing Requirement and Plan Delivery

- 9.13 The SWDP review has been submitted to the Secretary of State for examination, therefore LPA are required to identify and update annually a four year's supply of housing. The Plan remains subject to Examination and, at the time of submission, has not been tested through Examination. Accordingly, only limited weight can be given to the emerging Plan at this time.
- 9.14 For the purposes of this appeal, parties agree a 3.47 year supply of deliverable housing. Parties agree that the Council are unable to demonstrate a 4YHLS and on this alone, the presumption in favour of sustainable development is engaged in accordance with NPPF Paragraph 11(d).
- 9.15 The Neighbourhood Plan is more than five years old and therefore Paragraph 14 of the NPPF is not applicable.
- 9.16 The proposals will deliver 33 market homes in a location that is suitable to support local housing need.

## Affordable Housing

- 9.17 There is a continued future need for affordable housing within Malvern Hills District.
- 9.18 The proposal would include a policy compliant 40% of affordable housing, which will equate to 22 affordable units should a scheme of 55 dwellings come forward.

## Landscape Character and Visual Amenity

- 9.19 The Appeal Site is not subject to any international, national or local landscape designation.
- 9.20 Matters of appearance, layout, scale and landscaping are Reserved Matters, therefore any concerns that the LPA may have with the indicative layout will be addressed as part of subsequent Reserved Matters applications.
- 9.21 The indicative layout allows for green infrastructure within the site, including new allotments, public open space and an area of play in accordance with the requirements of policy SWDP5.
- 9.22 This is an outline planning application and the indicative masterplan (P22-1974\_DE\_001\_C\_02) is just one way that the development could be laid out.
- 9.23 The LVIA prepared for the outline application has been prepared using a suitable methodology which is in accordance with relevant technical guidance. Notwithstanding some differences in professional judgement in regard to impact and effect, the scope and content of the LVIA is accepted and agreed.

## Heritage

- 9.24 The level of harm to the significance of the setting of the designated and non-designated heritage assets will be within the lower end of 'less than substantial' harm.
- 9.25 This residual harm should be weighed against the public benefits of the appeal proposal.

## Loss of Agricultural Land

- 9.26 The Appeal Site is predominantly used as arable land at present. The proposed development will therefore lead to the loss of agricultural land.
- 9.27 Parties agree on the findings of The Agricultural Quality of Land Report (5 June 2024) which states that the area of Grade 1 and 2 BMVAL amounts to 1.9ha.
- 9.28 Part H of Policy SWDP 13 is only engaged where development proposals would result in the loss of more than two hectares of BMVAL. As such, RR 2 can be withdrawn.

## Highways

- 9.29 The Local Highways Authority (“LHA”) does not have a statutory objection to the scheme.
- 9.30 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.
- 9.31 The residual cumulative impact of the appeal proposal, and the recently approved permissions, on the road network would not be severe.
- 9.32 Safe access to the site can be achieved, and the detailed design of the access arrangements have been agreed with the Highway Authority on 11 April 2024. As such, RFR 3 is withdrawn.
- 9.33 The proposed development will ensure sustainable modes of transport such as walking and cycling can be utilised and are promoted. Existing bus services offer a reasonable level of service for future residents, which provide access to further services, facilities, amenities, and employment opportunities within nearby settlements as well as Worcester.
- 9.34 The detailed design of the PROW realignment will be addressed as part of the subsequent Reserved Matters applications.

## Neighbour Amenity

- 9.35 Matters of neighbour amenity will be addressed as part of the subsequent Reserved Matters applications.

## Flood Risk and Drainage

- 9.36 The Site is wholly within Flood Zone 1. It is agreed that a sequential test is not required for this application.
- 9.37 Additional drainage information has been accepted by the LLFA, which demonstrates that the development would not cause or compound local flood issues. A detailed drainage strategy can be secured via a suitably worded condition. As such, RFR 4 can be withdrawn.
- 9.38 Parties agree that drainage matters are satisfactorily addressed for the purpose of this appeal and further detail will be provided as part of a subsequent reserved matters application.

## Green Infrastructure

- 9.39 The Appeal Site lies within an area designated as “protect and enhance” under SWDP 5 Part C.
- 9.40 The indicative layout allows for green infrastructure on the site, to the SWDP requirement of 40%.

## Ecology

- 9.41 The proposals will not impact on any protected habitats, species or trees.
- 9.42 The proposals demonstrate that the Appeal Site can deliver a minimum of 10% Biodiversity Net Gain.

## Employment Provision

- 9.43 The proposed development would temporarily contribute to the provision of employment in the local area through the generation of construction jobs both on site and through the local supply chain.
- 9.44 It is estimated that a development of up to 55 dwellings could support 170 direct, indirect and induced jobs; and 1 apprentice, graduate or trainee<sup>1</sup>.
- 9.45 The proposed development would also generate additional demand and support for the range of services and facilities within Martley. This will assist in maintaining the viability of those key services through increased patronage and benefiting the local economy.

## Transition to a Low Carbon Economy

- 9.46 The Appellant is proposing to include electric charging ports as part of measures to enhance the sustainability of the proposal.

## Planning Balance

- 9.47 The Development Plan policies that relate to the location of residential development are out of date and therefore cannot be afforded full weight in the planning balance (SWDP 2 and SWDP 3).

## Planning Obligations

- 9.48 Planning obligations are required in order to mitigate the impact of the development and provide the necessary infrastructure provision. The identified Heads of Terms are agreed as follows:
- Education
  - Healthcare
  - Highways
  - Community Infrastructure
  - Management and Maintenance of Open Space

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<sup>1</sup> HBF Housing Calculator (<https://www.hbf.co.uk/policy/policy-and-wider-work-program/hbf-housing-calculator/>)

- Affordable Housing

9.49 The contributions stated in the Delegated Report are based on a scheme of 55 dwellings, therefore they are subject to change depending on the number of dwellings that come forward.

## 10 AREAS OF DISAGREEMENT

10.1 The main areas of disagreement are set out below.

### Development Principle

10.2 The Appellant considers that the appeal proposal represents sustainable development. The Council does not agree.

### Locational Factors

10.3 The Appellant considers that the location of the site in proximity to the settlement's services, facilities and employment opportunities means that the site is a suitable location for residential development. The Council does not agree.

### Landscape Character and Visual Amenity

10.4 The scale of impact on landscape character and visual amenity is not agreed between the parties.

10.5 The Council considers the development to not be characteristic of the landscape type and does not agree with the conclusions of the LVIA.

### Heritage

10.6 The Appellant considers that the public benefits of the appeal proposal outweigh the low level of 'less than substantial' harm to the setting of designated and non-designated heritage assets. The Council does not agree.

### Planning Balance

10.7 Whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, in the context of the presumption in favour of sustainable development.

**SIGNED:**

On behalf of the Appellant:



Name: CAMERON AUSTIN-FELL

Date: 25.10.2024

On behalf of the Local Planning Authority:

Lee Walton

Name: LEE WALTON

Date: 25.10.2024