

Malvern Hills District Council

Town and Country Planning Act 1990 (section 78)

Appeal by Hayfield Homes Construction Ltd

Site

land at (OS 7500 5952), Berrow Green Road, Martley

References

Local authority planning reference: M/23/01711/OUT

Planning Inspectorate appeal reference: APP/J1860/W/24/3348743

Proof of evidence

by Chris Lewis-Farley MArch, HND Arb

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Introduction

My name is Chris Lewis-Farley. I have a MA in landscape architecture from the University of Gloucestershire and a higher national diploma in arboriculture from Warwickshire College Group. I have held the post of tree and landscape officer at Malvern Hills District Council for 18 years.

The evidence which I have prepared and provide for this appeal reference APP/J1860/W/24/3348743 (in this proof of evidence) is true and I confirm that the opinions expressed are my true and professional opinions.

The planning application

1. This is an appeal in respect of planning application M/23/01711/OUT (“**the application**”) for up to 55 residential units (with means of access to the site be considered at this stage and all other matters reserved) (“**the appeal**”).

Materials considered/had available

2. With reference to **the application**, I have read and considered:
 - Landscape and Visual Impact Assessment (LVIA), prepared by Pegasus Group, dated 17/11/2023 (reference R001v1 En Landscape & Visual Impact Assessment Final 2023 11 17) and associated appendices
 - Planning Statement (with affordable housing statement and statement of community involvement), dated November 2023
 - Ecological Impact Assessment, prepared by Harris Lamb Property Consultancy (reference PE0343), dated November 2023
 - Transport Statement, prepared by Rappor Consultants Ltd, dated November 2023 (reference 23-0520)
 - Flood Risk Assessment and Drainage Strategy, prepared by Link Engineering, dated October 2023 (reference BGM-LE-GEN-XX-RP-CE-FRA01-P1-Flood Risk Assessment)
 - Proposed Drainage Strategy Plan, prepared by Link Engineering, dated 10/10/2023 (reference BGM-LE-GEN-XX-DR-CE-001)
 - Topographical Survey, prepared by Healer Surveys, dated September 2023 (reference P3635)
 - Site Location Plan, prepared by Pegasus Group, dated 18/12/2023 (P22-1974_DE_003_B_01)
 - Indicative Masterplan, prepared by Pegasus Group, dated 9/11/2023 (P22-1974_DE_001_C_02)
 - Indicative Street Hierarchy Plan, prepared by Pegasus Group, dated 15/1/2024 (reference P22-1974_DE_003_B_03)
 - Indicative Building Heights Plan, prepared by Pegasus Group, dated 15/1/2024 (reference P22-1974_DE_003_B_04)

- Indicative Land Area Plan, prepared by Pegasus Group, dated 18/10/2023 (reference P22-1974_DE_003_A_06)
- Tree Protection Plan (TPP), prepared by ACD Environmental, dated 13/11/2023 (reference HAY24322-03)
- Proposed Site Plan, prepared by Link Engineering, dated 12/10/2023 (reference BGM-LE-GEN-XX-DR-CE-001)

My consultation response

3. The following paragraphs are a direct copy of my consultation response to **the application** (issued 18th March 2024).
4. *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.*
5. *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.*
6. *There are open views across the site from the perspective of the of the very well-used public right of way (PRoW) running across the site (reference 698(C)). Development would be to the significant detriment of these views, would be majorly adverse and permanent in nature.*
7. *There are open views across the site from the perspective of the 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.*
8. *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 a 15 year period. The view across the site will still include a housing estate even if there are one or two newly planted trees within the view.*

9. *The submitted LVA does not include an assessment of the impacts from the perspective of the B4197 and its associated footway heading south. 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.*
10. *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 to 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).*
11. *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.*
12. *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 and a suburban style access road would cut through an established native hedgerow.*
13. *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).*
14. *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 on the site's capacity in terms of quantum of development.

15. *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. SWDP29 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.*
16. *The submitted arboricultural impact assessment and method statement (ACD Environmental reference HAY24322aiaams dated 13/11/23) does not seem to be supported by any tree survey information.*
17. *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 to be 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.*

Relevant policy

18. Relevant planning policies from the South Worcestershire Development Plan (SWDP) are:
 - SWDP2 – Development strategy and settlement hierarchy
 - SWDP5 – Green infrastructure
 - SWDP21 – Design
 - SWDP25 – Landscape character
19. Relevant policies from the National Planning Policy Framework (NPPF) are:
 - 131 – Concerns good design and creating better places in which to live and work
 - 135 – Concerns layout functionality, long-term attractiveness, sympathy with surrounding landscape and creating a sense of place

- 137 – Concerns design quality
- 139 – Concerns design quality, and reflection of local design policies and Government guidance on design
- 159 – Concerns the avoidance of vulnerability to climate change, ensuring adaptability to change through the planning of green infrastructure and the reduction of greenhouse emissions
- 180 – Concerns the protection and enhancement of the natural and local environment, recognising its intrinsic character and beauty

20. Relevant policies from the Martley, Knightwick, and Doddenham Neighbourhood Plan (MKDNP) are:

- MKD1 – Concerns the siting of development so as not to substantially harm “Significant Views”, as detailed in the plan
- MKD3 – Concerns enhancement of local distinctiveness and ensuring that development fits with the grain of the surrounding area
- MKD4 – Concerns ensuring that development responds to local character and development history, reinforcing local distinctiveness
- MKD6 – Concerns development outside the Martley village development boundary, and details the types of development that would be acceptable

Assessment of proposal

21. I will consider the location and visual impact of the proposed development (“**the development**”), its impact on landscape character and its impact on landscape assets.

Settlement boundaries

22. The proposed site (“**the site**”) lies beyond the Martley settlement boundary as defined by the SWDP, within open countryside. At its closest point, **the site** is 118 metres away from the defined settlement boundary. Development Boundaries traditionally are often tightly drawn to control land supply, taking into account the character of the settlement in terms of its size and form. The purpose of the development boundaries is to direct development to the most sustainable locations, prevent encroachment into the open countryside, thereby protecting both countryside and settlement characters, and informing where windfall development would generally be acceptable in accordance with the development and hierarchy strategy. Development in the proposed location would undermine a plan-led approach (unlike the approved development on the opposite side of Berrow Green Road reference M/23/00863/FUL) and be contrary to strategic policy aims and objectives. The character of this land is rural, and harm will be caused by the development of homes in this rural location.
23. SWDP2 C defines open countryside as “*land beyond any development boundary*”. One of the principles of SWDP2 “*safeguard and (wherever possible) enhance the open countryside*”. **The site** is within open countryside and **the development** therefore contrary to SWDP2.
24. SWDP2 clarifies that development in open countryside will be “*strictly controlled*” and would be limited to various categories that include dwellings for rural workers, employment development, rural exception sites, buildings for agriculture and forestry, replacement dwellings, house extensions, replacement buildings and renewable energy projects. **The development**, as proposed, does not fit into any of these categories so is therefore contrary to SWDP2.

25. The proposed site lies beyond the Martley village development boundary, as defined in the MKDNP. Development on **the site**, of the type proposed, would be contrary to Policy MKD6 of the MKDNP.
26. The MKDNP, in a similar fashion to SWDP2, makes allowances for certain types of developments outside of the village development boundary, that include rural workers' dwellings, affordable housing to meet identified local need, and replacement dwellings. **The development**, as proposed, does not fit into any of these categories so is therefore contrary to policy MKD6.

Landscape character

27. 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 to Kingswood. Open agricultural land would be lost, and a suburban style access road would cut through an established native hedgerow.
28. The proposed development would lead to a fundamental change in the character of **the site** itself, from rural, natural and tranquil to suburban, landscaped and populated. There would be vehicular movements into and within the site, and the introduction of lighting, noise and other paraphernalia associated with domestic habitation. New housing developments in rural settings should be designed and sited with particular care and sensitivity, and not erode rural character through encroachment into open countryside. Development, or at least land with planning permission for development, terminates to the north of Kingswood Lane. To the south of Kingswood lane (and to the west of Berrow Green Road), the landscape retains its rural character with only a loose scattering of dwellings. The introduction of 55 dwellings with associated development in this location would significantly diminish its current landscape value, representing an extension of significant scale relative to the modest size of the village. This

encroachment of new development into a previously farmed and largely undeveloped area would irreversibly undermine the established local landscape character.

29. **The site** lies within the “principal timbered farmlands” landscape character type as identified by the Worcestershire Landscape Character Assessment.

30. The key characteristics of this landscape type are:

Primary

- Notable pattern of hedgerow trees, predominantly oak
- Hedgerow boundaries to fields
- Ancient wooded character

Secondary

- Organic enclosure pattern
- Small-scale landscape with hedgerow trees creating filtered views
- Brick and timber building style of older properties
- Rolling lowland with occasional steep sided hills and low escarpments

Tertiary

- Mixed farming land use
- Dispersed settlement pattern

31. The landscape guidelines associated with this landscape type identify the need to “*Conserve and restore the pattern and composition of the hedgerow structure through appropriate management, and replanting*”. 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 taking into account the width of the entrance, associated pavement, and associated visibility spays illustrated in the submitted transport statement would mean the removal of 70 metres of this hedgerow. Construction of the proposed access road and associated pathways while ensuring

appropriate levels of visibility would also prevent the replanting of removed hedgerow along its original line. In addition to this, there is uncertainty as to whether any replacement hedgerow planting undertaken would actually be successful. Its success cannot be guaranteed. Development as proposed would therefore be contrary to the stated landscape guidelines.

32. The landscape guidelines also identify the need to *“Maintain the historic dispersed settlement pattern”*. **The development**, as proposed, effectively a series of cul-de-sacs, does not replicate the rural settlement pattern of the principal timbered farmlands landscape type surrounding the village.
33. Despite the presence of the Maylite Trading Estate to the south of the burial ground, the burial ground none-the-less has a tranquil feel, being bounded by open countryside on two sides. Martley is all but hidden to the north, there being a well-established block of trees at the northern end of **the site**. Allowing development of **the site** would markedly change the nature of the experience of those visiting the burial ground. Open countryside would be replaced by a considerably more suburban scene. It is acknowledged that development has been permitted, and is under construction, on the eastern side of the Berrow Green Road (21/01918/FUL), and this could have some impact on the burial ground. However, this should not be considered precedent for further development in the locale, and its presence makes the remaining openness around the burial site all the more important.
34. Paragraph 135 of the NPPF states that planning decisions should ensure that developments *“are sympathetic to local character and history, including the surrounding built environment and landscape setting”*. **The development** is not sympathetic to either the character of the village or the surrounding countryside and is therefore considered contrary to paragraph 130 of the NPPF.
35. Paragraph 180 of the NPPF requires that planning decisions *“should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes”* *“commensurate with their statutory status or identified quality in the*

development plan. The NPPF seeks to give the greatest level of protection to the landscape and scenic beauty of designated areas, such as National Parks and Areas of Outstanding National Beauty (AONB). While **the appeal** site is not the subject of any statutory or non-statutory landscape designations, nonetheless, the absence of a designation does not mean that an area of landscape is without any value. The NPPF states that decisions should recognise “*the intrinsic character and beauty of the countryside*”. Furthermore, with the aim of achieving well-designed places, it seeks to ensure that developments are sympathetic to local character, including the surrounding built environment and landscape setting. **The development** does neither of these things and is therefore considered to be contrary to the NPPF.

36. SWDP25 part A stipulates that “*Development proposals and their associated landscaping schemes must demonstrate*” that they “*take into account the latest Landscape Character Assessment and its guidelines*”, are “*appropriate to, and integrate with, the character of the landscape setting*” and “*conserve, and where appropriate, enhance the primary characteristics defined in character assessments and important features of the Land Cover Parcel*”. **The development** negatively affects several of the local landscape type’s key characteristics, is not appropriate to, and does not integrate with the landscape setting. **The development** is therefore considered to be contrary to SWDP25. In the reasoned justification for the policy, it states “*The distinctive landscape of south Worcestershire is a significant factor in the relatively high quality of life experienced by most residents. It is also a distinctive heritage feature, which is reflected in a relatively buoyant tourism market within the local economy. To allow inappropriate development would therefore compromise both general wellbeing and the economic viability of south Worcestershire*”.
37. Policy MKD3 of the MKDNP (Building Design Principles outside Martley Conservation Area) states that all new development proposals must “*enhance and reinforce the local distinctiveness of the area and proposals should show clearly how the general character, scale, mass, and layout of the site, building or extension fits in with the ‘grain’ of the surrounding area*”. This multiple cul-de-sac housing estate cannot be said to enhance the character of the area, instead introducing suburban homogeneity.

38. Policy MKD4 of the MKDNP (Maintaining the Settlement Pattern in Martley, Knightwick and Doddenham) states that to be supported development proposals must “*demonstrate their scale (in terms of number of dwellings) responds to local character and development history; and reinforces local distinctiveness in particular including open spaces between buildings, and irregular layouts*”. This development in open countryside means the loss of valued open space, encroaching on the burial ground, Kingswood Lane and the recreation ground. The fact that planning permission has been granted on land to the north of Kingswood Lane and to the east of Berrow Green Road (south-east of **the site**) makes the openness of **the site** all the more important. Development in the fashion proposed fails to reflect the historic development pattern of Martley, i.e. scattered along and addressing the village’s roads, instead meaning the creation of one more cul-de-sac.

Visual impact

39. The presence of the allotments aside, **the site** is currently an undeveloped agricultural field. Other than boundary fencing, it contains no built structures.
40. A well-established hedgerow marks the eastern boundary of **the site**, separating the site from the Berrow Green Road (B4197). A relatively recently planted hedgerow runs along **the site’s** southern boundary, between it and the burial ground. A gappy somewhat degraded hedge lines **the site’s** northern boundary. There is a relatively young block of woodland planting separating (but within) **the site** from the undesignated road leading to Kingswood.
41. **The site** slopes from east to west, with approximately 5 and a half metres difference in height between its eastern and western extent. The increase in elevation makes **the site** all the more visible from a number of perspectives.
42. **The development** would completely change the character of **the site**. There would be clear and unfiltered views of any development that took place from a number of perspectives, leading to detrimental visual impacts.

43. There are open views across **the site** from the perspective of the existing allotments that occupy the northern part of **the site**. Development would be to the significant detriment of these views, would be majorly adverse and permanent in nature.
44. 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)) running diagonally across the site from south-west to north-east. Development would be to the significant detriment of these views, would be majorly adverse and permanent in nature. Even though this application is outline in nature only, bearing in mind the quantum of development proposed and the constraints of the site, such as the general location for principal SuDS feature at the bottom of the slope of the site, and the retention of the allotments, were permission to be granted, it is inevitable that this PRoW would be surrounded by houses.
45. While not designated as a PRoW, there is a well-trodden path running parallel with the northern boundary of **the site** linking PRoW reference 698(C) with the western end of the allotments and the undesignated road leading to Kingswood. Because of the poor quality of the hedgerow running along this boundary, there would be clear views of **the site**. Development would be to the significant detriment of these views, would be majorly adverse and permanent in nature.
46. Although not addressed in the LVIA submitted in support of **the application**, there are open views across **the site** from the perspective of the of the burial ground to the south of **the site**. Development would be to the significant detriment of these views, and would, using the submitted LVIA's criteria, be majorly adverse and permanent in nature.
47. The submitted LVIA identifies 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 a 15 year period. The view across **the site** will still include a housing estate even if there are one or two newly planted trees within the view.

48. The submitted LVIA does not include an assessment of the impacts from the perspective of the B4197 and its associated footway heading south. 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, not to mention the anticipated loss of approximately 70 metres of hedgerow from along the site frontage. Development would be to the significant detriment of these views, would be majorly adverse and permanent in nature.
49. 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 to 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).
50. 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 (Kingswood Lane). 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. The importance of such views is highlighted in section 4.14 B of the MKDNP.
51. **The development** would result in the loss of some of the well-established dense roadside hedgerow. The creation of the access proposed would mean the removal of approximately 70 metres of this hedgerow, taking into account hedgerow that might need to be removed for the visibility splays associated with the entrance or construction

of new footways leading to the village or to the illustrated crossing point. Construction of the proposed access road and associated pathways would also prevent the replanting of removed hedgerow along its original line. In addition to this, there is uncertainty as to whether any replacement hedgerow planting undertaken would actually be successful. Its success is not guaranteed. Running north from the access along Berrow Green Road would be (at least) a 2 metre wide tarmac path with associated kerbing to highways standards leading from the new access to the edge of Martley. The creation of the access road and associated path would have a distinctly suburbanising effect on this part of the village.

52. Policy MKD1 of the MKDNP (landscape design principles) states *“To be supported development proposals must demonstrate they are sited, designed, and of a scale so as not to substantially harm the Significant Views when seen from locations that are freely accessible to members of the general public, listed in Appendix I and identified on Maps 11, 12 and 13”*. **The site** falls within and would be detrimental to Significant View 2 (Looking south from Martley Recreation Ground towards the Iron Age fort on Berrow Hill and the outskirts of Berrow Green). Development of this site would therefore be contrary to this policy.
53. Although not identified as a Significant View in the neighbourhood plan, the importance of views from Kingswood Lane is highlighted in section 4.14 B of the document (Winding lanes leading to sweeping views). As already identified, development on **the site** would be visible from Kingswood Lane, going against the grain of the neighbourhood development plan.
54. The site lies within an area designated as “Protect & Enhance” in relation to green infrastructure as identified on the Environmental Character Areas Map (SWDP5). SWDP5 C states that *“Other than specific site allocations in the development plan, development proposals that would have a detrimental impact on important GI attributes within the areas identified as “protect and enhance” or “protect and restore”, “will not be permitted unless a robust, independent assessment of community and technical need shows the specific GI typology to be surplus to requirements in that location; and*

replacement of, or investment in, GI of at least equal community and technical benefit is secured". The proposed development, taking into account the width of the entrance, associated pavement, and associated visibility spays illustrated in the submitted transport statement, would result in the removal of what is anticipated to be approximately 70 metres of hedgerow i.e. the loss of an important GI attribute. There can be no guarantee that any proposed replacement planting would become successfully established, and there has been no assessment supplied showing that the GI typology is surplus to requirements.

55. SWDP21 B iii states that *"Development proposals must complement the character of the area. In particular, development should respond to surrounding buildings and the distinctive features or qualities that contribute to the visual and heritage interest of the townscape, frontages, streets, and landscape quality of the local area"*. **The development**, because of its location, layout and the nature of development, does not complement the character of the area or respond to its surroundings. It is therefore considered to be contrary to SWDP21.
56. SWDP25 A iii states that *"Development proposals and their associated landscaping schemes must demonstrate" "that they are appropriate to, and integrate with, the character of the landscape setting"*. **The development** does not respond to the settlement pattern of the village. The settlement pattern and distribution of buildings in the locale is part of the area's landscape character. **The development** is therefore considered to be contrary to SWDP25.
57. NPPF paragraph 130 requires that developments should *"function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development"* and *"are sympathetic to local character and history, including the surrounding built environment and landscape setting"*. **The development** is not sympathetic to the character of the village, its historic settlement pattern, or the surrounding countryside and is therefore considered contrary to the NPPF.

58. **The development** does not respect or respond to *“the intrinsic character and beauty of the countryside”* and is therefore considered to be contrary to paragraph 174 of the NPPF.

Design

59. The decision notice states that development of the site would be contrary to SWDP21 (design). While **the application** is outline in nature only, meaning matters of layout would be reserved, certain aspects of the submitted illustrative layout need addressing, and which should be borne in mind were the application to be granted outline permission.
60. While it is appreciated that arboricultural matters do not form part of the reasons for refusal of **the application**, the submitted “tree protection plan” (ACD Environmental reference HAY24322-03, dated 13.11.2023) highlights direct conflict between illustrated building locations and the root protection areas of two trees (T12 and T13) in third party ownership. This would not be considered to be acceptable. Were **the application** to progress past the outline planning stage, the layout would need to be changed to address this issue, and therefore the layout should not be considered the basis for a parameter plan.
61. Paragraph 159 of the NPPF (2023) requires that new development should be planned for in ways that *“avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure”*. 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”*. These two policies are inextricably linked. In the face of rising global temperatures, site layouts need to ensure streets and buildings are adequately shaded by good sized trees. The shade trees cast reduces heat island effects, protects users of the streets, and reduces

consumption of electricity that would otherwise be needed for cooling of buildings. The illustrative layout does not achieve this. While it is appreciated that the submitted layout is indicative only, and that there are some trees shown along some of the streets, the streets cannot be considered “tree-lined”. Were **the application** to progress past the outline planning stage, the layout would need to be changed to address this issue, and the layout should not be considered the basis for a parameter plan. The need to accommodate appropriate tree planting could impact on **the site’s** capacity in terms of the possible quantum of development and therefore viability.

62. Paragraph 131 of the NPPF (2023) also states that *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. The illustrative layout does not achieve this.
63. Paragraph 139 of the NPPF also applies here stating *““Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design”*. It needs to be ensured that **the site** has capacity to accommodate a layout that meets these requirements.
64. Paragraph 131 of the NPPF also applies to the illustrated drainage strategy. The currently proposed strategy 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. Paragraph 139 of the NPPF equally applies here.
65. SWDP29 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. While once again, this is an observation, and not sufficient to amount to a refusal reason at this stage, were **the 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. Again, this could impact on **the site's** capacity in terms of quantum of development.

Christ Lewis-Farley MLArch, HND Arb

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Malvern Hills District Council