

## Richborough Estates: Brookend Lane, Kempsey

### Representations to Kempsey NDP

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#### Introduction

1. We act on behalf of Richborough Estates in relation to their interest in land that lies to the south of Brookend Lane and to the north of Post Office Lane, in the eastern part of Kempsey.
2. The site comprises 12 hectares or thereabouts and is split generally into two distinct parcels located either side of the Hatfield Brook. A site plan is attached.
  - The northern parcel comprises 5.16 ha and has a boundary with Brookend Lane from which access may be gained. Its southern and eastern boundaries are with the Hatfield Brook. Part of its western boundary is with Brook Close and the Village Development Boundary
  - The southern parcel comprises 6.76 hectares and has a boundary to the south with Post Office Lane, from which there is opportunity to access a limited number of dwellings. The eastern boundary follows clearly defined field boundaries and the northern boundary is with the Hatfield Brook. The western boundary abuts the Village Development Boundary and residential curtilages off Ellsdon Rise and Post Office Lane.

#### Representations to the Regulation 14 Draft

3. GVA submitted representations to the Public Consultation draft Kempsey NDP in April 2016. The representations proposed the inclusion in the NDP of a the land at Brookend Lane/Post Office Lane as a 'reserve site'.
4. The representations proposed also that Policy K2 (New Housing Development In Kempsey Parish outside of Kempsey Village) include an additional exception to the strict control of development outside the settlement boundary. The additional exception would relate to the release of the reserve site, if that were necessary to support the wider objectives of the NDP or SWDP.
5. GVA's representations are reported in the Kempsey Submission NDP Consultation Statement (January 2016) which advises as follows.

*"The representation puts forward a large reserve housing site. This is not considered necessary and would not be in general conformity with the SWDP. Remove references to "other site" from Justification of K10 – contradicts policy that only identifies one site".*

#### Deliverability: Technical & Environmental

6. Over the past 12 months Richborough Estates has commissioned a variety of technical and environmental reports to support a more robust assessment of deliverability. The focus of the reports that have been commissioned has been to provide clarity on:-
  - any potential constraints to the delivery of housing on the site, and at any particular scale;
  - how any potential constraints and impacts might be managed; and
  - an assessment of site capacity.
7. Richborough Estates is confident that there are no overriding constraints to development, based on the work completed to date, the conclusions of which are summarised below.

- a) **Arboricultural Considerations:** Midland Forestry has provided a Tree Survey and Constraints plan which records the following situation.

Category	Trees	Tree Groups	Woodland Groups	Hedges
U	5	1	0	0
A	3	0	1	0
B	19	8	2	6
C	4	0	0	1
<b>Total</b>	<b>31</b>	<b>9</b>	<b>3</b>	<b>7</b>

The majority of tree specimens, groups and hedges are located on or close to the site's boundaries and would be unaffected by development. There are hedges along the boundaries with Brookend Lane and Post Office Lane, albeit those already have breaks within them. A single Class A and two Class B trees sit within the southern parcel, but could be retained. A linear tree group bisects the site, along the course of the Hatfield Brook.

A number of individual trees and small tree groups lie along the Brook course. A majority would be unaffected by development, although some removals would be inevitable to secure vehicular and pedestrian connections across the Brook.

- b) **Built Heritage/Archaeology:** Orion has carried out a desk-based assessment of the site and has concluded as follows.

- Archaeological potential is low for all periods except the Prehistoric period (which is moderate/low). Archaeology is neither a design nor development constraint.
- There are 12 listed buildings to the west but, due to intervening buildings and landscape features development would have no significant impact on their settings or significance.
- Kempsey Conservation Area adjoins part of site's western boundary. However, the boundary is marked by mature trees and, having regard to the route of the Brook, development would be unlikely to be sited close to it. In any event, any potential impact on its setting could be effectively mitigated by sensitive landscape and design, together with a setting back of development from the boundary.

- c) **Ecology:** Just Ecology has carried out a Preliminary Ecological Assessment and, based on its conclusions, has completed various Protected Species Survey. In summary:-

- **Great Crested Newt** eDNA surveys were carried out at four water bodies, including 1 within the site and 3 within 500m. That within the site tested negative, as did 2 others. One, to the north of Brookend Lane, tested positive, but the integrity score for the sample was low so that the outcome is unreliable. The conclusion is that GCN are not a constraint to development.
- **Hazel Dormouse** field and nest tube surveys concluded that Dormice are likely to be absent from the site and do not represent a constraint to development.
- **Otter surveys** recorded otter signs within the site and close to its boundaries. A potential holt was identified close to the site boundary although appears unlikely to support breeding animals, subject to further survey. Just Ecology recommend that a 20m buffer be maintained on both sides of the brook with fencing installed to protect habitat in the operational phase. Moreover, all woodland adjacent to the brook should be maintained. Should the Brook be bridged mammal ledges would allow for continued passage along the watercourse. Detailed mitigation proposals would be developed following further surveys.

- **Bat transect & roost surveys** indicated low-moderate levels of common and soprano pipistrelle foraging, and low levels of activity by other species, most of which was along the stream-side woodland. No evidence of roosts on site was recorded. Recommended mitigation includes a 10m buffer on both sides of the stream, minimising the removal of trees/hedges to provide access (and the provision of compensatory planting), sensitive lighting design and the provision of a minimum of 10 bat boxes. Tree Roost Surveys identified 19 trees as having roost potential (9 Low and 10 Moderate) and, having regard to their location, all may be retained.
  - **Badger surveys** confirmed that there are no badger setts on the site.
- d) Flood Risk and Drainage:** Flood modelling is ongoing. In advance of completion, it is prudent to refer to the indicative Maps produced by the EA and the Strategic FRA prepared by JBA. Both show areas of Flood Zone 3b along the Hatfield Brook. The southern part of the site is considered in more detail in JBA's SFRA Level 2 Addendum which identifies that 15% of the site is in Flood Zones 3 and 2, and which recommends that More Vulnerable development be located away from the watercourse. A greater proportion of the northern site is likely to fall within Flood Zones 2 and 3, given the greater length of bank along its southern and eastern boundaries, but similar approaches may be adopted.
- e) Transport and Access:** PTB has reviewed the potential to access the site from Brookend Lane and Post Office Lane and has reached the following conclusions.
- In relation to Brookend Lane PTB has concluded that its junction with the A38 has the capacity to support residential development across the whole of the site. Brookend Lane is sufficiently wide to meet standards and the alignment of the carriageway allows for satisfactory access to be achieved adopting the requisite visibility splays, having regard to surveyed traffic speeds along the lane.
  - PTB has also considered the scope for access from Post Office Lane, having regard to the conclusions reached by the Inspector who considered David Wilson Homes (Mercia) Ltd's appeal against the refusal of permission for 75 dwellings to the south. PTB conclude that the junction of Post Office Lane and the A38, and Post Office Lane itself, could serve a limited number of additional dwellings in the southern part of the site.

### **Landscape & Visual Impact**

8. Tyler Grange has carried out a desk-top analysis of the site's landscape character and visual context, supported by site visits. The general assumption adopted is that the northern parcel, and most of the southern parcel, would be accessed from Brookend Lane with a bridge across Hatfield Brook. Further context is provided by the sites that are committed/under construction to the north of Brookend Lane, and to the south of Post Office Lane, both of which extend the settlement boundary further to the east.
9. **Landscape Character:** The relevant evidence base includes the Worcs Green Infrastructure Strategy (2013-2018) and the Worcestershire Landscape Character Assessment (June 2008). The site and wider study area are described as lying within the 'Principal Timbered Farmlands' (PTL) Landscape Character Type (LCT) within which landscape guidelines are promoted that include:-
- to conserve and protect the pattern of hedgerows;
  - to conserve and enhance tree cover along watercourses; and
  - to enhance patterns of tree cover associated with settlement.

10. The site is adjacent to the Kempsey Urban Area 'Landscape Description Unit (LDU) MW138' and within LDU MW62.2 'Kempsey Principal Settled Farmlands' which is characterised by localised tree groups, red brick buildings, declining field patterns, hedgerows in poor condition and poor representation of tree cover. Tyler Grange conclude that the parcels have differing landscape character but that both are influenced by the proximity to the residential edge of Kempsey. On site features are characteristic of the wider area and include gently undulating, almost flat topography, and small/medium scale field patterns defined by hedgerows and trees.
11. **Visual Circumstances:** The site is well contained by mid to long distance views which are heavily restricted by local topography and well treed boundaries so that:-
  - visibility of the northern parcel is limited to the PROW within the site, a small number of properties in Brookend Lane and Brook Close and, potentially, Mill House and Manor House, due mainly to screening from buildings and mature vegetation on the eastern boundary.
  - visibility of the southern parcel is limited to the PROW within the site and the small number of properties on its western boundary, as well as users of the surrounding lanes. Views from the north are heavily filtered.
12. A landscape-led approach to development would adopt the following key principles:-
  - retain vegetation along the Hatfield Brook to maintain compartmentalised landform;
  - retain the mature trees along the eastern boundary of the northern parcel;
  - keep the watercourse corridor and PROW route free from development;
  - retain strong field boundary features into connecting Green Infrastructure;
  - distribution green infrastructure to coincide with areas of higher ground; and
  - set lower density development back from the Conservation Area boundary.

### **Deliverability Summary and Site Capacity**

13. Overall, it is evident that development must be sensitive in landscape and visual terms, and must respect the Conservation Area and its setting. At the same time, the character of the landscape is neither rare nor unique and the site's zone of visibility is limited by landform, landscape and existing/proposed development.
14. Any particularly sensitive locations may coincide with the careful placement of open space and Green Infrastructure. This is likely to be consistent with the incorporation of buffers along the brook and site boundaries designed to mitigate the potential impacts of development on ecology and trees, and would tie in with the approach to managing flood risk.
15. Moreover development will provide a substantial opportunity to maintain and improve public access to and through the site and wider landscape, and to reinforce existing landscape structure. Richborough is aware of the requirement in Policy SWDP5 that 40% of greenfield sites should be set aside for Green Infrastructure, and would expect that to be met in full.
16. Having regard to the work undertaken, and assuming residential density in line with SWDP13E.iii, modified to reflect local circumstances (the Conservation Area, the extent of FZ3 and the requirements for ecological mitigation), Richborough Estates concludes that the site's capacity is in the region of 150 dwellings, with a majority served via Brookend Lane.

### **Sites K10Bi and K10Bii**

17. Since the Reg 14 Consultation Taylor Wimpey has submitted a hybrid application on Sites K10Bi and K10Bii comprising:-
- a full application for housing (113 dwellings); and
  - an outline element for community/sports pitches provisions.
18. The indicative layout relating to the community/sports pitch provision suggests a substantial and varied mix of pitches. The indicative layout does not include all of the facilities that the Parish Council aspires to deliver (as set out in the NDP) and shows a clubhouse, rather than sports hall.
19. The Planning Statement advises that the applicant will transfer land west of Old Road South to the Parish during the development. The Parish will then deliver the community project using the circa £2M of contributions secured from recent development in the Parish towards *“offsite” recreational facilities*. The Planning Statement says that additional funds may be required from NGBs to deliver the facility, and the NDP suggests the same. The total cost of the project, initially and ongoing, is uncertain in advance of further work on the facilities mix, design and cost.
20. The Planning Statement refers also to a *“carefully planned 3 phase programme”*. Phase 1 comprises the transfer of land, and Phase 2 the laying out of facilities. Phase 3, we understand, comprises improvements to the existing facilities at Plovers Rise, which are promoted by Policy K10A of the NDP. It is assumed that the Phase 3 works (i.e. those promoted by Policy K10A) are not to be ‘enabled’ by development on Site K10Bii, because they fall outside the scope of K10B.

### **Key NDP Policy Objectives**

21. The NDP is now being prepared in the context of:-
- a) the adoption of the SWDP, which confirms Kempsey as a Category 1 Settlement and which provides sufficient allocations in the Sub Areas to support the maintenance of an adequate supply of housing land over the plan period;
  - b) a 5 year Housing Land Supply, at the time of publication of the Regulation 16 NDP;
  - c) on-going development to the north & south of the village, and a further commitment at Post Office Lane;
  - d) current proposals for Site K10Bii which will provide land to support proposal K10Bi (assuming the LPA concludes that meets the criteria in draft NDP Policy K10B and that conflict with the SWDP is outweighed); and
  - e) a further objective to deliver improvements to Plovers Rise (K10A) and, potentially, other community infrastructure in the village.
22. Despite the significant progress that has been made with the submission of the Pixham Ferry Lane application, it remains uncertain whether the objectives of K10B are fully deliverable in the terms described in the ‘Background/Justification’ to Policy K10. There are no opportunities for substantial additional development under Policy K1. Policy K2.d) does, in principle, support other development outside the Village Development Boundary if that would *“accord with”* (or promote) other relevant policies in the NDP and SWDP.
23. In addition, the objectives of K10A are separate from those in K10B.

## Observations and Representations

24. The objectives of the NDP are focused on managing the provision of future housing and ensuring that, through development and other means, the Parish and Village secure the delivery of new facilities. A strategy is set out to achieve these aims in the context of committed development proposals, and the recently adopted SWDP.
25. At the same time the NDP includes provisions for monitoring performance, and some flexibility to respond to changing circumstances so that its main aims and objectives may be secured. In this context we continue to conclude that the NDP would be further enhanced by the inclusion of additional land in the form of a 'reserve' site which may be brought forward for development at the appropriate time.
26. On this basis we continue to propose the inclusion in the NDP of a 'reserve' site at Brookend Lane to be brought forward in the event that:-
  - a) would support the wider objectives of the NDP as first 'made' or later amended; and/or
  - b) would enable or support the delivery of other objectives/community facilities; and/or
  - c) the land supply position in the Sub Area falls below 5 years; or
  - d) otherwise in agreement with the Local Planning Authority and Parish Council.
27. Policy K2 may include an additional 'exception' to the control of development outside the settlement boundary relating to the release of the reserve site, if necessary to support the wider objectives of the NDP.
28. Alternatively, Policy K2 it may be amended by the insertion of the words "*and/or promotes the objectives of*" in K2d) after the words "*It accords with*".
29. The benefits of these changes would include:-
  - an ability to secure additional funding, if needed, for community, sport and other facilities promoted under K10A and K10B;
  - an ability to react in a planned way to any future changes to land supply in the Sub Area, and to bring forward a preferred site in a Category 1 settlement should such circumstances arise;
  - clarity in terms of the future direction of development should the Kempsey NDP be reviewed either unilaterally, or as a consequence of a review of the SWDP; and
  - the potential to secure additional benefits in terms of the provision of more informal and 'open' recreational uses than those which are planned at Old Road South.

**GVA**

**Regulation 16 Consultation**  
**on the Submitted Kempsey Neighbourhood Plan**  
**RESPONSE FORM**

Under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, Kempsey Parish Council has submitted its draft Neighbourhood Plan to Malvern Hills District Council. In accordance with Regulation 16, Malvern Hills District Council would like to invite comments from organisations and individuals on the Neighbourhood Plan.

This consultation runs for six weeks from Friday 13th January to Friday 24th February 2017.

If you wish to comment on the draft Kempsey Neighbourhood Plan **please complete and return this form no later than 5:00 pm on Friday, 24th February 2017 to:**

**Email:** [developmentplans@malvern hills.gov.uk](mailto:developmentplans@malvern hills.gov.uk), or by

**Post:** Planning Policy, Malvern Hills District Council, Planning Services, The Council House, Avenue Road, Malvern, Worcestershire, WR14 3AF.

All comments will be made publicly available and identifiable by name and organisation (where applicable). Please note that any other personal information provided will be processed by Malvern Hills District Council in line with the Data Protection Act 1998.

Please fill in your details in the boxes below:

Full Name: **Nick Hardy**

Organisation (if applicable): **GVA (on behalf of Richborough Estates)**

Address (including postcode): **3 Brindleyplace, Birmingham B1 2JB**

Telephone number: **[REDACTED]**

Email address: **[REDACTED]**

Please state which part of the draft Neighbourhood Plan (i.e. which section, objective or policy) your representation refers to (please use a separate form for each representation):

Policy K2

Please use the space below to make comments on this part of the Neighbourhood Plan.

Please refer to attached submissions.

Amend Policy K2 as follows:-

*“Policy K2 d) it accords with **and/or promotes the objectives of other relevant policies in the Kempsey NDP and the SWDP**”*

Please use a separate form for each representation.

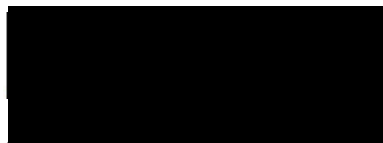
#### **Future Notification**

Please state whether you would like to be notified of the decision on the Neighbourhood Plan proposal:

Yes

No

**Signature**



**Date** 24 February 2017

Thank you for completing this form.



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Organisation (if applicable): **GVA (on behalf of Richborough Estates)**

Address (including postcode): **3 Brindleyplace, Birmingham B1 2JB**

Telephone number: **[REDACTED]**

Email address: **[REDACTED]**

Please state which part of the draft Neighbourhood Plan (i.e. which section, objective or policy) your representation refers to (please use a separate form for each representation):

Policy K2 and supporting text

Please use the space below to make comments on this part of the Neighbourhood Plan.

Please refer to attached submissions.

Amend Policy K2 by adding:-

*“Policy K2 e) it relates to the reserve site at Brookend Lane, if that is required to support or enable the delivery of the objectives of the Kempsey NDP and/or the SWDP”.*

Supporting text would set out the circumstances that would trigger the release of the reserve site.

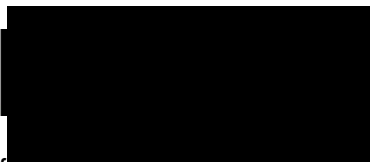
Please use a separate form for each representation.

### **Future Notification**

Please state whether you would like to be notified of the decision on the Neighbourhood Plan proposal:

Yes  No

**Signature**



**Date** 24 February 2017

Thank you f

# Site Location Plan

