Application Number: 13/01405/OUT

Town/Parish: Astley and Dunley CP

Grid Ref: E: 380088 N: 269367

Ward: Baldwin Ward

Proposal: Outline application for residential development of up to 62 dwellings with all matters reserved except for access and amenity space and associated works.

Site: Land at Pearl Lane, Astley Cross, Worcestershire

Applicant: Bovis Homes Ltd

Date Valid: 30.10.2013

Target Date: 29.01.2014

Ward Members: Councillor Susan Gill

Case Officer: Simon Jones

Site Location Map

For Identification Purposes Only - Not To Scale
Summary

Outline planning permission is sought for the erection of up to 62 houses, with all matters reserved except for access. Amenity space and associated works.

The main issues in the consideration of the planning application are:

• Housing supply
• The principle of development
• Locational Sustainability
• Affordable Housing
• Design and layout
• Landscape character and visual impact
• Biodiversity
• Highway safety
• Residential amenity
• Flood risk and drainage
• Loss of agricultural land
• Essential Services and Infrastructure

and whether the proposal is in accordance with the Development Plan when read as a whole and the National Planning Policy Framework (NPPF).

The application is reported to the Northern Area Development Management Committee given the range of complex planning issues it raises and because the proposals are a departure from the Development Plan and Officers are not recommending refusal.

The Officer recommendation is that outline planning permission be GRANTED subject to the conditions set out below, and to the applicant entering into a Section 106 Legal Agreement with the District Council and County Council in respect of various planning obligations.

To view the application, please visit http://e-access.malvernhills.gov.uk/eaccess/Applicationsearch.asp and enter the planning application number.

1. Policies

Regional Strategy for the West Midlands

The Order to revoke the Regional Strategy for the West Midlands came into force on 20th May 2013. The decision to revoke the Regional Strategy for the West Midlands follows the outcomes of the Strategic Environmental Assessment and associated consultation on the environmental report of abolition in the region. The Order also revoked the remaining county-level structure plan policies in these areas. For the purposes of Malvern Hills District Council this is the Worcestershire County Structure Plan 1996 – 2011.
Development Plan Policy and The National Planning Policy Framework

The Development Plan, for non-minerals and waste matters comprises of the Adopted Malvern Hills District Local Plan 2006 (MHDLP). The MHDLP was originally “saved” until July 2009. Malvern Hills District Council applied to the Secretary of State to ‘save’ a number of the MHDLP policies on 30 December 2008.

The Secretary of State issued a Direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 on 9 July 2009 to further ‘save’ a number of the MHDLP policies.

Below is a list of the key “saved” policies of the MHDLP which apply to this proposal.

**Malvern Hills District Local Plan:**

Policy DS1 - The Location of Development  
Policy DS3 – General Development Requirements  
Policy DS14 - Housing Development in the Open Countryside  
Policy DS18 - Planning Obligations  
Policy QL1 - Design of New Development  
Policy QL19 - Protection of Wider Biodiversity  
Policy QL13 - New Development Affecting the Setting of Listed Buildings  
Policy QL20 - Creation of Habitats  
Policy QL21 – Landscaping  
Policy QL22 - Protection of Trees, Woodland & Hedgerows  
Policy CN1 - Dwelling Mix and size  
Policy CN2 - Providing Affordable Housing in Residential Development  
Policy CN12 - Provision of Public Open Space

Planning applications are required to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Material considerations include the National Planning Policy Framework (the Framework).

Paragraph 215 of the Framework is relevant to the MHDLP. It states that due weight should be given to existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The degree of consistency between the Framework and MHDLP policies listed above is addressed in the officer appraisal set out below.
Paragraph 216 of the Framework is also relevant to the proposal in so far as it allows decision-takers to give weight to relevant policies in emerging Development Plans. This approach is also confirmed by The Planning System General Principles 2004 and established case law. In this respect, the emerging South Worcestershire Development Plan (proposed submission document, published 11th January 2013) (the SWDP) is a material consideration in the decision making process.

Below is a list of the key policies of the emerging SWDP which apply to this proposal.

**South Worcestershire Development Plan** (proposed submission document, published 11th January 2013):

- Policy SWDP 1 - Overarching Sustainability Principles
- Policy SWDP 2 – Development Strategy and Settlement Hierarchy
- Policy SWDP 3 - Employment, Housing and Retail Provision Requirement and Delivery
- Policy SWDP 4 - Moving Around South Worcestershire
- Policy SWDP 5 - Green Infrastructure
- Policy SWDP 6 - Historic Environment
- Policy SWDP 13 - Effective Use of Land
- Policy SWDP 14 - Housing Mix
- Policy SWDP 15 - Meeting Affordable Housing Needs
- Policy SWDP 21 - Design
- Policy SWDP 22 - Biodiversity and Geodiversity
- Policy SWDP 25 - Landscape Character
- Policy SWDP 26 - Telecommunications and Broadband
- Policy SWDP 27 - Renewable and Low Carbon Energy
- Policy SWDP 28 - Management of Flood Risk
- Policy SWDP 29 - Sustainable Drainage Systems
- Policy SWDP 62 - Implementation, Phasing and Monitoring

The weight these SWDP policies may be given in the decision making process is addressed in the officer appraisal below.
2. Planning History

13/00127/OUT - Outline application with Some Matters Reserved for a residential development of up to 106 houses, access, amenity space, associated works and attenuation pond. WITHDRAWN 25/09/2013

3. Consultation Replies

Highway Authority

No objection subject to suggested standard conditions and following S106 Contributions –

The widening of the footway on Areley Common from the proposed cycle way to the public house to 2m a contribution of £23,760 is required.

Provision of 2 new bus stops/shelters on Pearl Lane with associated pavement connections £20,000 for the bus stops.

Provision of 2 new bus stops/shelters on Red House Road £20,000

Worcestershire County Council, in order to deliver the growth proposed within the emerging South Worcestershire Development Plan, are seeking contributions in order to maintain a transport network that is capable of minimising adverse impacts upon the economy and environment, which in particular seeks to deal with issues of accessibility, traffic congestion, journey times, journey time reliability and transport related costs imposed upon businesses and other network users. If these issues are not addressed, then they could adversely impact on the performance of the economy and the local environment, in terms of air quality, noise, severance etc. Therefore in order to make this development acceptable, it is considered appropriate that the Developer should contribute £49,640.00 towards the Worcester Transport Strategy.

Astley and Dunley Parish Council

Astley and Dunley Parish Council strongly objects to this application:

1. HOUSING NEED – there is very little need for additional housing in Astley and Dunley so if planning consent is given for these houses they will be of no benefit to local people. We assisted the County and District Council in carrying out a recent Housing Needs Survey (December 2012). This appears to establish that no more than 5 or 6 houses are needed in the parish, and Housing Associations are already anxious to respond to this. One of the main reasons for the large number of houses the government are seeking in Malvern Hills arises from their wish to develop Worcester City as a business area. Houses on the edge of Stourport would involve too much travelling to be of use.

2. DRAINAGE – there is a limited drainage system in Astley so this proposed development would be “tagged on” to Stourport where the drainage system is already overloaded.

3. FLOODING – The site has standing areas of flood water. Attempts to alleviate this in the past have failed. The proposal includes piping water away to a new holding area in Astley. We have a constant reminder of the failure of this type of action at Sandhampton, Astley, where a fairly large council housing site required an existing small water course to be diverted by piping. Very many years later, this is still a constant source of flooding as MHDC records will show. Drainage and flooding are a great cause of concern due to the proximity of the borehole at Little Heath, Astley.
Contamination during and after building work with more heavy downpours forecast, would only exacerbate the problem.

4. ROADS – the proposed access to this group of 106 houses is onto Pearl Lane. The section in question has no speed restriction and an added hazard is the small hill north of the site entrance. This would cause traffic travelling from north to south to be unable to see the site entrance until nearly upon it. For the same reason vehicles emerging from the site would not see fast oncoming traffic from the north. In the early evening Pearl Lane becomes a “rat run” for fast traffic from Worcester to Bewdley and beyond. There are at present only three properties fronting this part of the lane but even so we have recorded several accidents involving access or egress to driveways. This would also incur an increase in noise pollution for nearby properties. Stourport has only one bridge and the existing heavy traffic is causing considerable delay.

5. AMENITIES – Occupants of the proposed homes would look to Stourport for schools etc. where services are already overstretched.

6. SOUTH WORCESTERSHIRE DEVELOPMENT and LOCAL PLAN – Astley and Dunley has never been mentioned in the proposed plan. Worcester City has been designated as an area of growth – this parish is twelve miles from Worcester and residents do and will in the main, continue to use facilities in Wyre Forest District.

7. EFFECT ON THE LOCAL COMMUNITY Astley is a rural village. The Parish Council has not objected to limited development within its several small settlements, but has always defended its separation from nearby towns. This Bovis application violates this separation. The proposal is quite clearly an extension of the urban area of Stourport (Wyre Forest) into Astley (Malvern Hills). Wyre Forest has, we understand, adequate reserves of development land for a number of years. It does not need assistance to expand into adjoining districts. People living in villages are close knit communities and value their independence from the urban environment. They chose to embrace village life and are happy to accept the limitations of access to amenities this entails.

The matter was presented to the Wyre Forest DC Planning Committee on 14th January 2014 to consider in their capacity as a neighbouring District / interested party. That committee voted unanimously to send a representation objecting to the application on the following grounds:

1. The proposed residential development on this Greenfield site located within the open countryside is clearly contrary to both adopted and emerging local plan policies. It is considered that there are sequentially preferable sites identified to meet housing needs within the Malvern Hills District. The location and scale of this proposal would not represent sustainable development and is therefore wholly inappropriate in its nature.

2. The proposed development would be of a scale that would be out of kilter with the size and character of the surrounding village and effectively create an urban extension to Stourport-on-Severn pushing built development into the open countryside. The effect of this intrusion would significantly harm the character and appearance of the landscape and the surrounding area as a whole.
Stourport on Severn Town Council

A unanimous resolution was passed by the Town Council to recommend in the strongest terms that planning permission should be refused. The development which is proposed would encroach into open countryside, where the site is not allocated for development in the South Worcestershire Development Plan. Further, if the application was to be approved, the development would impact adversely on the infrastructure of Stourport-on-Severn and on the services in the Town. The Council had an unanswered question about whether the site proposed for development was subject to flooding?

Even if there is not yet an identified supply of land for five years for residential development, the Town Council believes that approval of this application could provide a highly undesirable precedent. Development of the type proposed ought to be carried out in areas where the development can be related to known opportunities for employment, and with the necessary transport infrastructure in place or, planned to be in place. Such things cannot be said about the development proposed by this application.

Worc Archive & Archaeology Service

The results indicate that the site does not contain any subsurface remains of particular significance, the only feature possibly representing an enhanced drainage feature associated with the shallow valley that crosses the site. Therefore I have no objection to the proposals on historic environment grounds but would advise, as a condition of outline consent, that a targeted programme of archaeological works be carried out to determine the nature of the linear feature.

The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by the National Planning Policy Framework section 12, paragraph 141, Policy QL14 of the Malvern Hills Adopted Plan and policy CTC17 of the County Structure Plan.

In this instance it is believed, on current evidence, that sufficient information on the significance of the asset has been provided and that no further pre-determination assessment is required, and that the impact of the proposed development on the historic environment can be appropriately offset by a conditional programme of archaeological work.

Provision Planning Team School Systems Directorate of Children’s Services WCC

With reference to your recent list of Planning Applications, we note that planning permission is being sought for the residential development detailed below. If development goes ahead in this area, there will be a need for a contribution towards local education facilities in accordance with your Supplementary Planning Document on planning obligations for education facilities. The Community Infrastructure Levy Regulations state that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

a) necessary to make the development acceptable in planning terms. This development will have an impact on surrounding infrastructure. Analysis of pupil yields gives an average figure of 0.029 pupils per year group per dwelling. This development will contribute to the demands on the local schools.
b) directly related to the development;
The contribution sought is related to, and will be spent on, the schools that serve the area in which the development is sited. While children do not have to attend their catchment school it is likely that parents living in the new dwellings would strongly consider their catchment school and the Local Authority has a duty to ensure that there is sufficient local provision for the numbers of children likely to seek a place.

c) fairly and reasonably related in scale and kind to the development
The contribution is scaled to match the development by charging an amount per dwelling, charging a reduced amount for flats and apartments and waiving any charge on 1-bed units and affordable housing. Developments of specialist housing for older people or people with disabilities are also exempt.

Schools Affected: First / Primary School: Astley CE Primary Secondary School: The Chantry High School

Crime Prevention Design Advisor, (South Worcestershire)

In principle I have no objection to this site being developed. However there are some concerns over the indicative layout.

This application is proposing 3 parking courts, all with varying degrees of natural surveillance, Non that promote ownership and community cohesion.

The main parking court at the centre of the development additionally has the even less desirable feature of an under-croft entrance, In my experience, during periods of inclement weather they simply become a youth shelter/gathering point, having a significant detrimental effect on the quality of life of those residents.

Borderless policing across West Mercia is facilitated by electronic equipment in vehicles which allows the control room to deploy the nearest available patrol. They would deal with the situation and if required pass the relevant call on . This may mean to a specialist department inc CID, not just a Malvern patrol. This is very low crime area, if approved 62 dwellings will not impact significantly on policing.

I would seek further opportunity to comment as more detail is submitted.

Environment Agency

This proposal is substantially different to 13/00127/OUT. We have responded to advise the above is located in Flood Zone 1 according to our Flood Zone Maps and as such we would not make bespoke comment and refer to attached standing advice. I note the L2 SFRA has assessed the wider site, but the application site is located in areas identified as being Flood Zone 1. Accordingly we would not make bespoke comment and would recommend continued liaison with the South Worcestershire Land Drainage Partnership

Worcestershire Wildlife Trust

The application contains sufficient detail on biodiversity to enable the LPA to determine the application and consequently we have no reason to object to the proposals. We would recommend that you imose a condition covering the recommendations made in the ecological survey to any permission you may be otherwise minded to grant. Conditioning the usual CEMP and landscape / SUDS / GI plan would also be useful and would help to frame reserved matters applications for the future.
The Applicant has stated “sustainable drainage system” and “existing watercourse” as the proposed means of disposal for surface water and has submitted a FRA, which includes an outline drainage strategy.

Flood Risk

There is an existing watercourse that passes through the site from Malvern Edge Court, where a culvert discharges via an ‘orphan’ SuDS attenuation pond and continues in culvert across the site to a field access onto Pearl Lane. There is flood risk to the site and downstream of the site from this watercourse which will need to be assessed to determine the proposed development extents, minimum ground floor levels and demonstrate that flood risk to others downstream will not be increased as a result of these proposals. The FRA has referred to EA surface water flood risk mapping from the South Worcestershire SFRA to estimate the widths of flood extent and whilst acceptable as an estimating tool for an outline application, will require a detailed FRA at full application/reserved matters stage with appropriate modelling necessary to confirm the critical return period flood event outlines.

Existing Watercourse

There is no reference in the supporting documents with respect to the existing culvert and adjacent floodplain/washland (ie the site area not being developed) that runs across the site. It would appear that this and the existing SuDS feature at the upstream extent is being ignored again, missing an opportunity to obtain reductions in flood risk, improve biodiversity and provide amenity benefits. Confirmation of landownership post-development is required.

Drainage Strategy

The FRA refers to use of source control methods as the primary means of disposal for surface water, which is acceptable subject to ground and site conditions being suitable. Where soakaways are proposed for the disposal of roof run-off the distance in relation to existing drains and structures will need to be checked to ensure that a minimum clear distance of 5.0 metres can be achieved. The detailed FRA at full application/reserved matters stage will need to include site investigation results that provide percolation test results, depth to seasonal groundwater level and calculations to demonstrate that half drain down times <24 hours can be attained for all SuDS devices. If ground or site conditions are found to be unsuitable then an alternative means of disposal for surface water will need to be submitted for approval that will demonstrate that satisfactory management of surface water can be achieved without increasing the flood risk to the site or elsewhere. A number of SuDS options are discussed in the FRA. There should not be reliance on a single SuDS feature – only permeable paving is shown on the preliminary plan in the FRA - and a comprehensive SuDS train will need to be promoted, assessed and shown on the drainage strategy plan for the detailed FRA at full application/reserved matters stage. At present, Worcestershire Highways is unlikely to accept infiltration features for new roads being offered for adoption. As with nil infiltration options for surface water disposal consideration of an alternative SuDS train that encompasses the requirements for provision of interception, attenuation, long-term and treatment storage volumes will be necessary.
Any points of discharge made to the existing watercourse will need to be shown on the drainage strategy plan in the FRA and will require an application for land drainage consent from SWLDP under s.23; Land Drainage Act 1991.

SuDS Adoption

Items 4.51; 4.53 to 4.55; FRA refer to responsibility for maintenance long term. MHDC will not be an appropriate body to adopt SuDS. Even if the relevant sections of the FWMA 2010 are enacted next April and the SAB is formed by Worcestershire County Council (LLFA) it is unlikely that adoption of SuDS on this site will occur for some time and then only if it is considered compliant by the LLFA/SAB. I would recommend that suitable and adequate private arrangements are put in place for the maintenance of all SuDS for the lifetime of the development. Minimum 8.0m easements to and around all SuDS features offered for adoption will be required for maintenance access.

4. Representations Received

Derek Wood Muldoon, Areley Common, DY13 0NG
Mrs M Heeley Severn House, Areley Common Road, DY13 0NP
Mr & Mrs Roehead 35 Cherrytree Walk, Arley Kings, DY13 0JT
RK & Mary Sawyer Ashcroft, 7 Malvern Edge Court, Areley Common, DY13 0NP
EC & RC Bullock 5 Commonside, Pearl Lane, DY13 0RB
Mark & Lynne Stevens Eslei House, 1 Malvern Edge Court, Areley Common, DY13 0NP
J A Carraras 42 Abberley Avenue, Areley Kings, DY13 0LZ
Steve & Caroline Smith 7 Astley Gardens, Astley, DY13 0QZ
Mr J Modley 8 Cotswold Avenue, Areley Kings, DY13 0QB
Mr & Mrs Stone Lynwood House, Areley Common, DY13 0NP
Mr & Mrs Williams Harcourt, Areley Common, DY13 0NP
Matt Roberts 1 Malvern Edge, Court Areley Common, DY13 0NP
Mr & Mrs T W Cattell 35 Kings Arms, Lane Astley Common, DY13 0NS
Alan & Janet Smith Mitcheldene, Malvern Edge Court, Areley Common, DY13 0NP
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
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<tbody>
<tr>
<td>Wayne, Debbie &amp; Claire Fisher</td>
<td>29 Cherry Tree Walk, Worcester, DY13 0JT</td>
</tr>
<tr>
<td>Martin Clapton</td>
<td>30 Oak Apple Close, DY13 0JR</td>
</tr>
<tr>
<td>Gary Griffiths</td>
<td>4B Lovett Road, Worcester, WR9 0QG</td>
</tr>
<tr>
<td>Mrs F. M. Llewellyn</td>
<td>16 Riverlands, Astley Burf, Worcester, DY13 0RZ</td>
</tr>
<tr>
<td>Celia and Philip Humphreys</td>
<td>29 Ridleys Cross, Astley, Worcester, DY13 0RF</td>
</tr>
<tr>
<td>Robert and Cherry Greaves</td>
<td>Tynewydd, Areley Common, DY13 0NP</td>
</tr>
<tr>
<td>Conway Family</td>
<td>4 Astley Gardens, DY13 0QZ</td>
</tr>
<tr>
<td>Maxwell V. Keen</td>
<td>71 Abberley Avenue, DY13 0LY</td>
</tr>
<tr>
<td>Ian and Linda Bissell</td>
<td>6 Astley Gardens, Astley, DY13 0QZ</td>
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<tr>
<td>David Kennings</td>
<td>4 Meadow View, DY13 0JS</td>
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<tr>
<td>Terry Murray</td>
<td>14 Elm Grove, DY13 0NT</td>
</tr>
<tr>
<td>Mrs Christine M Crompton</td>
<td>3 Swiss Heights, DY13 0LJ</td>
</tr>
<tr>
<td>M and D Walker</td>
<td>11 Oakapple Close, Astley Cross, DY13 0JR</td>
</tr>
<tr>
<td>Mr and Mrs N Allsop</td>
<td>41 Kings Arm Lane, Astley Cross, DY13 0NS</td>
</tr>
<tr>
<td>Stanley &amp; Hilary Kirby</td>
<td>The Sitch, Astley Cross, DY13 0RD</td>
</tr>
<tr>
<td>Ruth, Jill &amp; Alexander Horton</td>
<td>68 Areley Common, DY13 0NQ</td>
</tr>
<tr>
<td>Mr G &amp; Mrs M Hinks</td>
<td>33 Ridleys Cross, DY13 0RF</td>
</tr>
<tr>
<td>Alan Griffiths</td>
<td>10 Swiss Heights, DY13 0LJ</td>
</tr>
<tr>
<td>Mr &amp; Mrs Kimpton</td>
<td>21 Cherry Tree Walk, DY13 0JT</td>
</tr>
<tr>
<td>J W R Thomas</td>
<td>1 Redhouse Road, DY13 0NN</td>
</tr>
<tr>
<td>Alan and Joan Dunn</td>
<td>10 Astley Gardens, DY13 0QZ</td>
</tr>
<tr>
<td>Jean and Brian Williams</td>
<td>Rookery Nook, Severn Meadow, DY13 0RY</td>
</tr>
</tbody>
</table>
John Rowley  
8 Redhouse Road, DY13 0NW

Jean and Mick Reeve  
53 King Arms Lane, DY13 0NS

Sarah Fernihough  
Woodglen, Astley Burf, DY13 0RX

R.J.T and Mrs B.M. Edge  
3 Brocken Place, DY13 0LE

Revd. Canon & Mrs P Brothwell  
8 Hillside Close, DY13 0JW

Gill and Peter Willis  
5 Astley Gardens, DY13 0QZ

Debbie McKenna and Trevor Gates  
8 Astley Gardens, DY13 0QZ

Brian Cooper  
72 Areley Common, DY13 0NQ

Steve and Sue Pagett  
44 Windsor Drive, DY13 0JE

Mr and Mrs A H Phillips  
Forest End Areley Common, DY13 0NP

P. Anderson  
84 Areley Common, DY13 0NP

K Downes and S Bruford  
Taronga, Malvern Edge Court, DY13 0NP

John and Sylvia Cook  
Lower Old Hill, Astley, Worcester, DY13 0RR.

SR Brown and MH Tildesley  
129 Redstone Lane, DY13 0JN

Mr KP and Mrs JS Modley  
92 Kings Arms Lane, Astley Cross, DY13 0NS

Marilyn Turner  
Hurtle Corner, Dunley, DY13 0UQ

Eilean Drysdale  
88 Areley Common, DY13 0NP

Mike Garnier MP for Wyre Forest  
House of Commons, LONDON, SY1A 0AA

Roger W Russell & Christine M. Russell  
Longmore Hill Farmhouse, Larford Lane, DY13 0SG

Ian Tidmarsh  
Redacre House, DY13 0RE

Becky Bennett  
44 Redstone Lane, DY13 0JB
5. **Representations Made**

- **HOUSING NEED**

  Wyre Forest District Council does not propose to extend Stourport. It has already allocated land for 4000 new homes within existing boundaries.
The most recent Astley & Dunley Housing Needs Survey does not demonstrate any local housing need on the scale suggested by the application.

- **NOT AN ALLOCATED SITE**

  The land is not allocated for residential development and has not been identified as a residential allocation within South Worcestershire. Development plan (SWDP) draft submission document approved in December 2012.

- **POLICING**

  This development would then serve as a burden to the services of Wyre Forest. For example, if a crime or domestic related incident occurs the nearest police resource would come from Stourport until a resource from Malvern could get there, thus draining the police cover for the Wyre Forest.

- **COMMUNITY FACILITIES**

  Medical and Dental services are already stretched to the limit and currently there are no dental places for NHS patients available in Stourport.

  There are no amenities nearby within the Malvern Hills area, so allowing development will be adding to the requirements of a neighbouring authority.

- **EMPLOYMENT OPPORTUNITIES**

  Areley Kings and Stourport certainly don’t have 62 to 124 jobs so people will have to commute and again add to the recurring issue of congestion.

- **TRAFFIC CONGESTION**

  The developers transport assessment study mentions the immediate road vicinity in and around Pearl Lane and does not appear to adequately assess or address the increase in traffic on the B4196 to the south which is a narrow rural road, already severely congested at peak times, and unable to support the increased demand without significant increase in safety risk to existing residents and other road users. Traffic demand at the Stourport Bridge crossing will also be unacceptably increased.

  The increased traffic will also add to the pollution being experienced in Stourport centre.

- **PUBLIC TRANSPORT LINKS**

  The two local bus services are about to be cut so all the travel in any direction will have to be by car. With 2 buses already being cut from a sparse timetable - 294 and 295 leaving no route to Worcester, the development would not be sustainable.

- **SURFACE WATER DRAINAGE / FLOODING**

  If permission is granted, any new drainage infrastructure must be installed and completed before development proceeds
The planning application states that there is no watercourse running through the site. There is evidence of a watercourse running from North to South across the site. There is a major problem with flooding in the field, which floods regularly. There is a stream running through the field, some through pipes and some above and below the surface of the field. Water and mud runs off the fields on the opposite side of Areley Common, floods the road and runs down into the site.

This water then forms a pond at the lower southern end of the field going into Pearl Lane, flooding the road there and running into the field on the other side of Peal Lane forming a pool there. At present a large amount of silt is lying across Areley Common from the extensive major flooding which has occurred since December 2012 and continued into February. Surface water also runs down Areley Common and into Malvern Edge Court and then into the field on the north east corner. Installing large pipe work and to culvert the stream and an attenuated pool will not solve all of these flooding problems. This proposal will only move the flooding problems further into Astley, who already have problems with many areas being flooded now.

- **LOSS OF GREENFIELD LAND**
  The site would result in the loss of greenfield land when there must be alternative brownfield options available.

- **PRECEDENT**
  Development of a greenfield site on the edge of Stourport would set a precedent for the development of similar sites in the vicinity.

- **COALESCEENCE**
  The open nature of the site presently provides a buffer between Areley Kings and the neighbouring settlement at Sandhampton. Allowing development on this land would in all likelihood set a precedent for allowing further development in the fields at this edge of Areley Kings. Cumulatively, this would lead to an erosion of the clear and legible identity of Areley Kings and neighbouring settlements.

  The proposal is for the dwellings to sit right on top of the hill for all to see, they will be seen from all angles and the relationship with the existing dwellings has not been treated sensitively.

- **HIGHWAY SAFETY**
  Access to amenities in Areley Kings would be along the B4196, which currently only has a narrow footpath on one side, and is prone to speeding traffic.

  The junction between the B4196 Areley Common and the A451 Dunley Road has been the scene of numerous accidents.

- **SCHOOL CAPACITY**
  The existing schools are already oversubscribed

- **PROPERTY VALUES**
  The property values of dwellings in Cherry Tree Walk and Malvern Edge Court adjacent to the application site would adversely affected.

- **RESIDENTIAL AMENITY**
  the residential amenity of the occupiers of dwellings in Cherry Tree Walk and Malvern Edge Court will be adversely affected by new dwellings towering over them resulting in overlooking and consequent loss of privacy, with noise, light and vehicle pollution.
The access to Astley School is along single width lanes with few passing places unsafe to walk along and parking very congested.

Lack of footpaths in Pearl Lane and only one single-width pavement to Areley Kings from Astley make it unsafe for parents with children and pushchairs.

- **GROUND WATER PROTECTION ZONE**
  The Adopted Local Plan Appendix 8 shows this area as a Groundwater Source Protection Zone. Indeed, one of the reasons for limited housing development over the past years has, we have always been led to believe was because of the borehole, the water supplying a very large population.

- **CONNECTIVITY**
  Cerda have stated at provision 2.7 of the CPD in concerning the site characteristics of the application that:

  “the site is within walking distance of the services and facilities therein, Primary schools, places of worship, convenience and general stores, post office, playing fields and community halls”

  Whilst this assertion is technically true, there is currently poor infrastructure relating to pedestrian footpaths, in fact there is only one footpath which is severely dilapidated on the Areley Common boundary and no footpath exists at all on Pearl Lane as it is designated a national speed limit, therefore walking to the places listed could prove problematic. In addition, reference to convenience and general stores and the post office, are only in existence in the village of Areley Common.

- **S106 CONTRIBUTIONS**
  Substantial provision needs to be made under Section 106 Town & Country Planning Act 1990 (or its equivalent) for capital works

  The Section 106 Agreement will be with MHDC. A Section 106 Agreement should mean funds provided by the developer will be used to enhance the local area, such as roads and schools as these will be affected by the development. Due to the geographic distance between the development and Malvern town centre, it is highly unlikely any money will be spent to improve the local area by the development, as the areas affected will fall under the control of WFDC. Instead these funds will be simply absorbed by MHDC in other areas.

6.0 **OFFICER APPRAISAL**

**Site Description & Proposal**

6.1 The application site is located to the south of Astley Cross at the edge of Malvern Hills District, the site is bounded by Pearl Lane, Malvern Edge Close and Areley Common. Astley Cross a largely residential village with some local facilities including a post office, school and pharmacy. The site is an irregular triangular shape forming a point where Areley Common and Pearl Lane meet. The site can be read as two distinct areas, the upper field (northern two thirds) and lower field (southern one third) as there is a field boundary that divides the site in two. The levels across the site change with a high point located towards the Pearl Lane and Areley common junction, which then dips and lulls shortly before rising again up towards Malvern Edge Close. The southern boundary is defined by a small copse at the apex of the site.
6.2 Outline planning permission is sought for the erection of up to 62 houses, open space and associated works, with all matters reserved except for access. Vehicular access to the site would be obtained from Pearl Lane (B4194) A new pedestrian link would be provided to the Areley Common (B4196) road.

**Main Issues**

6.3 The main issues in the determination of the application are:
- Housing supply
- The principle of development
- Locational Sustainability
- Affordable Housing
- Design and layout
- Landscape character and visual impact
- Biodiversity
- Highway safety
- Residential amenity
- Flood risk and drainage
- Loss of agricultural land
- Essential Services and Infrastructure

**Housing Supply**

6.4 The National Planning Policy Framework, at Paragraph 49, states that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

6.5 Having regard to planning appeal decisions in the District received earlier this year it is clear that the housing supply target in the emerging South Worcestershire Development Plan should not be used at this moment in time to calculate the five year supply.

6.6 This is because there are significant unresolved objections to the housing supply target policy, which leads to uncertainty about the compliance of the housing supply target with the National Planning Policy Framework (para 216 of the NPPF refers) This lowers considerably the weight that can be accorded to the policy in this regard. It is not until the emerging housing supply target has been tested through the Examination in Public process that more weight could be attached to it.

6.7 Currently, the Council cannot demonstrate a five year supply of housing land. The Council can only demonstrate a 3.36 years supply. Therefore in accordance with Paragraph 49 of the Framework the relevant policies for the supply of housing in the local plan should not be considered up-to-date and Paragraph 14 of the Framework is engaged.

6.8 Paragraph 14 of the Framework is consistent with Paragraph 49 stating ‘inter alia’ that there is a presumption in favour of sustainable development and that planning permission should be granted where development accords with the development plan. However, Paragraph 14 goes on to state that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted (for example those sites protected under the Birds and Habitats Directives and/or Sites of Special Scientific Interest, land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, designated heritage assets and locations at risk of flooding.

6.9 The Inspector undertaking the examination of the South Worcestershire Development Plan (SWDPP) presented his interim conclusions on the matters considered at Stage 1 of the Examination of the SWDP to the Councils preparing the Plan in a letter of 28 October 2013. His “…most important finding…” was that the modelling and analysis in the Strategic Housing Market Assessment (SHMA) undertaken for the Plan did not, “…provide a reliable basis for identifying the level of housing need in South Worcestershire over the Plan period…” (2006 – 2030) The annex to the Local Plan Inspector’s letter sets out in its paragraphs 12 – 49 why he came to this conclusion. His arguments were not challenged at the Inquiry and are not repeated here.

6.10 As a consequence of his assessment, the Inspector asked the Councils to undertake further analysis to derive an objective assessment of housing need over the Plan period. That work was completed on 31st January and was subject to reconvened hearing sessions on 13th and 14th March, the further interim conclusions of which are awaited but suffice it to say that, in paragraph 49 of his initial interim conclusions, the Local Plan Inspector concluded that, “…the objectively-assessed housing need figure for the Plan period is likely to be substantially higher than the 23,200 figure identified in the submitted Plan…”

Principle of Development

6.11 For the purposes of the adopted MHDLP, the application site is located beyond any settlement boundary and therefore is in ‘open countryside’, such that as a matter of principle, development of the site for residential purposes is contrary to the adopted Development Plan. This application has been submitted upon the Applicant’s assertion that the District Council is unable to demonstrate a 5 year housing land supply, with the affordable housing units meeting district wide need.

6.12 As previously stated, applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Material considerations include: more recent national policy e.g. the National Planning Policy Framework (the Framework); emerging development plans/policies (where they accord with the NPPF and are not subject to significant outstanding objections) and appeal decisions such as those received earlier this year for Claphill Lane, Rushwick and Mistletoe Row, Tenbury Wells. The Courts have ruled that the ‘weighing’ of these considerations is normally a matter for the decision maker but the decision maker must arrive at a reasonable decision.

6.13 As the National Planning Policy Framework introduced a presumption in favour of sustainable development, it first needs to be established if the proposal would be “sustainable development”. The three dimensions of sustainable development are set out in Paragraph 7: economic, social and environmental. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Locational Sustainability

6.14 Paragraph 4.4.1 of Manual for Streets16(MfS) states that residential neighbourhoods need to be within around 800 metres, or ten minutes’ walking distance, of a range of facilities. However, MfS emphasises that 800 metres is not an upper limit and quotes the now-withdrawn Planning Policy Guidance 13, Transport (PPG 13) in stating that walking offers ‘…the greatest potential…’ to replace car trips of under 2 kilometres.
6.15 The site is located within 800m walking distance of the post office / Londis store situated on the east side of the Areley Common Road (B4196) where there are two bus stops (213 and 3 service). There is a public house (Astley Cross Inn) situated within 500m walking distance. These facilities are situated within the recommended maximum walking distances set out in the IHT Guidelines for proving journeys on foot (2001) There are other bus stops on Red House Road and Redstone Lane (3, 294 and 295 service) within approximately 400m of the pedestrian access points. Your officers also consider that the topography could encourage cycling between the site and facilities in Areley Kings.

Affordable Housing

6.16 Policy CN2 of the MHDLP requires an affordable housing component of up to 50% of dwellings on housing sites of five dwellings or more in rural areas. The principle of providing affordable housing is consistent with the National Planning Policy Framework and therefore continues to have weight Notwithstanding the requirements of this policy, it is relevant to note that the most up to date evidence base for affordable housing viability in the district of Malvern Hills is the ‘Development Viability Study 2008’ and its ‘Property Market Update Report’ (July 2010). In terms of assessment of need, this is addressed in the SHMA 2012. These studies and reports form the evidence base for the affordable housing strategy within the emerging SWDP and are translated by way of emerging Policy SWDP 15, which seeks the provision of 40% affordable housing on sites of 15 or more units.

6.17 For the purposes of development control decisions, and having regard to the most up to date evidence, it is considered that 40% provision to be appropriate in this case. This can be secured through a S106 Legal Agreement. As this is an outline application and the consideration of the ‘appearance’, ‘scale’ and ‘layout’ have been reserved, it is not possible to confirm the precise mix of either the market or affordable dwellings at this stage in the process. To ensure that an appropriate mix of both market and affordable dwellings is secured on the site with the Housing Outcome Manager, provision can be made to secure these elements through the S106 Agreement. This approach allows a reasonable level of flexibility for both the applicant and the Local Planning Authority, to ensure that the final number and mix of dwelling types responds to the identified need.

6.18 In this case the applicant is offering to provide 40% affordable dwellings. If 62 dwellings were built, this would generate 25 affordable units.

Design and Layout

6.19 The design and layout of new development is extremely important. Section 7 of the NPPF states that “good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”. High quality inclusive design goes beyond aesthetic considerations. Policy QL1 and DS3 of the MHDLP and the emerging Policy SWDP 21: Design, provides a similar framework for securing good quality design in new developments. The principle of securing good design is consistent with the National Planning Policy Framework and therefore they continue to have weight.

6.20 An illustrative layout forms part of the submission, which illustrates a quantum of development commensurate with that proposed alongside amenity space and parking provision

6.21 The proposal is in outline with matters of appearance, layout scale and landscaping reserved. Your Officers consider that a capacity expectation of up to 62 dwellings would be reasonable at this stage.
Landscape Impact and Visual Impact

6.22 A Landscape and Visual Impact Assessment (LVIA) has been undertaken to consider the landscape and visual amenity effects of the development.

- Landscape impact relates to the effects of the development on the physical characteristics and elements or features, which together form the character of the landscape or townscape.
- Visual effects relate to the intrusion into or changes to existing views arising from the construction or operation of the proposed development. The visual assessment is intrinsically linked with the landscape assessment: qualitative changes to landscape, whether or not they are deemed significant in their own right, will affect to some extent the amenity that people derive from their visual environment.

6.23 Approaching the site from the south travelling north along Pearl Lane, the undeveloped character of the site would change, however new buildings would be seen against a backdrop of existing residential development and the development would be contained between two main roads.

6.24 The landscape in this location is not formally designated in any way, and in your officer’s opinion has no exceptional visual or historic character of local importance. In this respect it would be inconsistent with the aims of MHDLP Policies QL1.

Biodiversity

6.25 The NPPF requires that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. MHDLP Policy QL19 seeks to ensure that natural habitat and features of ecological and nature conservation value are retained, and where loss of habitat occurs that compensatory habitat provision or management and suitable arrangements for maintenance is provided.

6.26 A preliminary ecological survey was carried out in June 2012 by an appropriately qualified chartered ecologist and biologist. The survey followed methods set out in the Guidelines for Preliminary Ecological Appraisal (Institute of Ecology and Environmental Management 2011) as a means of determining ecological baseline conditions and key ecological features on the site. Records obtained from Worcestershire Biological Records Office indicate that the Site has no statutory or non statutory designations. No protected species have been recorded on the site but are present within a two kilometre radius. The area of the proposed development footprint has been sown with an arable crop and has low ecological value. The adjoining field comprises semi-improved grassland. This habitat is considerably more diverse but its ecological value is compromised by its small size.

6.27 Hedgerows around the site perimeter have potential for nesting birds and precautionary measures would be needed to avoid disturbance to them during development works. A condition is recommended to address this issue. Provided development is confined to the area under arable production, as currently proposed, no other legally protected species are likely to be affected by the development.

6.28 There are no species-rich hedgerows on the site and those around the site perimeter are of varying quality. All habitats on the site have the potential for improvement with judicious management.
6.29 There is no evidence of any protected species on the application site and, provided the semi-improved grassland remains outside the area of development, breeding birds are the only taxon that might be affected by the development.

6.30 Overall, the Site has low biodiversity value and, on present evidence and with the above provisos relating to the semi-improved grassland, there is nothing to suggest that the proposed development will lead to any significant adverse effects on any known protected species or features of ecological value at a national, county or local level. However, National Planning Policy Framework (2012) advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity and recommendations are made in this respect.

6.31 The ecological survey submitted with the application has not identified that there will be any significant impacts on statutorily protected sites or species. Provided that opportunities to enhance biodiversity are maximised in accordance with Paragraph 118 of the Framework, your Officers consider that the impact of the development upon ecology would be acceptable and that ecological protection and enhancements would deliver biodiversity and amenity gains.

**Highway Safety**

6.32 MHDLP Policy DS3 criterion I, j and l state that development will only be permitted where:

i. both the local road network and strategic trunk road network will be capable of safely accommodating the type and scale of traffic likely to be generated without undue environmental consequences;

j. development will not undermine objectives for sustainable transport and proposals can demonstrate that consideration has been given to reducing the need to travel and securing access to the development by public transport or by other alternatives to the car;

l. access to, and movement within, the development is safe, secure, convenient and attractive to pedestrians, cyclists and people with disabilities;

The principle of securing safe and sustainable transport is consistent with the NPPF and therefore the policy continues to have weight.

6.33 The County Highway Authority raise no objection to the proposal. The applicant has demonstrated that the requisite visibility splays of 2.4 metres by 143 metres in each direction can be provided at the proposed vehicular access point onto Pearl Lane.

6.34 The applicant has agreed to fund a series of off site works which would be secured by means of a s106 agreement including the widening of a pedestrian footway along the east side of the Areley Common Road for a distance of approximately 350m.

6.35 In view of the above your Officers therefore consider that the proposal would be MHDLP Policy DS3 compliant and that safe access arrangements can be provided.

**Residential Amenity**

6.36 MHDLP Policy DS3 criterion ‘c’ states that development will only be permitted where it “will have no significant adverse effect on the amenity of occupiers of residential property, or on neighbouring buildings and land uses”. The principle of securing a good standard of amenity is consistent with the National Planning Policy Framework and therefore the policy continues to have weight.
The layout of the scheme is reserved for subsequent approval. Having considered the illustrative layout plan, your Officers consider that the proposed development could, through careful design at reserved matters stage accord with Policy DS3 of the MHDLP and respect the amenity of neighbouring properties.

**Flood Risk / Surface Water Drainage**

Policies SWDP 28 and SWDP 29 of the emerging SWDP, together with the Framework and associated Technical Guidance require that any development in areas subject to flood risk will need to demonstrate that adequate flood protection has been incorporated and that effects elsewhere have been fully assessed. Development should, wherever possible, incorporate sustainable drainage systems (SuDS) to help to retain water at or near its source, helping to prevent flooding, recharging groundwater resources, treating water pollution and enhancing the environment. Taking full account of flood risk is consistent with the NPPF and therefore these policies have weight in decision making.

The applicant proposes to address the issue of surface water drainage by employing (SuDS) which would incorporate permeable paving, ditches, filter strips and swales. In accordance with the recommendations of the SWLDP a condition is recommended to require details of surface and foul water drainage.

**Loss of agricultural land**

MHDLP Policy DS3 (f) seeks to resist development that would involve the loss of the best and most versatile agricultural land (Grades 1, 2 and 3A). This is consistent with Paragraph 112 of the NPPF which gives preference to the use of poorer quality land where significant development of agricultural land is demonstrated to be necessary. MHDLP Policy DS3 (f) therefore carries weight in this case.

The site is classified as Grade 2 agricultural land and there are extensive areas of undeveloped Grade 2 land to the south west, such that the site represents a relatively small proportion of that classification in the area. Furthermore, in recent appeal decisions in Shottery and Bidford-upon-Avon Inspectors have determined that the loss of grade 2 and 3a agricultural land is outweighed by the need to meet an identified undersupply of housing land in accordance with paragraphs 47 and 49 of the Framework. Consequently, it is considered that the loss of a relatively small portion of Grade 2 agricultural land is justified given the Council's housing land supply position outlined above.

**Essential Services and Infrastructure**

Policies DS18 ‘Planning Obligations’, CN2 ‘Providing Affordable Housing in Residential Development and CN12 ‘Provision of Public Open Space’ of the MHDLP, alongside their related Supplementary Planning Guidance and Documents, set out requirements for development to meet the cost of providing essential services / infrastructure arising from it.

In the case of this proposal, the costs of meeting essential service and infrastructure have been calculated in accordance with the relevant background evidence, as set out at Table One below:
6.45 Infrastructure requirements arising from the proposed development  

<table>
<thead>
<tr>
<th>Essential Infrastructure Requirement</th>
<th>Means of Control</th>
<th>Financial Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Worcester Transport Strategy/ sustainability measures</td>
<td>Section 106</td>
<td>£23,760 to widen footway on east side of Areley Common road between new footpath entrance and the Astley Cross Inn PH. £20,000 for provision of 2 new bus stops/shelters on Pearl Lane with associated pavement connections for the bus stops. £20,000 for provision of 2 new bus stops/shelters on Red House Road £49,640.00 towards the Worcester Transport Strategy.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Education provision</th>
<th>Section 106</th>
<th>Contribution Per Dwelling</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>1-bed dwellings of any type £0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2-bed houses £4409</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3-bed houses £4409</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4+ bed houses £6614</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2+ bed Flats / Apartments £1764</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Affordable Housing £0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To be confirmed as housing mix not currently finalised.</td>
</tr>
</tbody>
</table>

| Public Open Space provision | Section 106 | POS financial contribution of £285,200 |

6.46 Your Officers consider that these contributions would be compliant with paragraph 204 of the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations, as confirmed by appeal decisions received since the CIL Regulations came into force. These contributions would be secured by way of a Section 106 Legal Agreement if outline planning permission was to be granted.

Impact on Services

6.47 The Crime Design Advisor comments that borderless policing across West Mercia is facilitated by electronic equipment in vehicles allows the control room to deploy the nearest available patrol. They would deal with the situation and if required pass the relevant call on. This may mean to a specialist dept inc CID, not just a Malvern patrol.

Sustainability

6.48 A recent decision in the High Court in the matter of William Davis Ltd and Jelson Ltd v. the Secretary of State for Communities and Local Government and North West Leicestershire District Council (which shall henceforth be referred to as ‘William Davis’). The case turned on whether the “…presumption in favour…” in paragraph 14 of the NPPF only applied to development found to be sustainable. Lang J accepted that paragraph 14 could only apply to “…a scheme which has been found to be sustainable development…” on the grounds that it would otherwise, “…be contrary to the fundamental principles of NPPF if the presumption in favour of development in paragraph 14 applied equally to sustainable and non-sustainable development.” Whilst leave has been sought to go to the Court of Appeal on the William Davis judgment. However, no decision on that application had been made at the time of preparing the report, let alone any suggestion of a decision that might overturn the original judgment.
In these circumstances, it is considered that the current position, as established in the Courts, is that the Local Planning Authority must first make an assessment as to whether the proposed development is sustainable. If it is, the presumption in favour set out in paragraph 14 of the Framework will apply and planning permission should be granted where the development plan is absent, silent or relevant policies are out-of-date unless “…any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole.” However, were officers to conclude that the proposal was not sustainable development, the presumption would not apply.

The ‘golden thread’ running through the NPPF is the presumption in favour of sustainable development (para.14). The Policies in paragraphs 18 to 219 of the NPPF, taken as a whole, define what constitutes sustainable development. The NPPF states that there are three dimensions to sustainable development: social, economic and environmental. These roles should not be undertaken in isolation, because they are mutually dependant (paras.7-8) and are defined as:

- An economic role, where the development would be on land of the right type, which is available, and in the right place at the right time to support growth generally and will include contribution to the provision of beneficial infrastructure.
- A social role – through the meeting of housing needs for present and future generations including affordable housing among market housing to foster social cohesion, the support brought to accessible local services which reflect the community’s needs and support its health, social and cultural well-being; and
- An environmental role – has been set out previously and the net result of the development would be beneficial, with housing placed in an accessible location, allowing access to transport and services other than by car, assisting in a general movement towards a low carbon economy.

Economically, the proposal would provide short term employment opportunities during the construction phase and in the longer term, the level of disposable income in the local area would also be increased with some commensurate growth in the demand for goods and services.

Socially, the proposal provides new homes and off site open space contributions.

In respect of the environmental role, the proposal would be within reasonable walking distance off local facilities, subject to provision of a widened footway on the east side of the Areley Common Road and provide improvements to local bus services to the benefit of local residents. In respect of surface water drainage a SuDS scheme is proposed, the detail of which could be dealt with at the reserved matters stage.

Taking the three dimensions together, your officers consider that, having regard to the Policies in the NPPF as a whole, the development would be sustainable.

**Planning Balance**

The Council cannot demonstrate a 5 year housing land supply, and therefore, its relevant housing policies are considered to be out of date. Your officers consider that the development is sustainable, having regard to the provisions of the NPPF. Therefore, in accordance with guidance contained within Paragraph 14 of the NPPF the decision taker should grant planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or, where specific policies in the Framework indicate development should be restricted.
6.59 The development would address the current shortfall and help ensure that there is an adequate supply of land for housing in the district. It would also help meet the need for affordable housing. These are factors in favour of the development to which officer’s attach substantial weight.

6.60 The proposed development would not result in any adverse economic impacts and your officers conclude that, for this dimension of sustainable development, the balance must clearly be in its favour.

6.61 In respect of potential adverse social impacts, respondents from neighbouring properties in Cherry Tree Walk and Malvern Edge Court have expressed concern about the proximity and height of new development to their properties. The scale and design of individual dwellings is a reserved matter and the Council thereby retains the power to influence this matter.

6.62 The ecological value of the appeal site is limited. The lack of significant objection from local organisations or others on the issue of nature conservation supports the view that, in respect of protected species, there is no overwhelming reason why the proposed development should result in significant harm to these interests. Providing that appropriate protection measures are taken during construction and longer-term management ensured through appropriate planning conditions, officers see no reason why there should be irreparable damage to the overwhelming majority of the hedgerows that form the boundaries to the site. The proposal represents an opportunity to enhance biodiversity through new tree planting and sustainable drainage features which should be given some weight in favour of the proposal.

6.63 The application site is presently a parcel of undeveloped countryside on the edge of the settlement at Astley Cross and Areley Kings, but neither so special nor so substantial, in your officer’s view, that its loss to development would represent significant material harm.

6.64 The application site is within what has previously been accepted as open countryside in policy terms, although officers have already commented on the limited weight that they can now give to those policies. Development of open ‘greenfield’ land, as opposed to previously developed ‘brownfield’ or previously developed sites, must be inevitable if there is to be additional housing provided. The conversion of a significant area of farmland in open countryside to residential use would result in a fundamental change to the landscape. However, your officers are not convinced that this change would represent substantial harm when seen in a wider context.

6.65 Local residents in the vicinity of the site have provided photographic evidence of flooding following heavy rainfall, in the recent past, on the field of which the application site forms a part.

6.66 There is an understandable concern that the proposed development might aggravate the current situation should any expansion in hard surfacing on the application site increase runoff into any overloaded drainage channels or result in flash flooding. However, the applicant’s FRA and the alternative drainage strategies proposed persuade your officers that the adoption of Sustainable Urban Drainage Scheme (SUDS) measures should ensure that this does not happen.

6.67 It is acknowledged that the future maintenance and management of SUDS’ schemes is of vital importance, but there is now a substantial body of experience in these matters and your officers see no reason why an appropriate planning condition should not be capable of delivering the necessary arrangements.
Conclusion

For all of the reasons set out above, relating to the housing supply, the principle of development, locational sustainability, affordable housing, design and layout, landscape character and visual impact, biodiversity, highway safety, residential amenity, public open space, flood risk and drainage and essential services and infrastructure, your officers consider there are no adverse impacts (that could not be mitigated by condition/legal agreement) that would significantly or demonstrably outweigh the benefits of meeting the housing shortfall and the provision of affordable housing to meet a district need, nor does the development conflict with specific policies in the Framework.

RECOMMEND that Outline planning permission be – GRANTED subject to the Conditions set out below and the applicant entering into a s106 agreement to secure the provision of 40% affordable housing and contributions towards open space provision, education and transport contributions.

Timescale for Commencement

1. Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:

   i. The expiration of three years from the date of this permission; or,

   ii. The expiration of two years from the final approval of the reserved matters; or,

   iii. In the case of approval on different dates, the final approval of the last such matter to be approved.

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

Reserved Matters

2. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable the Local Planning Authority to exercise proper control over these aspects of the development.

Submitted Plans

3. The development hereby permitted shall be carried out in accordance with the location plan, Vehicular Access Visibility Splays X/CPStourport.1/TAAR01, Pedestrian Crossing Forward Visibility X/CPStourport.1/TAAR02 appended to the Transport Assessment - Addendum Report February 2014

Slab Levels

4. No development shall take place until a plan showing details of the existing site levels and the slab levels of the proposed dwellings has been submitted to and approved in writing by the local planning authority. The levels shown on the plan shall be related to a datum point outside the site boundary and the development shall be carried out in accordance with the approved details.
Reason: This permission is in outline only and further details of the reserved matters are required to ensure satisfactory development in accordance with Policy DS3 of the Malvern Hills District Local Plan.

**Nesting Birds**

5. Any sections of existing hedgerow required to be removed to facilitate the new vehicular and pedestrian accesses onto the B4194 (Pearl Lane) and pedestrian / cycle access onto the B4196 (Areley Common) shall not be removed between March and August inclusive unless preceded by a thorough survey for nesting birds undertaken by an appropriately qualified ecologist. A report of the survey and recommendations prepared by that ecologist shall be submitted to and approved in writing by the Local Planning Authority before development commences; and any such hedge removal shall be carried out in accordance with the approved details.

Reason: To ensure that the habitat of nesting birds are not disturbed, until any young have fledged or there are no nesting birds present before the hedgerow is removed. In accordance with Policy QL19 of the Malvern Hills District Local Plan.

**Biodiversity Enhancement**

6. The submission of reserved matters shall be accompanied by a habitat management plan that shall include proposals for the creation of new habitats, the replacement of habitats that will be lost and the protection and enhancement of habitats to be retained, as well as proposals for the future management and maintenance of these habitats. The plan shall be approved in writing by the local planning authority and shall be implemented as approved.

Reason: To enhance biodiversity on accordance with Policies QL19 and QL20 of the Malvern Hills District Local Plan and the National Planning Policy Framework.

**Landscaping Details**

7. The landscaping scheme to be submitted in accordance with condition 2 of this permission shall include details of screen walls, fences, surface treatments to drives, cycle and footways, tree and shrub planting with provision for tree planting to be carried out concurrently with the development and completed within one year of substantial completion of the development.

If within a period of five years from the date of the planting of any tree planted pursuant to condition 2 that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.

Reason: To ensure the environment of the development is safeguarded and enhanced in accordance with Policies DS3 of the Malvern Hills District Local Plan.

**Landscape Management Plan**

8. The submission of reserved matters shall be accompanied by a landscape management plan that shall include long-term design objectives, management responsibilities and maintenance schedules for all areas other than domestic gardens. The plan shall be approved in writing by the local planning authority and shall be implemented as approved.
Reason: In the interests of visual and residential amenity in accordance with Policy DS3 of the Malvern Hills District Local Plan.

**Tree / Hedgerow Protection**

9. No development shall take place until a plan setting out all trees, bushes and hedgerows on the site to be retained has been submitted to and approved in writing by the local planning authority. The plan shall set out full details of the means by which these retained trees, bushes and hedgerows are to be protected during the construction of the development hereby approved and development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policies DS3, QL19, and QL22 of the Malvern Hills District Local Plan.

**Visibility Splays**

10. No other development (hereby permitted) shall commence until visibility splays have been provided on each side of the proposed access on a line joining a point 2.4 metres back from the nearside edge of the adjoining carriageway measured along the centreline of the access, to a point 143 metres in each direction measured along the nearside edge of the carriageway from the centre of the new access. Nothing shall be planted, erected and/or allowed to grow which exceeds a height of 0.6 metres on the triangular area of land so formed in order not to obstruct the visibility described above.

Reason: In the interests of highway safety in accordance with Policy DS3 of the Malvern Hills District Local Plan.

**Parking Spaces**

11. Prior to the first occupation of any dwelling hereby approved space shall be laid out within the curtilage of each property for car parking and vehicular turning facilities to accord with the Council’s standards. The parking and turning areas shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority and these areas shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway in accordance with Policies DS3 of the Malvern Hills District Local Plan.

**Secure parking for cycles**

12. Prior to the first occupation of any dwelling hereby approved secure parking for cycles to comply with the Council’s standards shall be provided within the curtilage of each dwelling and these facilities shall thereafter be retained for the parking of cycles only.

Reason: To ensure facilities are available to encourage the use of more sustainable modes of travel in accordance with Policy DS3 of the Malvern Hills District Local Plan.

**Engineering Details**

13. Development shall not begin until the engineering details and specification of the access from the nearest publicly maintained highway, proposed roads and highway drains have been submitted to and approved in writing by the Local Planning Authority, and no property on the development shall be occupied until the scheme has been constructed in accordance with the approved drawings.
Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied in accordance with Policies DS3 of the Malvern Hills District Local Plan.

**Highway improvements / offsite works**

14. Prior to the commencement of the development hereby permitted engineering details of bus stop hard standing and footway to the application site on Pearl Lane shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the Highway in accordance with Policy DS3 of the Malvern Hills District Local Plan.

**Cycleway Link**

15. Prior to the commencement of the development hereby permitted engineering details of the cycleway linking the residential development to Areley Common shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic onto the Highway in accordance with Policy DS3 of the Malvern Hills District Local Plan.

**Construction Environmental Management Plan**

16. No development shall take place until a construction environmental management plan has been submitted to and approved in writing by the local planning authority. The plan shall include –

   i. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway; and
   
   ii. Details of site operative parking areas, material storage areas and the locations of other site facilities including offices and toilets.

The measures set out in the approved construction environmental management plan shall be put in place before any development takes place, shall be retained throughout the construction of the development hereby approved and development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to protect the amenities of nearby properties during the construction of the development and to protect the natural and water environment from pollution in accordance with Policy DS3 of the Malvern Hills District Local Plan.

**Hours of Working**

17. No demolition, ground works or construction work shall take place outside the following hours –

   i. 07.30 to 18.00 hours on Mondays to Fridays;
   ii. 08.00 to 13.00 hours on Saturdays; and
   iii. There shall be no such work on Sundays or Bank and Public Holidays.

Reason: In the interests of residential amenity in accordance with Policy DS3 of the Malvern Hills District Local Plan.
Foul and Surface Water Drainage

18. The submission of reserved matters shall be accompanied by a sustainable drainage scheme for foul and surface water drainage. No dwelling hereby permitted shall be occupied until a sustainable drainage scheme for foul and surface water drainage from the site has been completed in accordance with the approved details. The sustainable drainage scheme shall be retained, managed and maintained for the lifetime of the development in accordance with a management and maintenance plan submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with national policy guidance contained within the National Planning Policy Framework and in accordance with Policy DS3 of the Malvern Hills District Local Plan.

Sustainability Measures

19. The submission of reserved matters shall be accompanied by full details of sustainability measures to be undertaken in the construction and fitting out of the dwellings. The details shall include energy conservation, waste management, recycling and water management. The development shall be carried out in accordance with the approved details.

Reason: To ensure sustainability measures are taken into account in the development in accordance with Policies QL1 and DS3 of the Malvern Hills District Local Plan.

Lighting Plan

20. The submission of reserved matters shall be accompanied by a lighting plan with details of the proposed street lighting lux levels at residential properties (existing and proposed). The lighting plan shall be carried out in accordance with the approved details before the dwellings are first occupied and shall remain as such thereafter.

Reason: To ensure that the development meets the design quality and environmental requirements of Policy DS3 of the Malvern Hills District Local Plan.

Broadband

21. The submission of reserved matters shall be accompanied by details of the means by which the dwellings hereby approved may be connected to the utilities to be provided on site to facilitate super-fast broadband connectivity. The development shall be carried out in accordance with the approved details before the dwellings are first occupied.

Reason: To ensure that the new development includes telephone systems (both wired and mobile) and broadband that allows residents to choose how they work, how they interact with services and facilities and to provide a greater opportunity for home working and a reduction in car based commuting in accordance with Policy DS3 of the Malvern Hills District Local Plan and Policy SWDP26 Telecommunications and Broadband, of the South Worcestershire Development Plan.

Archaeology

22. A) No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
   i. The programme and methodology of site investigation and recording.
ii. The programme for post investigation assessment.

iii. Provision to be made for analysis of the site investigation and recording.

iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation.

v. Provision to be made for archive deposition of the analysis and records of the site investigation.

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

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under part (A).

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

Reason: In accordance with the requirements of paragraph 141 of the National Planning Policy Framework.

INFORMATIVES

Mud on Highway

1. The attention of the applicant is drawn to the need to keep the Highway free from any mud or other material emanating from the application site of any works pertaining thereto.

Private Apparatus within the Highway

2. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to the Worcestershire County Council’s Network Control Manager, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 0845 607 2005), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority.

Section 278 Agreement

3. No work on the site should be commenced until engineering details of the improvements to the Public Highway have been submitted to and approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.

No Drainage to Discharge to Highway

4. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or Vehicular turning area does not discharge onto the Public Highway. No drainage or effluent from the proposed development shall be allowed to discharge into any Highway drain or over any part of the Public Highway.
Design of Street Lighting for Section 278

5. The applicants attention is drawn to the requirement that, in all cases where an agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be designed by the developer of the site in accordance with the design brief agreed with the Highway Authority and their design shall include any necessary amendments to the existing system. The design brief should be discussed with the Highway Authority prior to the commencement of the design.

6. Archaeology

A fee of £270+VAT for the curatorial service will be charged to the applicant for the formal provision of archaeological briefs, and for the checking and acceptance of Written Schemes of Investigation and Archaeological reports required as a condition of planning consent. Should planning consent be given, then the applicant or their successor in title must contact the officer below to arrange provision of the brief, well before the commencement of works. It will be the applicant’s (or their successor in title) responsibility to contract an appropriate archaeological organisation to undertake the programme of works as detailed in the brief The Planning Advisory Section of the Historic Environment and Archaeology Service will offer advice on all stages of the proceedings.

DECISION

For further information on this application please contact Simon Jones on 01684 862151