



Appeal Decision

Inquiry held on 8 - 11 March and 11 - 12 April 2016

Site visit made on 16 March 2016

by David M H Rose BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 July 2016

Appeal Ref: APP/J1860/W/15/3062074

Clay Green Farm, Folly Road, Alfrick, Worcester, WR6 5HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Greenlight Developments against the decision of Malvern Hills District Council.
 - The application reference 14/00894/OUT, dated 24 June 2014, was refused by notice dated 12 February 2015.
 - The development proposed was described as an 'outline planning application for a residential development comprising 23 dwellings, including 9 affordable dwellings, with associated access (via existing access) and car parking, and on-site biodiversity and SuDS area'.
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Decision

1. The appeal is allowed and planning permission is granted for an outline application with all matters reserved for a residential development comprising up to 21 dwellings (including affordable housing)¹ at Clay Green Farm, Folly Road, Alfrick, Worcester, WR6 5HN in accordance with the terms of the application, reference 14/00894/OUT, dated 24 June 2014, subject to the conditions set out in the Schedule to this decision.

Preliminary Matters

Description of the development

2. The original application was made in outline with all matters reserved, other than access. However, as the definition of 'access'² includes 'accessibility within the site', access is to be reinstated as a reserved matter as the appellant does not wish to fix the layout of the scheme at this outline stage.
3. During the consideration of the application by the Council, the proposal was amended to a scheme comprising 21 dwellings, including 8 affordable dwellings, associated access and car parking. It was supported by an illustrative site layout drawing MHP/CGF/03 Rev A. This was the basis on which the Council determined the application.
4. The description given on the appeal form is 'Outline application with all matters reserved for a residential development comprising 21 dwellings, including 6 affordable dwellings, with associated access (via existing access) and car parking, and on-site biodiversity and SuDS area'.

¹ See paragraphs 2 – 10 below

² Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015

5. The reduction in the intended provision of affordable housing, from 40% to 30%, reflected the approach to be taken to all brownfield sites, and not just those within Worcester, during the examination of the South Worcestershire Development Plan.
6. In turn, the revised draft Statement of Common Ground (circulated in February 2016), but not agreed, sought to amend the description to an '*Outline application with all matters reserved for a residential development comprising up to 21 dwellings (including affordable housing)*'. However, no further reference was made to this in the signed version of the Statement of Common Ground (dated 9 March 2016). The appellant's endeavour to submit an agreed erratum page was not endorsed by the Council.
7. The Council, for its part, suggested that the appeal should proceed as an '*Outline application with all matters reserved for a residential development comprising 21 dwellings (including affordable housing)*'.
8. The unspecified level of affordable housing, sought by both parties, reflects the disagreement as to whether the appeal site is brownfield land and, thus, whether 30% or 40% provision should be made. The nub of the dispute as to whether or not the proposal should be '*up to*' 21 dwellings stems from the Council's consideration of the proposal, and its evidence at appeal, for a specified number of dwellings. It is suggested that to do otherwise would amount to the consideration of an alternative which had not been properly assessed.
9. In my view, as the purpose of the illustrative drawing was to indicate how 21 dwellings could be accommodated, such details should form the overall basis for assessing the scheme. However, as all matters, other than the point of access from Folly Road (along the existing drive), are reserved for later approval, with the internal access arrangements specifically withdrawn, it would be prudent, having particular regard to the sensitivities of boundary trees protected by a Tree Preservation Order and the proximity of two Listed Buildings, not to fix a specific number of dwellings within any grant of planning permission.
10. Accordingly, I endorse the appellant's revised description which, by reference to paragraph 3.6 of the Amended Unilateral Undertaking³ given under section 106 of the Town and Country Planning Act 1990 (as amended), provides the definition of the development for the purposes of the deed.
11. A further matter is the extent of the appeal site, in that the application boundary, coinciding with the farmyard, excludes the on-site biodiversity and SuDS area. However, the undertaking binds the biodiversity area to the site.

The identity of the appellant

12. The planning application and the appeal were made and pursued in the name of Greenlight Developments. Two interested parties claim that the identity of the appellant company changed to CGR Developments Limited on 2 February 2016; with a new company taking on the name Greenlight Developments Limited on 3 February 2016. In regard to the latter, two of the original directors remained with a third being replaced.

³ See paragraph 15 below

13. Solicitors for the promoter have confirmed that the application was made under the terms of a promotion agreement; the benefit of the application has not been assigned; and that the change in company name has no material effect on the appeal.
14. The interested parties claim that the appeal is proceeding without mandatory documents; question who would be the recipient of any permission; and seek to have the appeal declared invalid. However, there is nothing to suggest that the appeal documentation has ceased to be material; planning permission relates to the land and not by reference to any named party; and, overall, there would appear to be nothing of substance to undermine the legitimacy of the appeal. In addition, there is no apparent material prejudice to any party.
15. Moreover, by letter dated 14 June 2016, the solicitors for the promoter submitted an Amended Unilateral Undertaking (dated 13 June 2016), accompanied by a deed of revocation to revoke the previous undertaking. The amended undertaking has been produced in the same terms as the original undertaking, save for the substitution of CGR Developments Limited with the corresponding company number and the correct registered address.

The development plan: development strategy and settlement hierarchy

16. The development plan is the recently adopted (25 February 2016) South Worcestershire Development Plan (the development plan). Policy SWDP 2A sets out the development strategy and the related site allocations according to a series of criteria which, amongst others, provide for:- the delivery of sufficient housing to meet objectively assessed needs; safeguarding and (wherever possible) enhancing the open countryside; encouraging the effective use and re-use of accessible, available and environmentally acceptable brownfield land; and focusing most development on the urban areas.
17. In this regard, the appeal site lies outside the development boundary for Alfrick and it is therefore to be regarded as 'open countryside' where development will be strictly controlled. Part of the site is brownfield land; and, in assessing windfall development, Alfrick is a Category 3 village where 'infill development within the defined development boundaries is acceptable in principle
18. The settlement benefits from the allocation of a small housing site (14 dwellings on land adjacent to Chapel Meadow) '..... of an appropriate scale to address the need for housing and support local services'. The appellant's attempt to have the appeal site allocated as an alternative was unsuccessful. The Statement of Common Ground confirms Alfrick to be a sustainable location for some future housing development.
19. The reasoned justification to the policy explains that '*the high quality of the open countryside is an important planning attribute of the area. Sites beyond development boundaries generally are less sustainable as access to local services and employment opportunities tends to be poorer in assessing development proposals on PDL (previously developed land) sites, the fact that they are PDL will be a plus in the consideration of the planning balance*'.

The extent to which the appeal site is previously developed land

20. Some 90% of the land proposed for development (buildings and yard areas) has a Certificate of Lawfulness of Existing Use or Development for agricultural contracting (use class B8). Of the buildings excluded, building F and the building to the rear of building C have been, and are currently, used for non-agricultural purposes; and building A is in equestrian use.
21. Whilst building F had an earlier planning permission for use as a joinery workshop, the implementation of that permission appears in doubt, as is the extent to which a previous subsisting use might have fallen within the ambit of that permission. There is also superficial evidence that the building has been in use for storage for a period in excess of 10 years which has not been countered by the Council. Similarly, the building to the rear of building C is said, without firm evidence or express contradiction, to have been in mixed B1/B8 for more than a decade.
22. Overall, it is beyond doubt that 90% of the site falls within the definition of previously developed land. The same cannot be said of the remainder in the absence of more compelling evidence and/or formal endorsement by the Council. However, looking at the site as a whole, and noting that each of the buildings in question is an integral part of it, the overall proportion of the lawful commercial use indicates that the site should, for all intents and purposes, be considered as if it were previously developed land.

Main Issues

23. The main issues, reflecting the nature of the evidence heard, are:-
 - (i) the effect of the proposal on the character and appearance of the area;
 - (ii) the effect of the proposal on the setting of heritage assets;
 - (iii) would there be any adverse ecological effects with particular reference to bats;
 - (iv) the degree to which the increased use of the junction of Folly Road with Brockamin Lane would result in increased danger to highway users; and
 - (v) in the event that there is harm, whether this would be outweighed by other considerations.

Reasons

The first main issue – character and appearance of the area

24. The appeal site is perceived as a 'backland' site bounded to the west by dwellings built within the last fifty years which lie within the development boundary of Alfrick. Two Grade II listed buildings (former farmhouse and outbuilding) adjoin to the south-west, and the land to the south-east and north-east is in open agricultural/equestrian use. The site contains a number of undistinguished barns and outbuildings of mixed scale and appearance; a significant proportion of the open areas is given over to hard surfaces; items stored in the open are seemingly random; and the site as a whole, with its scattered items, rubble and mounds, has a somewhat run-down and degraded appearance.

25. In landscape terms, the appeal site retains the appearance of a farmstead, notwithstanding the introduction of non-agricultural uses within it. All of its buildings are agricultural in character and appearance; and the storage of straw/hay within the open fronted Dutch barns belies the underlying purpose of storage and distribution. Whilst the site has clear affinity with the built up area, and the modern residential development which has spread towards it, the farmstead continues to be perceived as part of the countryside which lies adjacent to the settlement.
26. Farmsteads are part and parcel of the local landscape. Their role and importance is highlighted by the Worcestershire Landscape Character Assessment Supplementary Guidance. The area of the Principal Timbered Farmlands is seen to lack strong settlement nuclei and to have a '*..... dispersed pattern of farmsteads and wayside cottages'* where '*..... additional individual dwellings could be accommodated within the dispersed settlement pattern as long as they do not occur in sufficient density to convert the pattern to wayside or clustered status. Modern development favouring groups or clusters of new houses would not be appropriate in this landscape*'.
27. Farmsteads can also be seen to play an important role in defining local character from the Worcestershire Farmstead Assessment Framework. The appeal site is located within the area of The Central Worcestershire Plain containing '*mixed farming settlements usually comprising dispersed rows or loosely clustered groupings of farmsteads and houses. Many settlements have large scale farmsteads which developed on enlarged plots from the medieval period'*.
28. Within these documents settlement pattern is typified as dispersed and characterised by farmsteads, isolated dwellings and loosely grouped clusters of buildings. Alfrick is no longer representative of the character type portrayed and the appeal site sits on the edge of a settlement where further limited development is recognised to be acceptable and where a specific allocation has been made for a group or cluster of new dwellings on the fringe of the settlement.
29. Moreover, the buildings on the site offer little of value to the character of the village and from within the settlement they are seen in the same frame as modern housing. On this basis, the effect of the proposed development from within the village would be largely imperceptible.
30. Views from the open countryside to the south-east are dominated by the farm buildings (and the adjacent listed farmhouse) beyond a strong, foreground, boundary hedgerow which includes a group of protected trees. There is no semblance of modern housing. Irrespective of maintaining and supplementing established planting, new housing would inevitably result in a marked change in character and a more immediate relationship between the village and the rural landscape.
31. From the north and north-east, views are predominantly open and the farmstead, with a backdrop of dwellings along Folly Road, is seen as the dominant element in the landscape. Although the planting of a new orchard and boundary landscaping (the biodiversity area) could in time soften the outline of the proposed development, the desired outcome would take some considerable time to be effective given the plateau-like nature and elevation of the appeal site above the area intended for planting. From this direction new development would undoubtedly change the character of the settlement edge insofar as the built up area would become more distinct.

32. In my opinion, the replacement of the agricultural buildings with residential development would result in a localised loss of character having particular regard to the manner in which the farmstead currently provides transition between the village and the adjoining rural landscape.
33. Moving on to visual effects, from the residential properties to the west of the site, Clay Green farmhouse and from the public rights of way passing through and running close to the site, the degree of change would be very marked as the bulk and mass of substantial barns and seemingly random outside storage would give way to smaller scale dwellings. The site would take on a more ordered, domestic, appearance and its rural ambience would disappear.
34. However, with an established residential setting on two sides, there is no reason to doubt, subject to appropriate layout, design, landscaping and materials of construction, that the development would be capable of integrating into its surroundings and providing a compatible neighbour for adjacent dwellings when viewed from the west and south-west.
35. From the south-east, subject to the anticipated retention and reinforcement of the existing hedgerow, and the assumption that new dwellings would have greater separation than the barns from the boundary, the proposed development would not have a marked impact on the appearance of the surrounding countryside.
36. There is no doubt that the most noticeable effects, from the open countryside, would be those from the public rights of way to the north and north-east with the resultant impression of a broader and more pronounced residential edge. Whilst acknowledging the limited prospect of providing significant foreground screening, the proposed orchard and hedgerow planting would undoubtedly provide a soft edge to the development which would itself sit between the dwellings on Folly Road and in the lee of the protected trees along the south-eastern boundary. Again, the impact of the proposed development on the appearance of the rural landscape would be limited.
37. In terms of the illustrated density of the proposed development, the dwellings adjacent to the site and those in Orchard Lea occupy generous plots and appear to reflect typical rural, greenfield, densities of their time. This by itself does not provide good reason for dictating a similar density on a site already occupied by substantial buildings; where a comparatively greater density and tight-knit development might serve to reinforce the distinctiveness of the site as a former farmstead; and in recognition of the need to use land efficiently.
38. The illustrative layout portrays a development heavily influenced by the road pattern with a series of culs-de-sac serving frontage dwellings. There is nothing to suggest, from the limited details available, that it has been informed by any express recognition of its farmstead origins; and the layout as a whole appears to be explicitly suburban, having particular reference to the sweeping roads, the alignment and grouping of dwellings and the dominant parking arrangements for plots 1 – 10 and plot 16 in particular. Notwithstanding the open area on entry to the site, the development as a whole, as portrayed, would appear to be unduly cramped as opposed to having a well-conceived and purposeful density.

39. However, as such details are illustrative, and whilst acknowledging that the drawing was provided to show an appropriate design response for the site, the concerns outlined above relate to matters which could be revised and rectified at reserved matters stage. On this basis, I see nothing inherently wrong with the aim of securing 21 dwellings on the site but this would inexorably be a matter of design rather than of principle.
40. Drawing these various threads into one, farmsteads are a recognised component of local landscape character and in the case of Clay Green Farm the buildings provide transition between the built up area of the village and the rural landscape. The loss of the farmstead, and its replacement by residential development, would have a localised impact on the character of the landscape and a limited effect on the appearance of the countryside. The overall level of harm would be very small.
41. Policy SWDP 2 of the development plan sets out to safeguard and (wherever possible) enhance the open countryside with the related theme of encouraging the effective use and re-use of accessible, available and environmentally acceptable brownfield land. The appeal site is located beyond any development boundary and it has the status of open countryside where development will be strictly controlled and limited to various defined categories, none of which apply here. It also requires development proposals to be of an appropriate scale and type with regard to the size of the settlement, local landscape character (by reference to Policy SWDP 25), location and the availability of infrastructure.
42. Although the appeal site is located in the open countryside for policy purposes, it does not have the appearance of open countryside or truly reflect published landscape characteristics. Whilst it comprises farm buildings erected for agricultural purposes, much of the site has a legitimate use for non-agricultural purposes both within and outside the buildings. Having noted that the site retains the semblance of a farmyard, it is, nonetheless, to be considered as a brownfield site.
43. In summary, Alfrick is low in the hierarchy for windfall development; the village has an allocated site to meet local needs; the site is defined as open countryside and development would conflict with published landscape character guidance. On the other hand, the re-use of previously developed land provided for within Policy SWDP 2A and SWDP 2G is, according to the reasoned justification to be '*a plus in the consideration of the planning balance*'. I shall return to this in due course when I consider whether the proposal would be in accordance with the development plan as a whole.
44. I have also noted the key themes set out in the Alfrick and Lulsley Parish Design Statement. However, the desire to resist development outside the defined village boundary must be considered in light of Policy SWDP 2 referred to above; the ability of the appeal site to accommodate development of the scale proposed is related to its present character and the dominance of large sheds on it; and the pattern of settlement within the vicinity of the site is not '*dispersed*'.

The second main issue – the setting of heritage assets

45. Clay Green farmhouse is a seventeenth century timber-framed farmhouse with part wattle-and-daub and part brick infill, with later additions to the rear, under a tiled roof. The adjacent outbuilding, dating from around 1700, is of similar construction. It was probably a former cartshed or cowhouse with hayloft above. Its current use is residential.
46. Reference to historic mapping shows the farmhouse and outbuilding to have been located amongst orchards and open fields with an enclosed yard to the north-east containing an inverted 'L'-shaped range to the south-east and around the north-eastern corner.
47. Looking at the surroundings within which the heritage assets are experienced, modern residential development along Folly Road has separated the listed buildings from the wider agricultural landscape to the west. In addition, the orchards to the north-east and south-east of the original farmyard have given way to twentieth century agricultural sheds which also divide the buildings from their earlier countryside setting. Whilst the line of the north-eastern boundary of the former farmyard, and the return to the early range, can be gleaned to coincide with the 'modern', low, red-brick building within the site, the remaining legibility is somewhat tenuous.
48. Although the farmhouse and the agricultural barns are frequently seen together in views from the open countryside, the farm buildings have no heritage relationship with either of the listed buildings; and the barns, as a whole, are utilitarian in form and function and dominant in scale. The relationship is generally incongruous and the degree of contrast undermines any concept of experiencing Clay Green Farm as an historic farmstead.
49. In addition, the appeal site has no functional linkage with the listed buildings and every endeavour has been made to provide physical boundary separation. Outlook from the listed buildings, in the direction of the appeal site, is subjugated to the near and overwhelming presence of the farm buildings with the outlook from the garden of the farmhouse particularly diminished. Nonetheless, views south-eastward from the farmhouse have a continuing tangible link with the open countryside.
50. The existing barns, in association with the listed farmhouse, can be seen in views across the village, and from other designated heritage assets which in themselves have an historical functional association with the rural landscape of a once scattered agricultural community.
51. However, the current buildings on the appeal site, whilst often clearly visible, have no significant historical foundation insofar as they are generally located out-with the original farmyard. Moreover, as multi-purpose prefabricated buildings, they lack any of the important vernacular or designed characteristics of county farmstead architecture. As such, unlike their inter-visibility with the listed farmhouse, the existing barns do not contribute to the significance of these other assets or add anything of importance to views across the village.
52. The Worcestershire Historic Farmsteads Characterisation Project forms part of a larger regional project of mapping the historic character and present use

of historic farmsteads in the county. The report highlights Alfrick as an area with clusters of small farmsteads; it acknowledges that the expansion and re-development of settlements is a key factor influencing the loss of historic farmsteads; and smaller loose-courtyard farmsteads with one or two buildings around the farmyard, comparable to Clay Green Farm in its original form, have a collective higher loss and demolition rate than other types.

53. Nonetheless, save for the listed buildings, none of the original fabric of Clay Green Farm remains. The present buildings contribute nothing directly to the understanding of the farmstead or to local distinctiveness, sense of place or to the significance of the heritage assets. On the contrary, the setting of the listed buildings has been fundamentally changed and compromised by modern utilitarian development.
54. The redevelopment of the appeal site, in an appropriate manner, would offer an opportunity to respond to, and show an understanding of, the history of Clay Green Farm, with particular reference to the immediate setting of the heritage assets, and through spatial layout and design to demonstrate that the earlier loss of setting has been mitigated.
55. The commentary on the illustrative layout confirms that *'immediately north of the farmhouse, an area of open space has been restored, replicating exactly the space shown as the original farmyard the dwellings which are proposed to border this space have been located along the line of the former boundaries, and the mass of these will assist in recreating the feeling of the historic space of the farmyard'*
56. The degree to which this would be successfully achieved would be a matter for further design detail including the careful definition of the former farmyard with particular attention to the grain of the development; boundary delineation and treatments; the plan form, alignment, scale, design and materials of any dwellings within or bounding it; and surface treatments. The overall design of the buildings in immediate proximity to the listed buildings would also be of particular importance in the justifiable aim of seeking to provide a more fitting setting in both historic and aesthetic terms.
57. In conclusion, having regard to the manner in which the historic setting of the listed buildings has been effectively lost, a residential scheme removing the unbecoming agricultural sheds has the potential to enhance the significance of the heritage assets. The details before me are illustrative and the ability to achieve successful delivery would be a matter for appropriate professional expertise and consideration at reserved matters stage.
58. Against this background, the proposal would be in accordance with Policy SWDP 6 of the development plan. That policy demands reference to Policy SWDP 24 which, in turn, requires development proposals affecting heritage assets to be considered in accordance with the National Planning Policy Framework, relevant legislation and published national and local guidance.
59. The Framework acknowledges that the significance of a designated heritage asset can be harmed or lost through development within its setting. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting.

60. In this instance, the replacement of the existing modern and common-place agricultural buildings with a well-designed residential development within the setting of the designated heritage assets would make a positive contribution to the significance of the listed buildings.

The third main issue - ecology

61. The principal matter at issue is whether the red-brick building within the site is likely to support a night roost for rarer bats including the lesser horseshoe bat which is a priority species under the Natural Environment and Rural Communities Act 2006.
62. By way of summary, the appellant's ecologists, 'FPCR', undertook an Ecological Appraisal (June 2014), including bat surveys in March, April and May 2014, to accompany the planning application. A second report followed in September of the same year, incorporating further bat surveys carried out in June, July and August; and two subsequent letters provide additional clarification and comment.
63. The underlying purpose of any such surveys is, primarily, to provide adequate information to enable an assessment to be made of the likely effects of a development on bat species and to identify and stipulate any further information required on necessary mitigation. It is a recognised principle that the survey effort should be proportionate to the context and appropriate for the purpose of the survey. Key questions include:- whether bats are, or have been, present, and if so which species; the type of roost; how bats use the buildings; and the intensity of use by bats.
64. Although the red-brick building has potential bat access points, its interior is of blockwork construction, it has metal roof trusses and lacks roof voids. As such, it offers very limited potential for bat roosts. It has generally smooth internal surfaces and it is well lit with no significant constraints to an internal inspection for bats. It is also located amongst buildings with negligible potential for bat roosts and within a generally sterile yard area with limited attraction to foraging bats.
65. The evidence gleaned, from the first round of survey work, on bat activity within the vicinity of the red-brick building, by nocturnal survey, included observation of common pipistrelle (as the most dominant species), and the occasional soprano pipistrelle and brown long eared bat, commuting across the site. A brown long eared bat was also seen to be briefly foraging within the building; but no bats were observed either emerging from, or returning to roost in, the building.
66. The dusk emergence transect surveys of the site, in April and May 2014, recorded the highest level of activity along the south-eastern section of the site and foraging along the north-eastern boundary with common pipistrelle again being the principal species with an additional presence of soprano pipistrelle and myotis species.
67. Static detector surveys, deployed along the north-eastern boundary under tree cover, recorded a prevailing occurrence of common pipistrelle (565) followed by soprano pipistrelle (202) with an incidental presence of noctule (3) and a single lesser horseshoe. A similar survey mid-way along the south-eastern hedgerow recorded common pipistrelle (176); myotis species (44); soprano pipistrelle (8) and other pipistrelle (2).

68. With all this information to hand, there was no particular reason to suppose that the red-brick building could have the potential to be in use as a roost site. However, the discovery of two bat droppings on the top of an internal wall became a matter of significance.
69. Although the droppings were identified as originating from pipistrelle species, the factors leading to that conclusion are not recorded and recognition by human senses does not provide undisputable certainty. Whilst scientific analysis would have resolved the matter beyond doubt, without disproportionate expense, the ecologist was, nonetheless, entitled to exercise professional judgement.
70. Moreover, further survey work followed and included two additional nocturnal surveys of the building (two separate dusk emergence and a single dawn roost survey); four additional transect surveys which were supplemented by static passive recording detectors; and inspections of boundary trees to assess their potential to support roosting bats.
71. The nocturnal surveys confirmed the dominance of common pipistrelle within the vicinity of the building. On the first dusk emergence survey a single brown long eared bat and a single soprano pipistrelle were seen to briefly enter the building and to commute through it respectively; and on the second visit a brown long eared bat was seen to enter, briefly forage, and leave the building. No bats were observed emerging from the building or returning to roost in it.
72. The transect surveys, three at dusk and one at dawn, corroborated previous knowledge of species and activity around the site. In addition, a single common pipistrelle was observed during one of the dusk surveys to have entered the building for foraging. The static detector surveys, over four periods, recorded a total of over 5,500 registrations with only nine of these identified as lesser horseshoe bats.
73. The overall conclusion reached was that the red-brick building was not being used for a bat roost. However, this conclusion, and the nature of the surveys undertaken, did not address the issue as to whether it was likely that the building was being used as a temporary night roost. The significance of this is that lesser horseshoe bats are known to take large prey to a temporary night roost, in the middle part of the night, where feeding remains might often be found. No such finds were recorded during four internal inspections between June and October 2015. Similarly, there was no evidence of any further droppings.
74. Whilst much criticism has been made of the survey effort, including the incorrect (and misleading) reference to the bat detectors deployed, and the absence of any witness from FPCR, the Bat Conservation Trust's Bat Surveys Good Practice Guidelines confirms that '*determining an appropriate level of presence/absence survey effort, in particular to allow surveyors to have confidence in negative survey results, is difficult appropriate effort depends on the results of preliminary roost assessment, the site, and the variety of buildings, built structures and trees present and can only be determined by expert judgement*'.
75. In my opinion, the totality of the survey work was undertaken at a precautionary, rather than a necessary, level. The red-brick building is relatively small; it was easy to assess; it was reasonable to conclude that its

structure did not provide favourable conditions for bat roosts; and it was notable that adjacent buildings offered negligible scope for roosts. Similarly, away from the south-eastern hedgerow, the site has limited, species poor, generally isolated, semi-natural habitats with no significant linear features. As such, it compares very unfavourably with the foraging and commuting habitats along the boundary and in the wider open countryside.

76. The only bat activity recorded in the building was for occasional foraging or limited commuting which offers a plausible explanation of the two bat droppings. Had the building been in use as a night roost, more tangible evidence, in the form of further droppings and/or feeding debris, would have been expected. That was notably absent.
77. In effect, this relegates the importance of being able to confirm the identity of the two bat droppings. However, from the extensive evidence of the bat species found in and around the site, the probability of those droppings being attributable to rarer, lesser horseshoe, bats is highly unlikely.
78. On this basis, I am satisfied that the totality of the ecological survey and information, in light of the matters raised by the local planning authority, Alfrick and Lulsley Residents Group Ltd and interested persons, is sufficient to conclude that the demolition of the buildings within the site would not result in any adverse ecological effects with particular reference to bats. Moreover, with the implementation of a wildlife enhancement scheme, including hedgerow reinforcement and orchard planting, bat foraging and commuting habitats would be improved.
79. A consequential matter is whether residential development, and lighting within the site, would be likely to have an adverse effect on light sensitive bat species including barbastelles and long eared bats. The original report from FPCR identified that unmitigated light spill could affect foraging and commuting along boundary hedgerows but was superficial in how this might be mitigated. The second report was more specific by reference to guidance from the Bat Conservation Trust and also that published by the Institute of Lighting Professionals.
80. A report prepared to support the appeal set out to demonstrate that light spill along the south-eastern boundary of the site would not exceed 1 lux on the basis that this was generally accepted as a level at or below which disturbance of bats would be avoided. Whilst that might act as a rule of thumb, it is known that the site is used by species which are particularly light sensitive and the UK's most authoritative review to date of light impacts on bats states that a '*light threshold below which there is little impact on bats may not exist for some species which may be light averse regardless of intensity (e.g. possibly lesser horseshoe bat)*'.
81. However, the survey work undertaken by FPCR has shown sensitive species to be present in very low numbers and none were recorded within the site itself. The area of likeliest activity would be along the south-eastern boundary of the site, and the unlit countryside beyond. Given that this boundary already has a substantial hedgerow with established trees, and with appropriate depth and density of reinforcement planting, it would be possible to ensure that the south-eastern aspect of this corridor remains substantially dark.

82. Moreover, the modelled lighting levels were based on the illustrative site layout which does not fix the position, orientation, aspect or outlook of the dwellings; and, without a detailed approved landscaping plan, an assumption about additional planting. Taking all of these factors into account, I am satisfied that the reserved matters application, with appropriate consideration of the factors that I have identified, could provide the necessary safeguards for the more light sensitive bat species.
83. This would be reinforced by a condition requiring the submission of a lighting scheme for the site, without reference to any maximum lighting level as the scheme modelled demonstrates that it would be possible for parts of the site to achieve a better threshold.
84. In terms of other ecological interests, the evidence of barn owl presence in one of the buildings points clearly to an occasional perch as opposed to a nesting site given the characteristics of the building and the absence of suitable ledges for nesting.
85. Additionally, without ponds or other water features, the site could not support breeding great crested newts. The pond, some 300 metres to the north-east of the site, which sustains a population of great crested newts, is surrounded by favourable terrestrial habitats. Although great crested newts are known to travel up to 500 metres, the appeal site does not offer a likely habitat and it is reasonable to conclude that great crested newts are unlikely to be present within the appeal site.
86. Whilst it is said that great crested newts have been seen in ponds in nearby gardens, the pond to the south-west of the site was found to have a poor habitat suitability (heavily stocked with koi carp and lack of appropriate surrounding habitat). Whilst the ponds to the south of Alfrick were not surveyed, any association between those, involving the appeal site, and the pond to the north-east of the settlement, appears highly improbable (even with a network of drainage ditches) given the intervening succession of domestic plots and the road through the village.
87. Moreover, the intended provision of a pond within the biodiversity area, related habitat enhancement and the planting of an orchard, and the creation of a further, smaller, pond on entry to the development, would offer significantly more favourable conditions for great crested newts.
88. In summary, consideration of the totality of the ecological evidence firmly leads to the conclusion that the proposal would not result in any adverse ecological impacts. As such the project would accord with development plan Policy SWDP 22F which requires development to be designed to enhance biodiversity.

The fourth main issue – highway considerations

89. The nub of the issue relates to inter-visibility at the 'give-way' junction of Folly Road and Brockamin Lane with particular reference to the level of visibility from the 'no through' minor road (Folly Road) on to the main road through the village (Brockamin Lane). The concern is principally two-fold in terms of the visibility available from the minor road in a nearside direction and forward visibility for north-west bound main road drivers and the ability to see vehicles, cyclists and pedestrians emerging from Folly Road.

90. The starting point is the recognition that the existing junction is deficient in a number of ways. In this regard, Folly Road joins Brockamin Lane at an acute angle where the major road curves; the visibility on the nearside of Folly Road is restricted by the horizontal alignment of Brockamin Lane and a boundary hedge; drivers on the main road, approaching from the east, have very limited awareness of the presence of Folly Road; Folly Road continues southwards across the main road, towards the bus-stop (service and school buses), in the form of a 'staggered' crossroads with the continuation containing a triangular island with a central War Memorial; the Brockamin Lane approach lacks central carriageway line markings; and footpath provision is absent (other than along the western side of Folly Road which continues north-westward along Brockamin Lane).
91. However, visibility from Folly Road to the offside meets the guidance in Manual for Streets 2; Folly Road serves a limited number of dwellings (approximately 32), the appeal site and farmland; and Brockamin Lane is lightly trafficked and subject to a generally observed 30mph speed limit. The junction does not have any record of reported personal injury accidents.
92. Visibility from Folly Road (nearside), measured from 2.4 metres back from the give-way line and along the road edge, is currently in the order of 11.0 metres compared to the recommended standard of 43.0 metres. The realignment of the junction as proposed, with the provision of a ghost-island and the positioning of emerging vehicles some 5.3 metres to the north-west, would increase this to about 15.0 metres and, with the trimming of the road-side hedge (within the highway boundary), a further 2.0 metres could be gained. However, from my own observations, it is apparent that a number of drivers already position themselves well-away from the nearside edge of Folly Road, to achieve the benefit proposed.
93. Manual for Streets 2 sets out the circumstances where it might be appropriate to assess visibility to the centreline of the main arm (rather than along the road edge) and in this regard, taken from 2.4 metres back along Folly Road, a distance of 31.0 metres (with the trimming of the hedge) could be achieved. Moreover, adopting a give-way position on Folly Road of 2.0 metres, the available visibility would increase to 34.3 metres.
94. The above guidance acknowledges that this reduced set-back can be adopted in appropriate circumstances. Reducing the give-way position to 2.0 metres would mean that the front of some vehicles would protrude slightly into the running carriageway of Brockamin Lane. However, drivers and cyclists approaching from the north-west would be able to see the overhang from a reasonable distance and there is no basis to suppose, given low traffic volumes on both the minor and main arms, and the limited speed of traffic, that this would result in undue danger.
95. However, as Brockamin Lane lacks any form of centreline segregation, or white-line definition, there could be no certainty that some drivers travelling north-westward through the shallow sweeping bend would not be tempted to stray over the notional centre point of the road. My observations found this to be true.
96. Indeed, any driver unfamiliar with the area would have limited advance warning of Folly Road (and the fact that any emerging driver could not see very far along the main road in their direction) due to the curvature of the road and an enclosing hedge. Even assuming a correctly positioned vehicle,

and the attainment of the maximum anticipated visibility, the available site stopping distance would fall short of that needed to see a vehicle in the process of turning right out of Folly Road, react and safely stop.

97. Overall, the suggested benefits of realigning the waiting position for a vehicle leaving Folly Road, and the claim of achieving an appropriate standard of visibility, are not endorsed by the circumstances described above. However, the question to be posed is whether the increased use of the junction, arising from the proposed development, would have a severe impact on highway safety.
98. Manual for Streets 2 sets out that *'it has often been assumed that a failure to provide visibility at priority junctions in accordance with the values recommended will result in an increased risk of injury collisions. Research carried out by TMS Consultancy for MfS2 has found no evidence of this'*. This was based on the comparison of a series of collision types at high risk locations with reduced visibility with locations with good visibility.
99. Whilst the study was wide-ranging, it is notable that it was based on urban sites with high collision records; it involved busy junctions with a variety of traffic; and it included minor and main road shunts. Although the study highlights the need to avoid making unsubstantiated assumptions about accident risk, it does not by itself add anything of substance towards a conclusion that the junction in question could, particularly with additional traffic, continue to operate as it has done over a period of years without recorded personal injury accidents.
100. Looking next at the effect of the development, it is emphasised at the outset that both Folly Road and Brockamin Lane carry little and very limited traffic respectively. In the morning and afternoon peak hours the two-way flows along the main road are in the order of one vehicle per minute. It is agreed that the proposed development would result in 14 vehicles leaving the site during the morning peak hour and it is estimated that no more than three of those would turn right out of Folly Road. Thus, with a main road flow of one vehicle per minute and an additional vehicle turning right from the minor road every 20 minutes (on average), the increased risk of an accident occurring, whilst not improbable, would be minimal.
101. Moreover, the above assessment has assumed that the current use of the appeal site does not generate any vehicular traffic. That represents a robust position in that little activity currently takes place on the site; trip rate comparison with other sites used for B8 storage was not on a like-for-like basis in terms of location and types of buildings concerned; and the notion that intensification could occur, by use for self-storage, lacks any firm foundation through realistic assessment.
102. There is no doubt that when making a comparison between the current level of traffic using Folly Road and the addition of up to 21 dwellings, the percentage increase would be very marked. Similarly, it can be expected that the use of the junction by pedestrians and cyclists would also increase. It is apparent that very limited improvements could be made to the junction by realignment, especially as that would merely formalise the predominant pattern of vehicular usage; and the overall improvement to visibility in a south-easterly direction would be minimal when judged against published guidance. I have also noted the refusal of planning permission for three dwellings at Folly Farm, in 2001, based on the deficiencies of the junction.

103. However, notwithstanding the increased use of the existing very sub-standard junction and the markedly restricted intervisibility between drivers, it cannot be said, having particular regard to the volume and speed of traffic, that the residual cumulative impacts of the development are likely to be severe.
104. Policy SWDP 4A of the development plan requires, amongst other matters, that '*proposals must demonstrate that they address road safety'*. In this instance, the proffered minor junction improvements would deliver a very limited benefit and it has been demonstrated, in the particular circumstances of this case, that road safety would not be severely compromised. On this basis, I am satisfied that the proposal would not be in conflict with the development plan.
105. Overall, it cannot be denied that the junction of Folly Road and Brockamin Lane is substandard and that the proposed development would bring an increased risk to highway safety. However, having regard to the above, that risk would not be sufficiently severe to warrant dismissing the appeal on highway grounds.

Other matters – Amended Unilateral Undertaking

106. The unilateral undertaking sets out the provision of on-site affordable housing at a percentage of either 30% or 40% to reflect the requirement for brownfield and greenfield land respectively. As I have already determined that the site should be considered as previously developed land for policy purposes, the development should provide 30% affordable housing in accordance with Policy SWDP 15Bii.
107. The undertaking identifies the affordable housing mix as either (a) 65% social rented units and 35% fixed equity units (the appellant's position); or, (b) 80% social rented units and 20% fixed equity units (the Council's position).
108. Policy SWDP 15E indicates that the final tenure mix will be subject to negotiation with, generally, a preference for social rented units unless, for example, a contribution from an alternative affordable housing tenure is required to achieve scheme viability or to meet a different local need. However, the policy does not dictate a specific mix of affordable housing tenures.
109. The starting point of the Strategic Housing Market Assessment found that some 87% of affordable units would be required for social renting purposes. However, this aspiration has been made more difficult with limitations on grant funding; and the acknowledgement that the ability to achieve the appropriate balance to reflect need could undermine development viability. The development plan and Community Infrastructure Levy Viability Updates have worked on the premise of a 70% and 30% distribution.
110. In the absence of any convincing evidence to support the Council's stance, the split outlined in the viability documents merits greater weight. Also, given that the outcome of a 65%/35% or 70%/30% division would be alike,⁴ the affordable housing mix should be confirmed as 65%/35%.

⁴ A development of 21 dwellings with 30% affordable housing would require 6 affordable units – 65% and 70% would both result in 4 social rented units and 2 fixed equity units (figures rounded)

111. The undertaking includes a payment of £4,600 per dwelling (£96,600) for the provision of a playing field and tennis court at Alfrick and Lulsley Village Hall, which reflects the Council's requirements in Alfrick set out during the course of the planning application. Subsequent inconsistency has arisen in that, in its Community Infrastructure Compliance Statement, the Council cited a need for a community facility for a multi-use games area at Alfrick and Lulsley Village Hall in the sum of £80,000; and outdoor sports pitches and indoor facilities at Leigh and Bransford Badgers Football Club, Leigh Sinton, with a price tag of £500,000 (compared to the figure of about £350,000 in the Council's internal consultation document).
112. Policy SWDP 39B provides for financial contributions for off-site facilities and SWDP 39C explains that '*requirements for new and improved formal sports pitches will be assessed on a case by case basis using the most up-to-date available evidence*'. The standard contribution per dwelling set out in the open space supplementary planning document no longer applies as the document has been replaced by the recently adopted development plan.
113. However, there is no evidenced assessment of the projects or the proportionality of the sum sought. Whilst the Parish Council has set out its desire to construct a multi-use area at the Village Hall, the works have been costed at less than £40,000. In addition, the planning agreement relating to the land adjacent to Chapel Meadow commits a contribution of £4,400 per dwelling, in the overall sum of £61,600 for non-specific off-site recreation purposes within the Parish. The inference that this could be applied to the works in question has not been countered.
114. Although it would appear that the sports pitches at Leigh Sinton would be the nearest available to new residents of the development, no meaningful justification or details have been given; and the costings supplied by the Council, seemingly, for the same works, show clear disparity. In addition, two other obligations could realise in the order of £250,000 and the type of project envisaged could attract match funding from the Football Association. On this basis, even the higher of the two cost estimates would be capable of being met without any contribution from the appeal proposal.
115. Irrespective of any other potential funding, the Council's request for a sum of some £96,000 lacks clear and compelling justification and, on this basis, the contribution cannot be found to be necessary or reasonable. Hence, no weight attaches to this obligation and, in accordance with paragraph 9.3 of the deed, the obligation ceases to have effect and the 'owner' (as defined) of the site would be under no obligation to comply with it.
116. The undertaking also includes a financial contribution of £1,257 per dwelling towards the improvement of the A4103/B4503 Leigh Sinton priority junction, which might include the installation of traffic signals and an intelligent transport system (MOVA). The project is identified in the South Worcestershire Infrastructure Delivery Plan; the contribution reflects the lower level of charging at the time the application was under consideration; and the approach in the plan recognises that new development will have both a local transport impact and a wider strategic transport impact.
117. Nonetheless, the likelihood of such works being undertaken, as part of a larger scheme to accommodate other developments, is ambiguous insofar as the highway authority's confirmed position, in April 2015, was to reservedly

relinquish its requirement for junction improvements. Although the Infrastructure Delivery Programme identifies a need to improve the junction to facilitate growth up to 2031 and development plan Policy SWDP 4L, in particular, endorses developer financial contributions towards transport infrastructure, no detailed evidence has been provided to support the Council's position.

118. Whilst tariff style charges may, in principle, be appropriate, such contributions sought need to be fully justified and evidenced and shown to meet the policy and statutory tests. In this case, there is no suggestion that the development would otherwise have to be refused; and the relationship and proportionality of the works is tenuous given the likely level of movements and distribution of journeys from the site. It follows that no weight attaches to this obligation and, in accordance with paragraph 9.3 of the deed, there would be no need for the owner to comply with it.
119. The contribution for educational facilities reflects the inability of Suckley Primary School to absorb additional children without improved facilities. The sum to be paid would be levied on open market dwellings and would be determined by the number of bedrooms according to house type. The figures are in accordance with a published tariff and it has been confirmed that the five unit threshold of regulation 123(3) of the Community Infrastructure Levy Regulations 2010 would not be exceeded.
120. I am satisfied that the contribution for education passes the policy and statutory tests and it is relevant to the determination of the appeal.

The fifth main issue – the planning balance

121. The starting point is that the site is located outside the development boundary for Alfrick and the proposal would be in conflict with development plan Policy SWDP 2B and SWDP 2C.
122. The development plan is recently adopted and the authority has, despite an inadequately supported claim to the contrary, a five year supply of deliverable housing sites which combine to support the government's objective of boosting significantly the supply of housing. Although provision is made for windfall development proposals, Alfrick is in a category low in the hierarchy in that the underlying strategy favours development in the urban areas; and the proposal does not claim to address a need for housing or to support rural services. Indeed, the latter has been specifically recognised in the allocation of a small housing site at Chapel Meadow, Alfrick.
123. The reasoned justification to Policy SWDP 2 acknowledges the high quality of the open countryside to be an important attribute of the area. However, the appeal site is previously developed land which is to be regarded as a positive factor in the planning balance. Moreover, the site does not have the attributes of open countryside; and the impact of the development on the character and appearance of the rural landscape would be localised and limited. In addition, it cannot be said that the location of the appeal site would be any less sustainable in its access to local services and employment opportunities than might be the case for the settlement of Alfrick as a whole. Nonetheless, conflict would remain with Policy SWDP 2 when read in its entirety.

124. On the other hand, the replacement of the existing buildings with a carefully conceived residential scheme would make a positive contribution to the significance of the listed buildings in accordance with Policies SWDP 6 and SWDP 24. It has also been demonstrated that the proposal would not have any adverse effects on ecological interests and it would deliver biodiversity enhancement as called for by Policy SWDP 22F.
125. In terms of highway safety, it is acknowledged that the layout of the junction of Folly Road with Brockamin Lane falls well short of guiding design criteria. Although traffic generated by the proposed development would significantly increase the use of the junction, it has been shown that road safety would not be severely compromised and there would be no material conflict with Policy SWDP 4.
126. Two elements of the unilateral undertaking are relevant to the planning balance, albeit the provision of a percentage of affordable housing is a requirement of Policy SWDP 15 and an education contribution is merely to mitigate the additional demands on primary school places.
127. In conclusion, I consider that the very marked benefits arising to the setting of the two identified heritage assets, even allowing for the loss of local employment which the existing buildings provide, would be sufficiently compelling to outweigh the harm to the character and appearance of the countryside and the conflict with Policy SWDP 2. The biodiversity enhancements add to the balance in favour of allowing the appeal; and the highway considerations remain neutral. Overall, the proposed development would be in accordance with the development plan when read as a whole.
128. I have also considered whether the proposal would be sustainable development within the meaning of the National Planning Policy Framework. As the Framework says, there are three dimensions to sustainable development. Economically, there is no evidence of any deficit of employment sites and the development itself would bring employment through construction; socially, the project would deliver a range of new market and affordable housing within a high quality environment, re-using brownfield land, and offer support to the community's limited facilities; and, environmentally, there would be gains for the historic environment, in particular, and improvements to biodiversity. Although the village has limited facilities and services, the proposal would achieve the three mutually dependent dimensions to sustainable development.
129. I have had regard to a number of other matters raised. In particular, the dispute on land ownership at the entrance to the site is a private matter for the parties concerned; access design, layout and the adequacy of turning facilities are matters reserved for approval; the relationship of the proposed dwellings with neighbouring properties would also fall to be considered as part of any subsequent reserved matters application; and, despite reported drainage problems in the locality, Severn Trent Water has confirmed that a connection to the foul sewer in Folly Road would be acceptable subject to the company's formal approval.
130. Finally, whilst acknowledging the relevance of a range of appeal decisions to specific points, none of them are directly comparable to the combination of factors relating to the current appeal site.

Planning conditions

131. As an outline application, conditions to secure the submission of reserved matters are necessary. These will include access details from Folly Road into the site and within the site itself. **[Conditions 1 and 2]**
132. The highway works at the junction of Folly Road and Brockamin Lane, which are intended to ensure that vehicles are positioned at a point within the junction to optimise visibility to the south-east, can be secured by a single condition. **[Condition 3]**
133. The preliminary details to be submitted should also show existing and proposed site levels and the relative elevation of dwelling floor levels so as to achieve an appropriate relationship with existing residential properties. **[Condition 4]**
134. The site is, predominantly, previously developed land which justifies the imposition of a condition to minimise any risks arising from potential contamination. I have amended the suggested condition to a more concise form. A programme of archaeological works, to safeguard any archaeological finds that might be revealed, is also important as the site has had little or no previous archaeological fieldwork. **[Conditions 5 and 6]**
135. A condition is necessary to control the hours during which demolition, groundwork and construction activity can take place in order to minimise disturbance to neighbouring residents; and a scheme to provide an appropriate south-western boundary treatment would enhance the setting of the adjacent listed buildings. **[Conditions 7 and 8]**
136. To ensure the protection of wildlife, and to secure biodiversity gains, consistent with Policy SWDP 22, conditions requiring an Ecological Construction Method Statement and a Wildlife Enhancement Scheme are needed. Both have been the subject of minor redrafting for precision. In addition, having regard to the presence of bats in and around the site, a condition requiring agreement on external lighting, again amended for precision, is an essential requirement. The protection of trees during site preparation and construction is underpinned by Policies SWDP 21 and SWDP 22. The suggested condition has been re-worded to improve clarity. **[Conditions 9, 10, 11 and 12]**
137. Each of the dwellings needs to be provided with car parking, facilities for cycle parking and a welcome pack promoting sustainable transport in accordance with Policy SWDP 21. The management of the site during the demolition and construction phases is important for highway safety and residential amenity reasons. **[Conditions 13, 14, 15 and 16]**
138. The routing of underground services and utilities within the site should also be agreed to ensure that these do not have any undue impact on the root systems of protected trees along the south-eastern boundary of the site. The suggested condition has been amended to include implementation in accordance with the approved details. In addition, to minimise carbon emissions and to accord with Policy SWDP 27, a scheme to include an element of micro-generation will be required. **[Conditions 17 and 18]**

139. In terms of the provision of green infrastructure to serve the development, the area sought by Policy SWDP 39 is to be secured in the form of a biodiversity area on the blue land through the unilateral undertaking. Other open space within the site can be secured and maintained in accordance with an agreed landscape management plan. **[Condition 19]**
140. A condition, reworded for precision and to ensure enforceability, is required to secure a mix of types and sizes of market housing, according to identified need, in accordance with Policy SWDP 14A; and a scheme of surface water drainage is underpinned by Policy SWDP 29. **[Conditions 20 and 21]**

Overall conclusion

141. For the above reasons, and having considered all other matters raised, I conclude that the appeal should be allowed.

David MH Rose

Inspector

Richborough Estates

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INTERESTED PERSONS:

Sarah Rouse	District Councillor (Alfrick and Leigh Ward)
Anthony Crockford	Local Resident
Mr P Denley	Local Resident
Brian Martin	Vice Chairman (Alfrick and Lulsley Parish Council); Member of Alfrick and Lulsley Residents Group Ltd; & Local Resident
Anne Martin David Flanagan	Local Resident
Geoff Moore	Resident of Malvern
Kenneth Richards	Local Resident
Brian Fishwick	Parish Councillor (Alfrick and Lulsley Parish Council)
Richard Brunt BSc (Hons) DipEng, MICE	Associate Robert West Consulting obo Alfrick and Lulsley Parish Council

DOCUMENTS SUBMITTED AT THE INQUIRY⁵

LPA 1	Opening note on behalf of the LPA
LPA 2	Alfrick and Lulsley Parish Council – The Parish Design Statement
LPA 3	CD references for Jonathan Smith’s proof of evidence
LPA 4	Photographs of appellant’s comparative B8 units (TRICS)
LPA 5	Extract from Housing Land Supply Monitor 2014 – Affordable Housing
LPA 6	Extract from appellant’s review of Highways Matters
LPA 7	Extract from Guidance on Transport Assessment
LPA 8	Compliance Statement – Planning Obligations
LPA 9	Email confirming qualifications of Steven Bloomfield, Worcestershire Wildlife Trust
LPA 10	Appeal Decision, Land adjacent to Stocks Farm, Suckley (APP/J1860/W/15/3141086)
LPA 11	Letter (23 March 2016) Supporting Note - TMS Research for MfS2 High Risk Collision Sites and Y Distance Visibility
LPA 12	Letter (7 April 2016) and attachments in response to matters raised by the Inspector (X 1)
LPA 13	Closing on behalf of the LPA
GD 1	Unilateral Undertaking (superseded by GD 20)
GD 2	Extract from Historic England Farmstead Assessment Framework
GD 3	Extract from Proof of Evidence (Jonathan Smith) – Land North of Old Guildford Road, Broadbridge Heath
GD 4	Opening Submissions on behalf of the Appellant
GD 5	Appeal Decision, New Street, Weedon Bec, Northamptonshire: APP/Y2810/A/14/2228921
GD 6	Appeal Decision, Boughton Road, Moulton, Northampton: APP/Y2810/A/14/2225722

⁵ Includes documents submitted during the adjournment and following the close of the Inquiry

- GD 7 Visual Comparison Table
- GD 8 Response to CIL justification (and attachments)
- GD 8a Committee Minutes re 15/00878/FUL – Bank House Bowling Club, Bransford
- GD 8b S106 Agreement: Land adjacent to Chapel Meadow, Alfrick
- GD 8c Planning permission 04/00182/OUT DRA North Site, Leigh Sinton Road, Malvern
- GD 8d Appeal Decision, Land adjoining Elmhurst Farm, Hereford Road, Leigh Sinton (APP/J1860/A/14/2219414)
- GD 8e S106 Agreement: Land at Kiln Lane, Leigh Sinton
- GD 8f Email (20 April 2015) – re junction of A4103 and B4503
- GD 8g Community Services Planning Application Response
- GD 9 Letter (23 March 2016) and attachments – Building F
- GD 9a Planning Permission 11 February 1999
- GD9b Existing Use Plan for Appeal Site
- GD 10 Email re description of development and Unilateral Undertaking
- GD 11 Appeal Decision, Brookend, Pendock (APP/J1860/W/15/3135877) & Pendock Proposals Map Inset No 27
- GD 12 Letter (11 April 2016) from Gateley Plc re status of appellant company
- GD 13 South Worcestershire Councils CIL Viability Update
- GD 14 Letter (29 March 2016) Reference Documents for Closing Submissions
- GD 15 Letter (4 April 2016) and attachments in response to matters raised by the Inspector (X 1)
- GD 16 Closing Submissions on behalf of the Appellant
- GD 17 Letter (15 April 2016) from Gateley Plc re status of appellant company
- GD 18 Letter (14 June 2016) from Gateley Plc re Unilateral Undertaking (12 April 2016)
- GD 19 Deed of Revocation (5 July 2016)
- GD 20 Certified True Copy of Unilateral Undertaking (13 June 2016)

- IP 1 Written Statement: Sarah Rouse
- IP 2 Written Statement: Anthony Crockford
- IP 3 Written Statement: Brian Martin
- IP 4 Written Statement: David Flanagan
- IP 5 Written Statement: Brian Fishwick
- IP 6 Written Statement and attachments: David Hunter (re status of appellant company)
- IP 7 Email Alfrick & Lulsley Residents Group Limited (re status of appellant company)
- IP 8 Alfrick and Lulseley Parish Council Play Area Committee Proposals
- IP 9 Proof of Evidence prepared for Alfrick and Lulsley Parish Council: Robert West

- X 1 Matters raised by the Inspector (29 March 2016)
- X 2 Statement of Common Ground (9 March 2016)

Annex – Schedule of Planning Conditions (1 – 21)

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 no 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 the approval of reserved matters on different dates, the final approval of the last such matter to be approved.
2. Approval of the details of the appearance, landscaping, layout, scale and access ('the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.
3. No development shall take place until details of the access works, in general accordance with the principles of design shown on highways/engineering plan no. BMW/2300/112 Rev P3, including engineering details and a specification for improvements, to the junction of Folly Road with Brockamin Lane (C2065), have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the scheme has been constructed in accordance with the approved details.
4. No development shall take place until a plan showing details of the existing and proposed 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.
5. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
6. No development shall take place until a programme of archaeological works, including a Written Scheme of Investigation, has been submitted to and approved in writing by the local planning authority. 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; and
- vi. nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No dwelling shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the scheme approved above and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

7. Demolition/ground/construction works shall not take place outside the following times:-

Monday to Friday 07.30 – 18.00 hours; and Saturday 08.00 – 13.00 hours.
There shall be no such work on Sundays or Public Holidays.
8. The details to be submitted pursuant to Condition 2 above shall include a scheme of site boundary works for the south-western boundary of the site. The approved scheme shall be implemented before any of the new dwellings are first occupied.
9. No development shall commence (including demolition) until an Ecological Construction Method Statement has been submitted to and approved in writing by the local planning authority. The scheme shall, in particular, provide for details of pre-commencement checks for protected species with subsequent mitigation as deemed appropriate, in addition to appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed statement shall thereafter be implemented in full.
10. No development shall commence until a detailed Wildlife Enhancement Scheme, with a timetable for implementation, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of habitat enhancement/creation measures for protected species including bats, great crested newts and birds. Such approved measures shall thereafter be implemented in accordance with the approved scheme.
11. Prior to the commencement of development, an external lighting scheme for the site, including a time-table for its implementation, shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and shall thereafter be retained in that form.
12. No demolition, site preparation or development shall take place until an Arboricultural Method Statement, in accordance with British Standard 5837:2012: (as amended) (or the relevant Standard applicable at the time of submitting the statement), has been submitted to and approved in writing by the local planning authority. The statement shall include:- the methods to be used to prevent loss of or damage to retained trees and hedgerows within and bounding the site; details for the monitoring and reporting on tree protection and condition; and a detailed tree protection plan showing the finalised site

- layout and the tree and landscaping protection methods detailed in the method statement. The development shall thereafter be carried out in full conformity with the approved method statement and protection plan.
13. Prior to the first occupation of any dwelling hereby approved, parking for vehicles, in accordance with a scheme that has been submitted to and approved in writing by the local planning authority, shall be provided for each dwelling. These areas shall not thereafter be used for any purpose other than the parking of vehicles.
 14. Prior to the first occupation of any dwelling hereby approved, secure parking for cycles, in accordance with a scheme that has been submitted to and approved in writing by the local planning authority, shall be provided for each dwelling. These facilities shall be retained thereafter for the parking of cycles only.
 15. No dwelling hereby permitted shall be occupied until a welcome pack that promotes sustainable travel for future residents has been submitted to and approved in writing by the local planning authority. A welcome pack shall be made available in each dwelling upon occupation.
 16. No development shall take place, including any works of demolition, until a Method of Construction Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:-
 - i. parking of vehicles for site personnel, operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials within the site;
 - iv. programme of works (including measures for traffic management);
 - v. provision of boundary hoarding behind any visibility zones; and
 - vi. provision of wheel cleaning apparatus for site traffic.
 17. No development shall take place until a scheme showing details of the routing of all proposed underground services and utilities connections within the site has been submitted to and approved in writing by the local planning authority. Any new underground services and utilities connections shall be routed to avoid the root protection area of any tree afforded protection by Tree Preservation Order number 555 (2015). The scheme shall be implemented as approved.
 18. No development shall take place until a scheme of on-site micro-generation, incorporating the generation of energy from renewable or low carbon sources equivalent to at least 10% of the development's predicted energy requirements, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter.
 19. A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedule for all landscape areas (other than private domestic gardens) shall be submitted to and approved in writing by the local planning authority prior to any occupation of the development. The plan shall be implemented and the maintenance schedules carried out as approved for the lifetime of the development.
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20. The details to be submitted in conjunction with Condition 2 above shall include, for the approval of the local planning authority, a scheme providing for a mix of market dwelling types and sizes and a supporting statement of justification. The development shall be carried out in accordance with the approved scheme.
21. No development shall commence until a scheme for surface water drainage has been submitted to, and approved in writing by, the local planning authority. Prior to submission of the scheme an assessment shall be carried out into the potential of disposing of surface water by means of a sustainable drainage system (SuDS), and the results of this assessment shall be submitted to and approved by the local planning authority. If infiltration techniques are used then the plan shall include the details of field percolation tests. There shall be a 20% decrease in surface water run-off from the site compared to the existing pre-application run-off rate up to a 1 in 100 year storm event plus an appropriate allowance for climate change. The scheme shall provide an appropriate level of run-off treatment. No dwelling shall be occupied until the scheme has been implemented in accordance with the approved details and is brought into operation. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. provide information about the design storm period and intensity, the method to prevent pollution of the receiving groundwater and/or surface waters employed to delay and control the surface water discharged from the site and the measures taken;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by statutory undertaker, or failing that, robust private arrangements to secure the operation of the scheme throughout the lifetime of the development.

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