
Appeal Decision

Inquiry held on 26 to 28 November 2024

Site visit made on 26 November 2024

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th January 2025

Appeal Ref: APP/J1860/W/24/3348743

Land at Berrow Green Road, Martley, Worcestershire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Hayfield Homes against the decision of Malvern Hills District Council.
 - The application reference is M/23/01711/OUT.
 - The development proposed is outline planning permission for up to 55 dwellings with detailed access and all other matters reserved (appearance, landscaping, layout and scale).
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Decision

1. The appeal is allowed and outline planning permission is granted for up to 55 dwellings with detailed access and all other matters reserved (appearance, landscaping, layout and scale) at land at Berrow Green Road, Martley, Worcestershire in accordance with the terms of the application, reference M/23/01711/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application seeks outline planning permission with the principal means of access to be determined at this stage. Appearance, landscaping, layout and scale are reserved matters to be considered in the future. A number of indicative drawings have been submitted but these do not form part of the formal proposal.
3. A planning obligation pursuant to s106 of the Town and Country Planning Act 1990 was discussed at the inquiry and signed and submitted shortly afterwards. I return to this below.
4. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024, after the inquiry had closed. The main parties subsequently provided additional comments in writing, which have been taken into consideration in this decision.

Main Issues

5. Malvern Hills District Council (the Council) confirmed that it no longer intended to defend reasons for refusal two, three and four relating to agricultural land, highways and flood risk subject to conditions and obligations. The matters in reason for refusal five have been addressed to the satisfaction of the Council by the agreed planning obligation.

6. On that basis, the main issues are:

- whether the proposal would be in a suitable location for housing with regard to local and national policies for housing; and
- the effect of the proposal on the character and appearance of the site and surrounding area and the setting of the Grade II listed building Longstone Cottage.

Reasons

7. The appeal site is some 3.86 hectares of agricultural land located to the west of Martley. The site is mostly level but rises in the south-west corner, from where a public right of way (PROW) extends diagonally across the site to south of Longstone Cottage. The northernmost section of the site is occupied by existing allotments and a substantial tree belt.
8. The site is bounded to the north by Kingswood Lane and the Grade II listed Longstone Cottage, beyond which is a cluster of dwellings and the future Jessup development site for 52 dwellings.¹ To the east is the B4197 Berrow Green Road, with the village recreational ground opposite. South-east of the site are four non-designated heritage assets, No 110 (also known as Barleycove Cottage) and No 111 Berrow Green Road, Rose Cottage and Row End, beyond which the Lioncourt development of 83 dwellings is currently being constructed.² The southern boundary adjoins the burial ground and the western boundary open countryside.
9. The proposal is for residential development of up to 55 dwellings, of which 40% (22 units) would be affordable housing. Access would be taken directly from the B4197 Berrow Green Road.
10. The development plan includes the South Worcestershire Development Plan (2016)(SWDP) and the Martley, Knightwick and Doddenham Neighbourhood Development Plan (2018)(NP). The South Worcestershire Development Plan Review: Regulation 19 publication document (2022)(SWDPR) was submitted to the Planning Inspectorate for examination in September 2023. Hearings are due to commence in March 2025 and there are significant unresolved objections, such that the emerging plan attracts only limited weight at this stage. The draft Martley, Knightwick and Doddenham Neighbourhood Plan (NPR) was published for Regulation 14 consultation in the summer of 2024 and, given its early stage, this also attracts limited weight.

Location

11. Policy SWDP2 sets out the development strategy and settlement hierarchy for South Worcestershire, comprising the three administrative areas of Malvern Hills District Council, Wychavon District Council and Worcester City Council. Martley is identified in Annex D as a Category 1 village, that being the most sustainable of the villages with at least four key services. However, the appeal site is not an

¹ Outline planning permission for up to 52 dwellings including 42% affordable homes and up to 10 self-build plots and associated infrastructure was allowed by appeal decision APP/J1860/W/22/3306186 in May 2023. Reserved matters were approved in June 2024.

² Full planning permission M/23/00863/FUL for 83 dwellings and associated infrastructure was approved by Malvern Hills District Council in November 2023.

allocated site. Rather, it lies outside of the SWDP settlement boundary of the village in what is identified as open countryside.

12. Policy SWDP2(A) seeks to safeguard and wherever possible enhance the open countryside, whilst SWDP2(C) strictly controls development in the countryside, with certain exceptions, none of which apply to the appeal proposal. The NP also seeks to direct new housing development to within the settlement boundary of Martley, with policy MKD6 again limiting development to defined exceptions. The proposal is therefore in conflict with these policies and, furthermore, the site is not being promoted for development in either the SWDPR or the NPR.
13. The Council identify that the location, scale and accessibility of the appeal site are particularly sensitive, with the breach of SWDP2 being more serious as a consequence of these factors.
14. In terms of location and scale, the settlement boundaries of Martley have previously been treated flexibly in order to address the shortfall in housing supply, with particular regard to the Jessup and Lioncourt sites. Both of these sites, along with a number of others elsewhere,³ abut or are adjacent to the defined settlement boundaries of the village. The Council argue that, whereas *Richborough*⁴ means that the settlement boundary can indeed have limited weight and be treated flexibly, this does not extend to sites that are further away from such a boundary.
15. However, the relevance of the proximity of the site to the settlement boundary depends heavily on the context of the proposal. In this case, even though the extents of the proposed development would be remote from the SWDP boundaries, they would nonetheless be close to the new settlement edges as defined by the Jessup and Lioncourt sites. The appeal site would, in effect, close the loop of built form that would be established around the recreational ground by these consents, notwithstanding that the definition of infill development is disputed between the parties.
16. Interested parties argue that there is no need for the development in this location, but the Council's minimum housing supply requirements are not being met (see housing supply below), and the rigid enforcement of the settlement boundary policy would prevent the Council from meeting its housing requirements. Furthermore, development of the appeal site would not involve the flexing of the boundaries of the consented sites, as argued by the Council. Instead, the SWDP's defined boundaries would be stretched further as a consequence of ongoing identified housing need. Overall, the location and scale of the proposed development would be in keeping with the consented schemes and the emerging pattern of development to the west of the village centre, despite the distance to the settlement boundary.
17. With regard to accessibility, even the most distant facilities in the village, the primary and secondary schools, are only a 1.1km walk from the appeal site. The store/post office, the playing fields, and trading estates are all closer still, and comfortably within 10 minutes' walk. Even if development sites were to be

³ The Council refer to those identified in the appellant's planning proof of evidence paragraph 5.1.20.

⁴ *Suffolk Coastal DC v Hopkins Homes Ltd & SSCLG and Richborough Estates Partnership LLP & SSCLG v Cheshire East BC* [2017] UKSC 37

identified that were closer to the two schools, this would not mean that the appeal site would be inappropriate in this respect. Furthermore, the existing footway between the site and the village would be widened to encourage walking. Whilst there are no formal cycling facilities in the village, residents would still have opportunities to use sustainable transport modes. There are a number of regular bus services to nearby settlements, including Worcester.

18. Whilst the burial ground is a relatively tranquil place, some disruption to this is caused by the current construction of the Lioncourt development on the opposite side of the road, albeit that this is temporary. New dwellings on the appeal site would potentially overlook the burial ground, but there is no reason why normal residential usage would significantly adversely affect that peacefulness. Accordingly, the location of the appeal site next to the burial ground would not create an inherent land use conflict.
19. Overall, whilst the proposal is in conflict with the locational aspects of policies SWDP2 and MKD6 and the primacy of the plan-led approach, the appeal site is nonetheless in an accessible location that, given the emerging pattern of development, would not be an outlier to Martley or the settlement boundary. Whether or not the site is a suitable location for housing is a matter I return to in the planning balance.

Character and appearance

Landscape

20. The appeal site is open agricultural land, framed by mature tree belts to the north and south-west and by boundary landscaping to the south-east. Although the site is valued by the local community, it is not a designated or valued landscape in the development plan or as described in the Framework. The site lies within the Principal Timbered Farmlands character type identified in the Worcestershire Landscape Character Assessment. The key relevant characteristics of this character type include the dispersed settlement pattern and hedgerow boundaries.
21. The proposed development would not extend the settlement pattern significantly further into the open countryside than existing built forms in the village. Overall, Martley would remain a dispersed settlement in the wider rural area, notwithstanding that the site itself would be irrevocably changed. The dispersed character of the pockets of residential development to the north and south-west of the site would be affected by the proposal, but these are already heavily influenced by the Jessup consent and Lioncourt development. Although some 70 metres of hedgerow along the site frontage would be relocated, the loss of historic alignment would be very limited given that any replacement would be set back by just some one metre. There is no substantive evidence to indicate that replacement hedging behind the visibility splays could not be successfully achieved by condition.

Visual effects

22. The PROW running diagonally through the appeal site currently provides open views across the rural edges of the village as well as towards the recreation ground. The proposed development would bring about major adverse effects to

this section of the PROW, with the route and vistas being dominated by new built forms. From parts of Kingswood Road, the PROW to the west of the site, and the less sensitive informal path adjacent to the site, views would also be adversely affected by the increased proximity of built form, although from the more distant views this would be framed by the existing landscaping and, to the north, by the Jessup consent. It is also anticipated that the detailed design would be capable of incorporating appropriate landscaping mitigation along the western boundary of the site, albeit that this would take some 15 years to become fully effective.

23. The recreation ground incorporates a number of facilities, including a cricket pitch and pavilion/bar, children's playground and skate park, which currently benefit from open views across the appeal site towards Berrow Hill, as do Berrow Green Road, its footway and PROW 815(b). These views would be interrupted by the proposed development which would be sited in the immediate foreground. The last remaining open aspect from the recreation ground would, in effect, be enclosed by the proposed development, and some 70 metres of well-established hedgerow along the site frontage would be replaced. Although Berrow Hill would still be visible above the roofscape of the proposed development, the new built forms would be dominant in the foreground, despite the opportunity for landscaping. As such, this would result in a significant adverse impact to the recreation ground and its facilities.
24. The burial ground is open land with a central pavilion structure and boundary hedge to the north. Although the open northerly aspect would be lost, the size of the appeal site is such that mitigating landscape features along the mutual boundary could be incorporated into the detailed design, as could suitable separation distances between the burial ground and the proposed dwellings, notwithstanding its proposed status as Local Green Space in the NPR. The allotments also currently enjoy an open aspect to the south which would be replaced by built development. This would result in adverse effects, albeit modest, given that allotment use is largely activity based. The entrance sequence to Martley from the south would be changed, but it would be seen in the context of the Lioncourt development. From PROW 703(c) views towards the appeal site would be heavily screened by the Lioncourt development and existing landscape screening.
25. However, these harms could be mitigated to a considerable extent. The detailed design could ensure built forms are of siting and height that would allow vistas through the site and ensure that the brow of the hill would remain visible above the new roofline. There would also be an opportunity to set the built forms back from the site boundaries and introduce landscaping and replacement hedging in order to soften the overall impact.
26. The NP seeks to protect a number of significant views, with View 2 identified at the recreation ground. Whether or not this view was correctly positioned on Map 12, it seeks to protect views to the south-east, south and south-west. The vista to the south-west would be changed as previously described, although that would be seen in the context of a substantial proportion of View 2 already having been significantly altered by the construction of the Lioncourt development. Whilst the cumulative effect would be to significantly erode this viewpoint, the

use and enjoyment of the ground for rural and village recreational activities would continue and its status as a local green space of value to the community would be unaffected.

27. My conclusions on visual impacts are reinforced by the indicative plans which show 55 dwellings with open space and landscaping to the site boundaries, which would in time soften the overall visual impact of the scheme. Whilst the landscape and visual impact assessment does not include all of the Council's suggested viewpoints, I have nonetheless been able to reach conclusions on the effects on these receptors, as above, on the basis of my observations and the evidence submitted.

Heritage assets

28. The significance of the Grade II listed Longstone Cottage derives from it being a 17th century building, with later alterations, constructed with timber framing, brick infill panels and plain tile roof. The original use of four panel high framing demonstrates the elevated social standing of the occupants. Whilst there have been changes to the building over time, much of the original fabric remains. Taken together, the building's form, structure, materials and detailing contribute positively to its architectural and historic significance. The cottage formerly had two adjacent plots, one arable and one pasture, indicating a historic link between the cottage and the appeal site in terms of land management. As such, the open, rural and agricultural character of the appeal site forms part of the setting which contributes to the significance of Longstone Cottage.
29. Whilst the cottage has historically stood remote from the village of Martley, that separation has been substantially eroded with the Jessup and Lioncourt schemes extending the settlement westwards, rather than harm being magnified by those sites. Even so, the proposed development within the rural setting for the cottage, as seen from the recreation ground and the B4197, would further disassociate the heritage asset from its agricultural context, notwithstanding the intervening landscape screening. The last remaining aspect of a countryside setting would be permanently lost, such that harm would occur. I find that this would result in less than substantial harm, in the words of the Framework, at the low end of the range. Even so, the size of the development could potentially allow the setting back of the building line along the road frontage and provide landscaping as mitigation, as shown in the illustrative plans.
30. There are four non designated heritage assets to the south-east of the site. The significance of Nos 110 and 111 Berrow Green Road derives principally from their age, being early to mid 19th century, and simple brick built forms assumed to be agricultural workers' cottages, although No 110 has been considerably altered and extended. The rural setting of these buildings contributes to their significance through demonstration of the relationship between their agricultural occupancy, the worked agricultural land, and the separation from the settlement of Martley. Row End and Rose Cottage retain some historic fabric but have been substantially altered from possible former threshing barn and row of agricultural workers' cottages respectively, to the extent that their significance is limited. This has also reduced the agricultural association with the surrounding countryside, such that the contribution of the appeal site to their settings is very limited.

31. The effect of the proposed development would be to change the setting of these four buildings from rural to modern housing development, such that those agricultural associations would be largely lost, as is also the case from the ongoing Lioncourt development opposite. The harm caused would be less than substantial at the very low end of the scale.

Conclusion on character and appearance

32. Overall, the proposal would have a significant adverse effect on the character and appearance of the site and surrounding area, by way of harm to landscape character and localised viewpoints, and to the setting of the Grade II listed building Longstone Cottage. Harm would also be caused to non designated heritage assets.
33. Accordingly, the proposal would conflict with policies SWDP6, SWDP21, SWDP24 and SWDP25 of the SWDP, MKD1, MKD3 and MKD4 of the NP, and the Framework. Together, these require development to be in keeping with the character and appearance of the area and to give great weight to the conservation of heritage assets. Policy SWDP5 relates to green infrastructure which the parties agree could be suitably incorporated into a detailed design. I return to these matters in the planning balance and conclusion below.

Other Matters

Housing supply

34. At the inquiry, parties agreed that the Council could not meet its minimum housing supply requirement against the then four year requirement, with supply agreed to be 3.47 years, which equated to a shortfall of some 1,216 homes. Following publication of the revised Framework, the Council is now required to demonstrate five years' supply. The appellant also indicates that changes to the annual housing requirement and the need for a buffer of 5% have significant implications on the Council's supply, it now being just 1.96 years, with a shortfall of 2,078 dwellings. The Council has not responded to the appellant's revised calculation. I return to this in the planning balance.

Highways

35. The Transport Statement considers the effect of the proposed development on the local road network, along with the cumulative impact of the Jessup and Lioncourt developments. It concludes that the forecast trip generation would not result in significant increases in the AM and PM peak traffic flows, that cumulative impacts would not be severe, and that site access arrangements would be safe and suitable. Local residents argue that there would be increased congestion at the schools and the B4204/B4197 junction. However, the existing capacity of the schools would not be increased by the proposal and therefore would not result in more traffic movements than already anticipated and accounted for, particularly as the appeal site is within reasonable walking distance of the schools. Accident records around the site indicate just one collision over a five year period, such that there is no existing safety issue that would be worsened by the proposal.

36. Forecast trip generation from the development uses the same TRICS data as at the Lioncourt development, as recently approved by the Council. The cumulative assessment is based on agreed committed developments, concluding that Jessup, Lioncourt and the proposed development would equate to one to two new trips every minute during the AM and PM peaks. In my judgement, and in both of the highway engineers' professional opinions, this level of additional activity would not constitute severe impacts on the local road network, nor would it significantly increase inappropriate use of grass verges or exhaust emissions. Overall, the Council as highways authority raises no objection to the proposal.

Other matters

37. The site lies within an area identified as being at low risk of flooding from surface water and very low risk of flooding from other sources. Existing surface water on the site drains to the ditch on the eastern boundary. The Flood Risk Assessment and Drainage Strategy propose to attenuate flows from hard surfacing on the site to two detention basins, with oversized pipes and flow controls restricting outfall flows to the ditch at predevelopment greenfield runoff rates. Accordingly, the proposed development would not significantly increase flood risk to the wider catchment, and may even result in a betterment of the existing situation.
38. SWDP13 places restrictions on windfall housing development that would result in the loss of more than two hectares of best and most versatile agricultural land. As the appeal site comprises just 1.9 hectares of such soils, the proposal is policy compliant in this respect. Concerns have been raised about impact on services and facilities in the village, however the planning obligation would secure a number of financial contributions as set out below. Moderate levels of bat activity have been recorded at the site, and the proposal would be required to incorporate bat sensitive lighting. Overall, the effect of the proposal on protected species or habitats could be adequately mitigated, and it has been satisfactorily demonstrated that a biodiversity net gain of at least 10% could be achieved on site.

Planning obligation

39. The planning obligation would secure a policy compliant requirement of 40% affordable housing, or up to 22 units, with a tenure split of 69% social rented, 25% First Homes and 6% shared ownership. In the event that the aggregate number of dwellings produces a fractional affordable housing requirement, a financial contribution would be secured for that fraction. Delivery of market housing would be dependant on completion of affordable housing, on a phased basis. The First Homes would be provided and retained as such in perpetuity.
40. A contribution would be secured for community infrastructure, including open space and sport and recreation facilities, amongst other things, in Martley and neighbouring parishes. However, the obligation includes reference to a number of parishes beyond that identified in the Strategic Needs Assessment, where spending of the contribution would not be directly related to the development. Accordingly, the contribution should be utilised only for the benefit of the Martley, Kenswick and Wichenford parishes.
41. A primary healthcare contribution would provide a tariff-based contribution for expansion of GP service provision. Contributions would be secured towards

expansion of facilities at Martley primary school and The Chantry secondary school, as well as provide special educational needs and disabilities facilities within Worcestershire. The community transport contribution would facilitate access to essential facilities for elderly and disabled residents of the development. Finally, a scheme for the laying out and management of on-site public open space would be required.

42. For the above reasons, and subject to the exception identified, I am satisfied that the obligations are necessary, directly related to the development, and fairly related in scale and kind. They comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 58 of the Framework and therefore can be taken into consideration.

Conditions

43. A list of suggested conditions was discussed at the inquiry. Amendments have been made to the wording of some conditions for clarity, brevity, or to avoid duplication, and to ensure accordance with the tests set out in paragraph 57 of the Framework. Pre-commencement conditions were agreed by the appellant.
44. A shorter timescale for submission of reserved matters has been included in order to accelerate housing delivery and meet the Council's housing land supply shortfall, as discussed at the inquiry (condition 1). In the interests of certainty, conditions specifying approved plans and restricting the number of dwellings to that applied for are necessary (conditions 3 and 24). To minimise environmental risks, further ground investigations are required (condition 4). Conditions for the management of foul and surface water are necessary to ensure that the development would be suitably serviced (conditions 5 to 7). To protect the character and appearance of the surrounding area and the setting of heritage assets a landscaping scheme is required along with tree protection measures (conditions 8 and 9).
45. To ensure highway safety and reduce reliance on the car, conditions for agreement of further details and timing of implementation are necessary (conditions 10 to 16). Conditions to manage construction activity are imposed in order to secure the living conditions of nearby residents (condition 17) and protect species and habitats (condition 18). To safeguard and enhance biodiversity, conditions for net gain, landscape management and lighting are imposed (conditions 19 to 21). Given the potential for archaeological remains within the site, a programme of archaeological works is justified (conditions 22 and 23).

Planning balance and conclusion

46. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. For the above reasons, the proposed development is in conflict with development plan policies and with the development plan as a whole.
47. The Framework is a material consideration, and this states that decisions should apply a presumption in favour of sustainable development. As set out above, the Council cannot demonstrate a five year supply of housing land, as required by

paragraph 78 of the Framework. Paragraph 11(d) of the Framework indicates in these circumstances that the policies that are most important for determining the application should be considered as out of date. For the purposes of this appeal therefore, the above identified policies are of reduced but nonetheless still significant weight.

48. In terms of harm, the proposal is in conflict with the locational aspects of policies SWDP2 of the SWDP and MKD6 of the NP, and this harm attracts significant weight. The proposed development would result in harm to landscape character and visual impacts from a number of viewpoints, to which I attribute moderate weight. Harm would also occur to the significance of the Grade II listed building Longstone Cottage and four non designated heritage assets, by way of impact upon setting, which would be less than substantial in the low and very low range respectively.
49. The proposal has a number of benefits. Up to 22 affordable houses would be provided, for which the Council accept there is continued future need, which attracts substantial weight. The contribution to supply of up to 33 market units is a benefit of significant weight. Economic benefits would be derived from the creation of direct and indirect employment opportunities, both during construction and after, to which I attribute moderate weight. A modest amount of biodiversity net gain, of some 10.71% for habitats and 15.06% for hedgerows, would be secured. This attracts limited weight.
50. Provision of green infrastructure and public open space, and contributions to facilities and services are primarily mitigation measures required by policy. Nonetheless these measures would also benefit residents in the wider local area, thereby attracting some limited weight. The appeal site is in an accessible location but, as this could be repeated in other sites within and close to settlements, this is essentially neutral in the planning balance.
51. Dealing first with the heritage balance, I have had special regard to the desirability of preserving the above heritage assets or their settings or any features of special architectural or historic interest which they possess, as required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and I give great weight to the conservation of the assets. Although the harm caused to these assets would be less than substantial, I nonetheless give that harm considerable importance and weight.
52. Paragraph 215 of the Framework sets out that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I conclude that, when taken together, the above public benefits would decisively outweigh the less than substantial harm identified. It follows that the flat balance required by paragraph 216 in terms of non-designated heritage assets is also met.
53. Turning to the planning balance, in terms of paragraph 11(d) there are no policies in the Framework of relevance to this appeal that protect areas or assets of particular importance that provide a clear reason for refusal, including designated heritage assets. Therefore, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably

outweigh the benefits, when assessed against the policies in the Framework taken as a whole, and having had particular regard to key identified policies.

54. Drawing together the above harms and benefits, the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, even if the Council's housing supply figure of 3.47 years is taken. The proposal therefore benefits from the presumption in favour of sustainable development. Although the proposal would conflict with the development plan as a whole, material considerations indicate a decision other than in accordance with it.
55. I conclude that planning permission should be granted subject to the conditions in the attached schedule.

Patrick Hanna

INSPECTOR

Richborough

APPEARANCES

FOR THE APPELLANT

Giles Cannock KC, instructed by Cameron Austin-Fell

He called:

Cameron Austin-Fell BA(Hons) MA MRTPI	RPS Group
Robert Bourn BA(Hons) MA MCIfA	Orion Heritage
James Atkin BSc(Hons) DipLM CMLI	Pegasus Group
James Stacey BA(Hons) DipTP MRTPI	Tetlow King Planning
Mike Glaze LLB(Hons) EngTech FIHE	Rappor
Sarah Hollis	Gowling WLG
James Herd BA(Hons) MSc MRTPI	RPS Group

FOR THE LOCAL PLANNING AUTHORITY

Sioned Davies, instructed by the district solicitor

She called:

Lee Walton MPhil MRTPI	Principal Planning Officer
Sarah Lowe BSc(Hons) Dip(Hons)Arch PGDip	Senior Conservation Officer
Chris Lewis-Farley MLArch HND Arb	Tree and Landscape Officer

INTERESTED PARTIES

Cllr Barbara Jones-Williams	Ward Member for Martley
Peter Weddell-Hall	Martley Parish Council Chair
Dr Stuart Cumella	Local resident
Melanie Mann	Local resident

INQUIRY DOCUMENTS

- ID1 Appellant opening statement
- ID2 Council opening statement
- ID3 Dr Stuart Cumella note on travel
- ID4 Martley, Knightwick and Doddenham Neighbourhood Plan 2016-2030
(Regulation 14 consultation draft)
- ID5 Updated agreed conditions (tracked version)
- ID6 Updated agreed conditions (clean version)
- ID7 Final s106 planning obligation
- ID8 Council response to ID4
- ID9 Appellant response to ID3
- ID10 Council closing submission
- ID11 Appellant closing submission
- ID12 Signed s106 planning obligation

SCHEDULE OF CONDITIONS

- 1) Application for the approval of all reserved matters shall be made to the local planning authority before the expiration of two years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 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. The development shall be carried out in accordance with approved reserved matter details.
- 3) Unless where required or allowed by other conditions attached to this permission, the development hereby approved shall be carried out in accordance with the information provided on the application form (including details on the proposed materials) and the following plans;
 - Location Plan P22-1974-DE-003B.01;
 - Proposed Site Access Arrangements 230520-RAP-XX-XX-DR-TP-3201 Rev P02; and
 - Offsite Highway Works 230520-RAP-XX-XX-DR-TP-6000 Rev P02.
- 4) No development shall take place until the recommendations contained in section 8.2 of the Phase I Geo-environmental Report (Ref: M44148-JNP-XX-XX-RP-G-0001 P01) have been fully implemented.
- 5) The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 6) No development shall take place until a construction surface water management plan has been submitted to and approved in writing by the local planning authority. The plan shall include how surface water will be managed during the construction phase, including site clearance, soil stripping and pond amendments. The plan shall include drawings of any temporary drainage systems, a timeline of construction and measures to mitigate the risk of pollution (including silt) of the water environment and offsite flood risk. The plan shall detail how the approved permanent surface water drainage system shall be remediated during the construction phase. The approved construction surface water management plan shall be implemented as soon as works start on site and thereafter be maintained during the full duration of the construction phase.
- 7) No works in connection with site drainage shall commence until a scheme for a surface water drainage strategy for the proposed development has been submitted to and approved in writing by the local planning authority. The strategy shall include details of surface water drainage measures, including for hardstanding areas, and shall conform with the Flood Risk Assessment and Drainage Strategy (Ref: BGM-LE-GEN-XX-RP-CE-FRA01-P1). Where possible infiltration techniques shall be used and a plan shall be submitted to include details and results of field percolation tests. The scheme shall provide

detailed design drawings for all drainage assets and should include run off treatment proposals for surface water drainage. Exceedance flows should not be directed to property or private land. Where the scheme includes communal surface water drainage assets, proposals for dealing with the future maintenance of these assets should be included. The scheme should include proposals for informing future homeowners or occupiers of the arrangements for maintenance of communal surface water drainage assets. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the approved scheme.

- 8) Prior to the commencement of development, a scheme of landscaping including a written planting specification shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include a plan detailing the disposition of planting, cross referenced to a schedule listing the species, size at time of planting, number of plants proposed or proposed planting density. The landscaping scheme shall be designed to deliver the Biodiversity Net Gain requirements in accordance with condition 19. The specified locations shall appear on an external works plan. The approved scheme shall be carried out in accordance with a timetable submitted to and agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree, shrub or hedging plant planted pursuant to this condition that tree, shrub or hedging plant, or any tree, shrub or hedging plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, poorly established or moribund, another tree, shrub or hedging plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its prior written approval to any variation.
- 9) Prior to the commencement of development, details of tree protection measures (tree protection plan) shall be submitted and approved in writing by the local planning authority. Tree protection measure should be in accordance with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction) (or an equivalent British Standard if replaced). Before development of any type commences, including site clearance, demolition, materials delivery, vehicular movement and erection of site huts, the approved tree protection measures will be implemented. The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority.
- 10) No development shall commence until the vehicular access shown on the Rappor Drawing No. 230520-RAP-XX-XX-DR-TP-3201/P02 (Proposed Site Access Arrangements) has been fully implemented.
- 11) Development shall not commence until visibility splays have been provided from a vertical point 1.05m above carriageway level at the centre of the main site access and 2.4m back from the near side edge of the adjoining carriageway (measured perpendicularly) for 57.8m northwards and 81.4m southwards, measured along the nearside edge of the adjoining carriageway (vertical off set of 0.6m). Nothing shall be planted, erected and/or allowed to

grow on the triangular areas of land so formed which would obstruct the said visibility splay.

- 12) The development hereby approved shall not be brought into use until sheltered and secure cycle parking to comply with the Council's adopted cycle parking standards has been provided in accordance with details which shall first be submitted to and approved in writing by the local planning authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.
- 13) The development hereby approved shall not be brought into use until car parking to comply with the Council's adopted car parking standards has been provided in accordance with details which shall first be submitted to and approved in writing by the local planning authority and thereafter the approved car parking shall be kept available for the parking of vehicles only.
- 14) The development hereby approved shall not be brought into use until the highway improvements works shown on the Rappor Drawing No. 230520-RAP-XX-XX-DR-TP-6000 Rev P02 (Offsite Highway Works) have been fully completed.
- 15) The development hereby approved shall not be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority that promotes sustainable forms of access to the development site in accordance with County Council guidelines. This plan will thereafter be implemented, monitored for a minimum of five years, and shall be updated as necessary in agreement with the local planning authority and thereafter implemented as updated.
- 16) The development hereby approved shall not be occupied until a residential Travel Welcome Pack promoting sustainable forms of access to the development has been submitted to and approved in writing by the local planning authority. The said pack shall be provided to each resident at the point of occupation.
- 17) The development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. This shall include a Construction Traffic Management Plan which shall include but not be limited to the following:-
 - measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
 - details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc);
 - the hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
 - details of any temporary construction accesses and their reinstatement; and
 - a highway condition survey, timescale for re-inspections, and details of any reinstatement.

The measures set out in the approved plan shall be implemented in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations as may have been so approved.

- 18) No development shall take place including any ground works, vegetation removal or site clearance until a construction environmental management plan (CEMP: Biodiversity), which is prepared by a suitably qualified and experienced ecologist, has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be informed by updated ecological surveys as appropriate, but will include the following:

- risk assessment of potentially damaging construction activities;
- identification of biodiversity protection zones;
- practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- the location and timing of sensitive works to avoid harm to biodiversity features;
- the times during construction when specialist ecologists need to be present on site to oversee works;
- responsible persons and lines of communication;
- the role and responsibilities on site of an ecological clerk of works or similarly competent person; and
- use of protective fences, exclusion barriers, silt management measures and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- 19) As part of the first reserved matters application a Biodiversity Net Gain (BNG) Scheme for the development site prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority. The scheme shall demonstrate how a minimum BNG of 10.71% for habitat units and 15.06% for hedgerow units as shown in the 4.0 Biodiversity Metric submitted with the application will be achieved. The scheme shall be informed by updated surveys and finalised layout and will include biodiversity compensation and enhancement features for protected species. The scheme will include the following:

- details of updated ecological surveys;
- details of updated Defra Metric calculations to reflect final layout, and associated BNG report and gain plans for on-site BNG provision;
- purpose and conservation objectives for the proposed works;
- review of site potential and constraints;
- detailed designs and working methods to achieve stated objectives;
- extent and location of proposed works and features shown on appropriate scale maps and plans;
- type and source of materials to be used;
- timetable for implementation, demonstrating that works are aligned with the proposed phasing of development;
- persons responsible for implementing the works;
- initial aftercare;
- details for disposal of any wastes arising from works; and
- details for monitoring and remedial measures.

The said scheme shall be implemented in accordance with the approved details and retained thereafter. On completion of the ecological mitigation,

- compensation and enhancement works, a statement of compliance shall be submitted to the local planning authority by the ecological clerk of works confirming that specified and consented measures have been implemented.
- 20) As part of the first reserved matters application, a Landscape and Ecological Management Plan (LEMP) prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority. The content of the LEMP shall be based on the approved landscaping scheme (condition 8) and Biodiversity Net Gain Scheme (condition 19) and include the following:
- description and evaluation of the features to be managed;
 - ecological trends and constraints on site that might influence management;
 - aims and objectives of management;
 - appropriate management options for achieving aims and objectives;
 - prescriptions for management actions;
 - preparation of a work schedule, including an annual work plan capable of being rolled forward over a five-year period and for the lifetime of the development (or a minimum of 30 years) thereafter;
 - details of the body or organisation responsible for implementation of the plan; and
 - on-going monitoring, timescales and remedial measures and their triggers.
- The LEMP shall be implemented in accordance with the approved details.
- 21) As part of the first reserved matters application, a lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall be informed by updated bat surveys as appropriate and shall:
- identify those areas/features on site that are particularly sensitive for nocturnal wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - show how and where external lighting will be installed and the impacts of internal light spill (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. This will include the provision of dark corridor conditions (LUX levels at or below 0.4 in the vertical plane and 0.2 LUX in the horizontal plane) for retained trees, hedgerows, badger setts and commuting routes for bats.
- All lighting shall be installed in accordance with the specifications and locations set out in the strategy and be maintained thereafter.
- 22) No development shall take place until a programme of archaeological work, 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;
 - the programme and methodology of site investigation and recording;
 - a programme for post investigation assessment;
 - provision for analysis of the site investigation and recording;

- provision for publication and dissemination of the analysis and records of the site investigation;
 - provision for archive deposition of the analysis and records of the site investigation; and
 - nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 23) 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 condition 22 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 24) The development hereby permitted shall be for no more than 55 dwellings.

End of Schedule

Richborough