

April 2022



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# PLANNING AND AFFORDABLE HOUSING STATEMENT

LAND OFF ARELEY COMMON, ASTLEY CROSS, STOURPORT-ON-SEVERN

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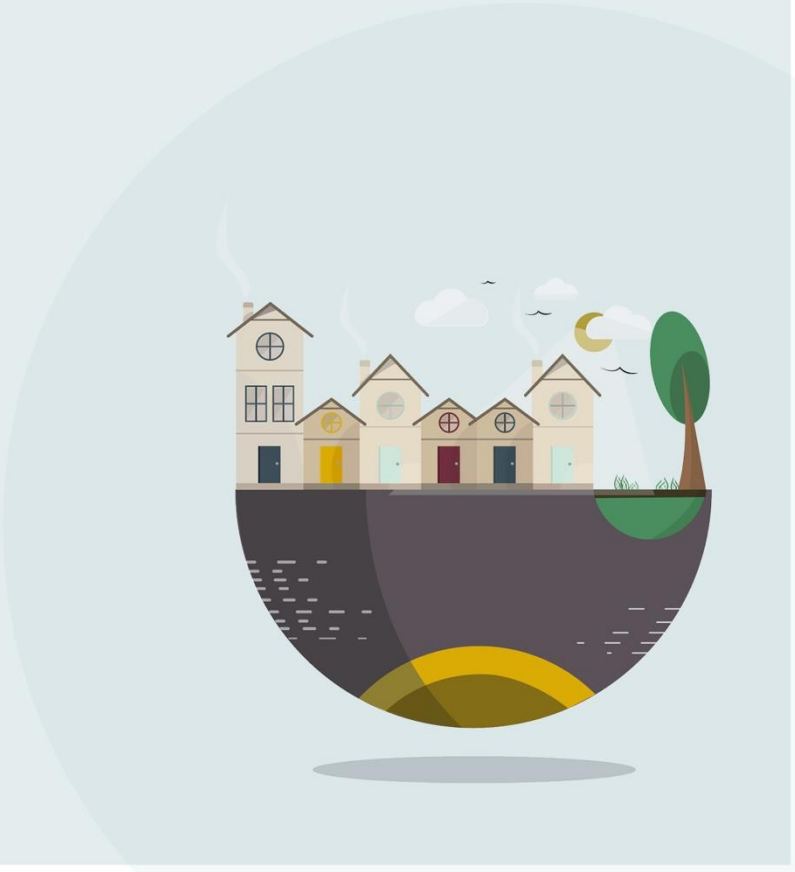


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- Appendix 1: Decision Notices
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# 1 INTRODUCTION

## 1.1 Scope of the Statement

1.1.1 This Planning and Affordable Housing Statement has been prepared in support of an Outline planning application made by Gladman Developments Ltd (Gladman) for development of land off Areley Common, Astley Cross, Stourport-on-Severn. The description of development is as follows:

***“Outline application for the erection of up to 145 dwellings , public open space, landscaping, and sustainable drainage systems (SuDS) and vehicular access point. All matters reserved except for access.”***

1.1.2 The application site is well located to the existing urban area of Astley Cross, Stourport on Severn and represents a suitable and sustainable location for housing. The site is identified in the image below.

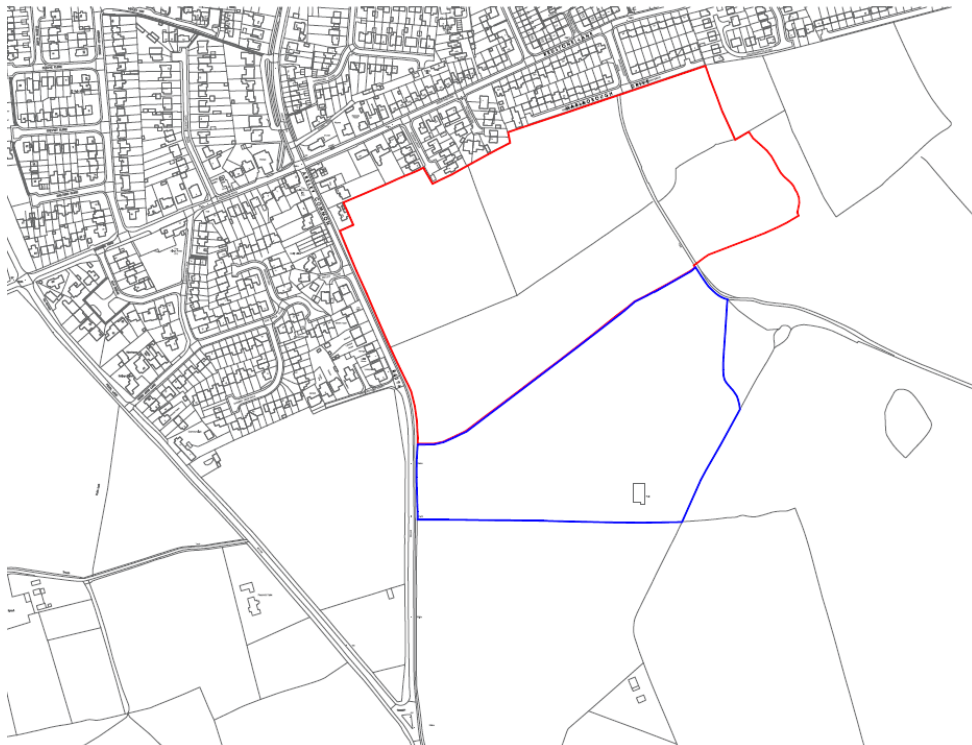


Figure 1 – Location Plan

- 1.1.3 The application area is 11.39ha, which includes the site identified on the red edge on figure 1 above (10.72ha), and a further 0.67ha identified for a drainage outfall. The Red Edge identified in figure 1 is a total of 10.72ha and will be referred to as 'the site'. The drainage outfall is identified on the location plan submitted with the application (drawing reference: CSA/3076/113).
- 1.1.4 The majority of the site is located within Malvern Hills District Council with approximately 1ha within Wyre Forest District Council. The proposed development will result in several key benefits which will be addressed throughout this statement and summarised within chapter 5.
- 1.1.5 The application site was subject to a previous planning application (Malvern Hills: 17/00142/OUT and Wyre Forest: 17/0045/OUTL), for:
- Outline application for up to 125 dwellings (including up to 40% affordable homes) and 0.6ha for apartments with care (C2), introduction of structural planting and landscaping, informal public open space and children's play area, sustainable urban drainage (SuDS), vehicular access off Areley Common and associated ancillary works. All matter reserved with the exception of access.*
- 1.1.6 This application was refused on 5<sup>th</sup> July 2017 by Malvern Hills District Council and 19<sup>th</sup> July 2017 by Wyre Forest District Council. The application was refused with 6 and 5 reasons for refusal respectively, the decision notices can be found at appendix 1. This application seeks to address the reasons for refusal, this is illustrated within section 2.2 of this report.
- 1.1.7 The starting point for the determination of this application are the Development plans of each Local Authority.
- 1.1.8 The proposed development is in broad compliance with the majority of the relevant Development Plan policies within each Local Authority. The site is

located outside of the settlement boundary of Stourport-on-Severn within the Countryside, and the site not allocated for housing development in either Local Plan. The proposed development to a limited degree is in conflict with the development plan.

1.1.9 However, no significant harm arises from this the proposed development, and significant benefits would be delivered as part of the scheme. In addition to the proposed benefits, Malvern Hills District Council are unable to demonstrate a deliverable five year supply of housing land and under the Framework paragraph 11(d) the 'tilted balance' is engaged.

1.1.10 The Outline planning application is seeking approval in principle for the development proposals. The following plans and documents have been submitted in support of the Outline planning application:

- *Location Plan & Framework Plan*
- *Design and Access Statement*
- *Landscape and Visual Impact Assessment*
- *Transport Assessment*
- *Travel Plan*
- *Ecological Impact Assessment*
- *Arboricultural Impact Assessment*
- *Phase I Site Investigations*
- *Flood Risk Assessment*
- *Noise Screening Assessment*
- *Air Quality Screening Assessment*
- *Heritage and Archaeology Assessment*
- *Foul Drainage Analysis*
- *Mineral Resource Assessment*
- *Utilities Statement*
- *Socio Economic Statement*
- *Statement of Community Involvement*
- *Health Impact Assessment*
- *Soils and Agriculture report*
- *Energy Statement*

- 1.1.11 The information contained within the application documents is summarised in Chapter 4 and provides the framework for future detailed Reserved Matters applications.
- 1.1.12 This Planning Statement explains why development is needed and appropriate in this location and the significant social, environmental, and economic benefits that the proposal will bring to the area. It also confirms that no unacceptable adverse impacts would arise because of the development, to 'significantly and demonstrably' outweigh these benefits. While the 'tilted balance' is engaged for the area of land within Malvern Hills, the area within Wyre Forest does not benefit from this, however the Planning Statement demonstrates that there would be significant benefits to the scheme with limited harm.
- 1.1.13 The Planning Statement further explains the policy content and how the proposed development is appropriate, having regard to the statutory Development Plans and other material considerations. It demonstrates how the proposed development complies with the Framework and why it is appropriate to bring forward development on this site.
- 1.1.14 This Planning Statement is one in a suite of documents submitted to support this application and comprehensively demonstrates the suitability and sustainability of the site for housing development.

## **2 THE PROPOSALS**

### **2.1 The Proposal**

2.1.1 The drawings submitted as part of this outline planning application for approval are:

- Site Location Plan (drawing number: CSA/3076/113)
- Proposed Site Access Layout (drawing number: 1510/01/E, contained with the Transport Assessment)

2.1.2 The application proposal includes the following:

- Up to 145 residential dwellings (including 40% affordable housing delivered in accordance with current adopted planning policy);
- Structural landscape planting and the retention and positive management of key landscape features;
- 4.7 ha of formal and informal open space which includes a woodland walk and a parkland;
- Vehicular access on to Areley Common;
- Pedestrian links to Marlborough Drive, and Areley Common;
- Sustainable Urban Drainage Systems (SuDS).

2.1.3 It is proposed that the site will be accessed from Areley Common, via a simple priority junction. It has been confirmed that the required visibility splays can be achieved and that the site access junction will operate comfortably within capacity in both the morning and evening peak periods with the proposed development traffic as demonstrated by the Transport Assessment prepared by Ashley Helme.

2.1.4 The application site is located on the edge of Stourport-on-Severn, and the area known as Astley Cross. The site is made up of three fields, an area of woodland and part of a larger field. Two of the fields and the part of the larger

field are currently used for arable crop, the fourth field is currently grass land. A bridleway runs from Marlborough Drive south towards the River Severn. A Public Right of Way joins the bridleway by the area of woodland and runs southeast towards Areley Common. Residential development is located to the north of the site along Marlborough Drive, Hillside Close, Summercroft and Redstone Lane. Further residential development is located to the east of the site. To the south and west of the site, the site is bound by agricultural land.

2.1.5 The application proposes development on the three northern fields, the development will be well related to the existing settlement. An area of public open space will be located on the high point between the two main fields. Where possible trees and hedgerows will be retained. The southern field will be used for the attenuation basin, a country park and additional landscape planting. Additional footpaths will be provided throughout this area to provide an attractive location for walking.

2.1.6 A range of densities and house types are proposed to meet local need. It is proposed that 40% of the units will be affordable, in accordance with Malvern Hills District Council's requirements. The affordable housing provision will be secured by a Section 106 Agreement.

## **2.2 Relevant Planning History**

2.2.1 The site was subject to a previous Outline planning application for 125 new homes, and 0.6ha apartments with care. The following summaries the earlier application proposals and sets out the position of each of the local planning authorities. It further describes how the current development proposals address the reasons for refusal and differ from the earlier proposals. This earlier application was submitted to both Councils on 26<sup>th</sup> January 2017 and was subsequently refused by Malvern Hills on 5<sup>th</sup> July 2017 and Wyre Forest on 19<sup>th</sup> July 2017. The two Councils issued two separate decision notices, 5 of

the reasons for the refusal were the same, however Malvern Hills included an additional reason. A summary of the 6 reasons for refusal are as follows:

1. The site is an unallocated site located beyond the settlement boundaries. The proposal does not accord with the adopted development plans of both Wyre Forest District Council and Malvern Hills District Council. Both Councils can demonstrate a five year supply of housing land. The proposal is contrary to DS01 and DS03 of the Wyre Forest Core Strategy (WFCS), policy SAL.DPL1 of the Wyre Forest site allocations and polices local plan (SAPLP), and Policy SWDP2 of the South Worcestershire Development Plan (SWDP).
2. The proposal would result in a substantial adverse change to the character and appearance, failing to enhance the valued landscape. There would be a significant intrusion to users of the Public Right of Way which crosses the site. The application would be contrary to Policy CP12 of the WFCS and SWDP25 of the SWDP.
3. The application fails to provide sufficient information to demonstrate that the site can be adequately drain surface water. The application fails to demonstrate the site would not increase the surface water flood risk along Longmore Hill. The proposal fails to accord with CP02 of the WFCS, Policy SAL.CC7 of the SAPLP, and polices SWDP28 and SWDP29 of the SWDP.
4. Insufficient information has been submitted with the application regarding the likely impacts on protected species, including bats, great crested newts, reptiles, and breeding birds. Further survey work is required. The proposal fails to accord with policy CP14 of the WFCS, SAL.UP5 of the SAPLP and policy SWDP 22 of the SWDP and paragraph 118 of the NPPF.

5. Insufficient information was submitted with the application to allow assessment of possible constraints proposed by the development of the minerals resource. The proposal is contrary to paragraph 144 of the NPPF.
6. No firm arrangements have been entered into to secure a legal agreement to provide contributions and affordable housing.

2.2.2 The two decision notices can be found at appendix 1.

2.2.3 This current application seeks to address these reasons for refusal, by providing additional information and changes to the drainage and landscape strategies. The application addresses the reasons for refusal as follows:

1. A detailed discussion of the policy position can be found at chapter 3 of this planning statement. The site remains unallocated and beyond the settlement boundaries and therefore contrary to policy SWDP 2, DS01 and DS03. Both Council's still claim a five year supply of housing, however Gladman believe the Malvern Hills District Council are unable to demonstrate a supply which in turn would engage the tilted balance of paragraph 11 of the NPPF.
2. A Landscape and Visual Impact Assessment has been submitted as part of the application. This identifies that impact to be limited impact following mitigation. Several amendments have been made to the proposed development framework to soften the development edge. This includes lower density housing along the southern edge, additional structural planting including tree-lined principal routes and a country park with additional landscaping to the south of the site.
3. A revised Drainage Strategy has been submitted as part of this application. The Drainage Strategy illustrates a suitable surface water drainage scheme which will drain to an attenuation basin, and a watercourse to the south of

the site. The Flood Risk Assessment demonstrates that flood risk will not be increased further downstream.

4. An Ecology Impact Assessment has been submitted as part of the application. This outlines the potential impacts of the development on protected species. Ecology surveys are ongoing and will be updated throughout the survey season. Appropriate mitigation will be proposed were required.
  5. A Minerals Resource Assessment has been submitted as part of this application. This demonstrates that the mineral resource is not a viable resource to be mined. This reason for refusal was address as part of the previous application, however after the Decision Notice was issued. Correspondence with Worcestershire County Council can be found at Appendix 2.
  6. Gladman will enter into a S106 agreement to secure any required contributions and the affordable housing. The 2017 application did not get to a point at which this would be agreed. A draft S106 heads of terms has been included at Appendix 3.
- 2.2.4** As demonstrated above this application seeks to address the reasons for refusal.
- 2.2.5** The proposed development is deemed to be sustainable development, bringing social, environmental and economic benefits. Given the application site lies across two local authorities, the planning policy for both authorities need to be considered. Both Malvern Hills District Council and Wyre Forest District Council have plans that are over 5 years old, and the Councils are undertaking reviews of the local plans. The proposed development is contrary to the adopted South Worcestershire Development Plan as a whole.

- 2.2.6 Malvern Hills District Council cannot demonstrate a five year supply of housing and therefore the tilted balance of paragraph 11 of the NPPF is engaged. The application responds to the need for housing within the District, and the provision of affordable housing on site is a significant benefit due to the issues with affordability across the two districts.
- 2.2.7 The site is located on the edge of a Stourport on Severn which is a Main Town within Wyre Forest. The application site is sustainably located with good links to sustainable transport.
- 2.2.8 The proposal offers the opportunity to deliver a range of benefits, summarised in the following table.

## BENEFITS

Provision **of 145 Market and affordable homes**. Malvern Hills District Council cannot currently demonstrate a five year supply of housing and the current housing need is not being met. The delivery of housing should be given significant weight.

The provision of **affordable housing (40% or up to 58 units)** in a borough/district where there is an existing unmet need unlikely to be delivered through alternative means.

New footpaths to be incorporated into the areas of public open space, country park and woodland.

Provision of **50% Green Infrastructure** much of which will be publicly accessible, and which would link the footpath network both into the town and out to the countryside.

Net gain in biodiversity.

**4.74ha of public open space**, including woodland and parkland area.

Additional landscape planting

The **Build Cost of the development is expected to be around £14.5m**. Calculations suggest that this construction expenditure would support around **122 Full Time Equivalent (FTE) construction jobs** over the period of the build.

The development of new homes in the proposed development could help to address local unemployment in the industry and provide apprenticeship and training opportunities for young unemployed people.

**Household expenditure** from the 145 new homes would be circa **£3.7m per year**. This will benefit the local area.

Over the four years following the completion of the development, the Councils will benefit from **circa £700,000 via the New Homes Bonus**.

The new residents will **increase demand for and use of local services and businesses** and increased spending will help to protect, maintain and enhance the services available and accessible within the town and surrounding area.

## **2.3 The Need for Housing**

- 2.3.1 It is widely acknowledged at all levels that there is a housing crisis in this country, which has arisen as a direct consequence of too few houses being built to keep pace with a growing population and household formation rates.
- 2.3.2 Whilst there is often great debate about the delivery of both market and affordable housing, in reality, it is about meeting a very basic human need of local people. People wish to be able to live in suitable accommodation which they can afford and, in a place that they want to live. Where sufficient housing of a suitable type is not available, this has a real negative social impact upon society.
- 2.3.3 This application responds to the national housing crisis and the need to grant additional planning permissions in order to meet the government's objectives. Further detail on affordability and affordable housing is set out within the Affordable Housing Statement submitted as part of this application.
- 2.3.4 This development would provide up to 87 market houses and up to 58 affordable homes which responds to the local housing issues in Malvern Hills and Wyre Forest.

## **2.4 Summary**

- 2.4.1 An assessment against the up-to-date provisions of the Development Plan and the National Planning Policy Framework (the Framework) where relevant, demonstrates the scheme comprises sustainable development:
- The proposals will comprise a range of benefits, including making a significant contribution towards meeting the objectively assessed market and affordable housing needs within both District.
  - There are no adverse impacts that would significantly and demonstrably outweigh the benefits.

- Benefits arising from development include the delivery of 145 new homes, 40% affordable homes to help meet the affordable housing needs, 4.74ha of public open space, a parkland with footpaths, £14m construction spend, £3.7m of potential household expenditure, 255FTE in construction.
- There are no policies of the Framework that indicate permission should be restricted and development is in accordance with the Development Plan.

### **3 PLANNING POLICY FRAMEWORK**

#### **3.1 Background**

3.1.1 This section sets out the planning policy framework relevant to the site and the proposed development. Consideration of the proposed development within the context of the relevant Development Plan policies is undertaken in Chapter 4 of this Statement.

#### **3.2 National Planning Policy Framework**

3.2.1 The National Planning Policy Framework (NPPF) is an important material consideration in planning decisions. The NPPF sets out the Government's approach to sustainable development and core planning principles. A revised NPPF was published by the Government in July 2021.

##### **Presumption in Favour of Sustainable Development**

3.2.1 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, which seeks to meet the needs of the present without compromising the ability of future generations to meet their own needs.

3.2.2 The NPPF sets out three overarching objectives towards achieving sustainable development under paragraph 8, which includes ensuring that sufficient land is available in the right places to support growth; making sure that a sufficient number and range of homes can be provided to meet the needs of present and future generations supported by well-designed environments and accessible services; and ensuring that land is used effectively to improve biodiversity, use resources prudently by minimising waste and pollution, mitigating and adapting to climate change and moving towards a low carbon economy.

3.2.3 At the heart of the Framework is the 'presumption in favour of sustainable development' (paragraph 10). Paragraph 11 sets out how planning applications should be determined:

**"11. Plans and decisions should apply a presumption in favour of sustainable development..."**

**For decision-taking this means:**

**c) approving development proposals that accord with an up-to-date development plan without delay; or**

**d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:**

**i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or**

**ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”**

**3.2.4** Footnote 7 of the Framework identifies a closed list of potential restrictive policies that may in a particular case cause the presumption to be disapplied. The application site is not the subject of any of the designations cited within footnote 7 and therefore policies do not apply which indicate the presumption should be disapplied.

**3.2.5** Footnote 8 provides further guidance on when policies may be out of date. It confirms that when an LPA cannot demonstrate a five-year housing land supply, the policies which are most important for determining an application involving the provision of housing should be considered to be out of date.

**3.2.6** Paragraph 12 of NPPF reiterates that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

### **3.3 The Development Plan**

**3.3.1** At the time of writing, the adopted Development Plan applicable to the part of the site that lies within Malvern Hills comprises of:

- The South Worcestershire Development Plan (2016)
- Hereford and Worcester Minerals Local Plan (1997)

3.3.2 The adopted Development Plan that applicable to the part of the site that lies within Wyre Forest comprises of:

- Wyre Forest Core Strategy (2010)
- Wyre Forest Site Allocations and Policies Local Plan (2013)
- Herford and Worcester Minerals Local Plan (1997)

3.3.3 As the site is not allocated for development and is located outside, but adjacent to the current settlement boundary, it is accepted that this is a location where development is not specifically supported by either development plan. The proposed development is therefore a departure from both the adopted South Worcestershire Development Plan (SWDP) and the adopted Wyre Forest plan. However, as the South Worcestershire Authorities cannot demonstrate a 5-year housing land supply the settlement boundaries are not up to date and should not be considered inviolable. Significant material considerations exist to justify this departure from the Plans.

3.3.4 Chapter of this statement 4 undertakes a planning appraisal and considers the adopted and emerging Development Plans for the site and considers the relevance and weight that should be attributed to the policies contained within it.

## **4 PLANNING APPRASIAL**

### **4.1 Introduction**

4.1.1 This section of the Statement assesses the proposed development against the relevant policies of the adopted Development Plan, and other material considerations. The overall planning balance is considered in Chapter 5.

### **4.2 Decision-Making Approach**

4.2.1 The Development Plan is the starting point for the determination of planning applications unless material considerations indicate otherwise. Given that the application site lies across two local authorities the policies for both local authorities must be considered. The South Worcestershire Development Plan was adopted in 2016, and the Wyre Forest Core Strategy adopted in 2010 and the Site Allocations and Policies Plan in 2013.

4.2.2 Paragraph 11 of the NPPF requires development proposals which are in accordance with the Development Plan to be approved without delay. Where there are no relevant Development Plan Policies, or the policies most important in determining the planning application are out of date, planning permission should be granted unless policies within the Framework which seek to protect assets of importance are applicable; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

### **4.3 Sustainability**

4.3.1 The revised NPPF was published in 2021 and its key objective is to deliver sustainable development. Paragraph 8 sets out the three over overarching objectives of the planning system; economic, social and environmental which are required to achieve sustainable development. At the heart of the NPPF there is the presumption in favour of sustainable development (Paragraph 11).

4.3.2 Policy SWDP 1 of the SWDP, sets out the Councils' favour of sustainable development, the South Worcestershire Councils will take a positive approach toward a presumption in favour of sustainable development. Wyre Forest's SAPLP (policy SAL.PFSD1) also states that development that accords with the sustainable development principals will be viewed upon positively.

4.3.3 The proposed development consists of sustainable development, this is demonstrated within this Planning Statement and the technical reports that support the application.

4.3.4 The application positively responds to policy SWDP1 and SAL.PFSD1.

#### **Sustainable location**

4.3.5 The application site comprises fields in agricultural use. The site is located on the edge of Stourport-on-Severn. Stourport-on-Severn is identified as the second largest town within Wyre Forest. Stourport-on-Severn has the main services and facilities and good transport links that can be expected within a 'Large Market Town'.

4.3.6 The site is located within close proximity to bus stops, good pedestrian and cycle links, a primary school, a convenience shop including a post office, pharmacy, village hall and pub. The town centre hosts a wide range of services and facilities. A plan showing the services and facilities can be found at figure 3.9 of the Design and Access Statement.

4.3.7 The development is a logical extension to Stourport-on-Severn and the area of Astley Cross.

4.3.8 The South Worcestershire Local Authorities undertook a SHELAA assessment of the site, the conclusions of this assessment should be considered incorrect, given that the site was said to be isolated as Astley and Dunley is a category 2 village with no settlement boundary. The site should not be considered to be

within Astley but adjacent to the Market Town of Stourport-on-Severn, and as such, the site cannot be described as isolated, given the good access to services, facilities and sustainable transport.

**4.3.9** The application site presents an opportunity for the sustainable growth of Stourport-on-Severn:

- The land to which the development proposals relate is not of high environmental value;
- The site is suitable for residential development in terms of its sustainable location and characteristics;
- There are opportunities through development to improve the environmental conditions of the area;
- There are no designated heritage assets within or immediately adjacent to the site, and the development is not considered to affect the setting of any listed buildings;
- The site has a low ecological value and as evidenced in the report submitted with the application (Ecological Impact Appraisal prepared by FPCR);
- The site will achieve a biodiversity net gain;
- The site is well contained within the landscape and important landscape features such as hedgerows are to be retained and improved; and
- The local highway network has capacity to accommodate the additional traffic associated with the development, without adverse impact on the local network.

## **4.4 Provision of Affordable Housing**

**4.4.1** It is widely acknowledged at all levels that there is a housing crisis in this country, which has arisen as a direct consequence of too few houses being

completed to keep pace with a growing population and household formation rates.

- 4.4.2 One effect of the national housing crisis is a profound effect on affordability. The current Conservative Government has consistently maintained that unaffordability and inability of individuals to get on the housing ladder is a significant problem. The NPPF makes clear that affordable housing should be delivered, and it is essential that sufficient housing is delivered to ensure so that “needs of groups with specific housing requirements are addressed”.
- 4.4.3 Delivery of affordable housing is clearly a key priority both for Central Government and for Local Planning Authorities. With 47% of affordable homes in 2020/21 funded through s106 agreements<sup>1</sup> (ie. entirely funded by developers with nil grant from the public sector), political promises rely quite significantly on delivery by the planning system.
- 4.4.4 According to the most recent Department for Levelling Up, Housing and Communities (DLUHC) statistics, there are 1.14 million households on local authority social housing waiting lists across the country, which roughly equates to 2.7 million people in need of an affordable home<sup>2</sup>.
- 4.4.5 Additional data published by DLUHC in November 2021 also demonstrated that in 2020/21 only 52,100 gross affordable homes were built and 57,417 starts on site were recorded. This represented decreases of 12% and 16% respectively when compared to the previous year<sup>3</sup>.

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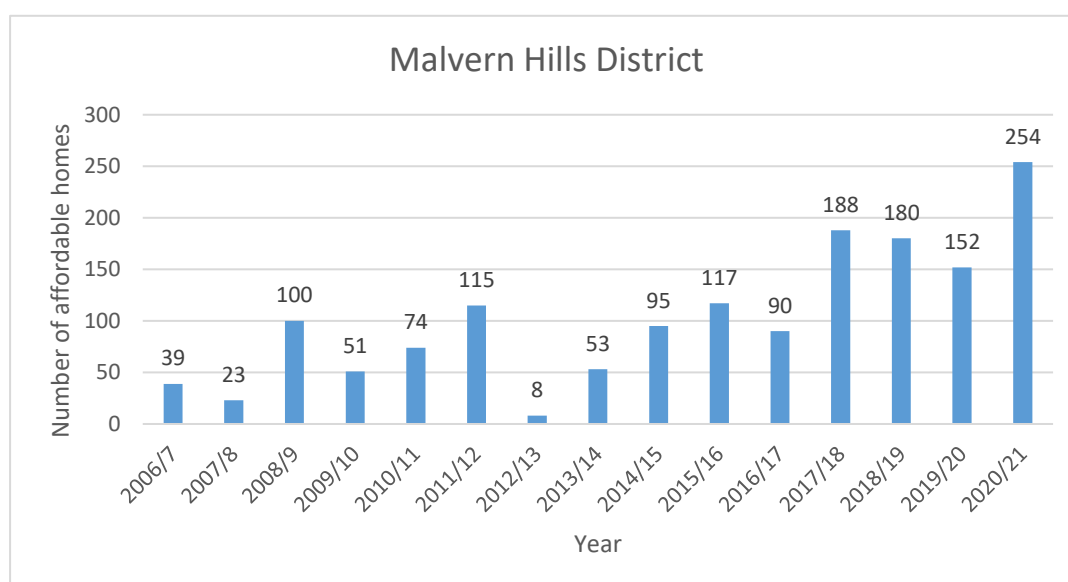
<sup>1</sup> DLUHC November 2021, Affordable Housing Supply April 2020 to March 2021, England.

<sup>2</sup> DLUHC Live Table 600, December 2021 update.

<sup>3</sup> DLUHC November 2021, Affordable Housing Supply April 2020 to March 2021, England.

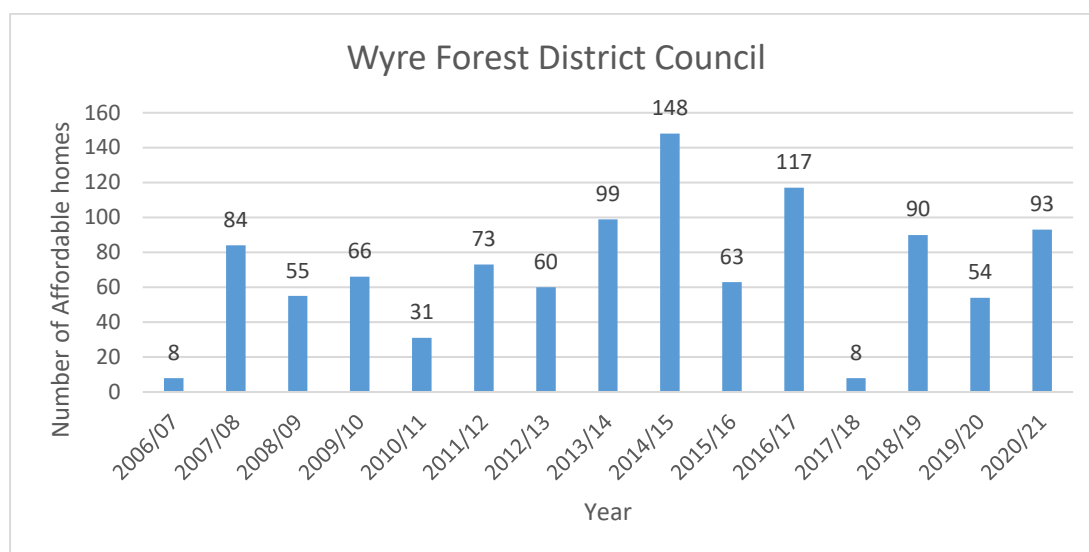
4.4.6 At this level of delivery, it will take roughly 22 years to address the current waiting list. This is before factoring in future housing need, or loss of affordable homes through demolition, or the Right to Buy programme.

4.4.7 Delivery of much needed affordable housing in Malvern Hills District (graph1) and Wyre Forest District (graph 2) has fluctuated significantly since the start of the plan periods of which both started in 2006, as can be seen in the graphs below, which was information obtained by a freedom of information request to the Council.



Graph 1: Affordable housing completions within Malvern Hills District Council

4.4.8 The affordable housing needs within Malvern Hills District are significantly higher than the delivery. The South Worcestershire SHMA (2019) sets out a need of 473 affordable homes per annum. Based upon this need figure since 2019 there has been a need for 1,419 new affordable homes. The Council have delivered 586 homes over the 3 year period, this has resulted in a shortfall of 833 affordable homes.



Graph 2: Affordable housing completions within Wyre Forest District Council

- 4.4.9 The Wyre Forest Housing Needs Study (2018), identifies an affordable housing need of 730 affordable homes per annum. Following identifying the need the report identifies the current capacity of affordable homes and works out the net imbalance figure. The net imbalance of affordable home is 158 dwellings per annum over the next five years.
- 4.4.10 Since 2018, the figure of 158 has not been delivered and there is a shortfall of 237 affordable homes within the district. Looking back further the affordable need has not been met once, leading to further problems of affordability.
- 4.4.11 The shortfall of 237 affordable homes are 237 households without access to an affordable home.
- 4.4.12 As of 1<sup>st</sup> April 2021, there were 548 households on the housing register Malvern Hills District and 2569 in Wyre Forest District. Both districts are inherently unaffordable, with high unaffordability ratios. As demonstrated below Malvern Hills has a significant issue with affordability, the ratio is significantly higher than the rest of the West Midlands and England. Although

the affordability ratio for Wyre Forest is lower it is still evidently a problem, given that many will be unable to access a mortgage.

**Table 2: Affordability ratio of median house price to median gross annual workplace-based earnings.**

Median Affordability Ratio	2012	2020
Malvern Hills	8.85	11.74
Wyre Forest	7.83	7.24
West Midlands	5.90	6.78
England	6.77	7.84

- 4.4.13 The increasing unaffordability of housing in the Districts and the continuous high numbers of households on the housing register in housing need clearly indicates that that by any measure of affordability, both Malvern Hills and Wyre Forest are in the midst of an affordable housing crisis, and urgent action must be taken to deliver more affordable homes.
- 4.4.14 Policy SWDP 15 of the SWDP sets a requirement for 40% affordable housing to be provided on sites of 15 dwellings or more. Within the adopted WFCS the affordable housing requirement is 30% (Policy CP04) and the Emerging plan 25% (policy 8B). The application site would deliver 40% affordable homes on site.
- 4.4.15 The development proposals will provide a significant provision of affordable housing in compliance with the Council's affordable housing need target of 40% as detailed in Policy SWDP15 and higher than the WFCS policy CP04. This will contribute significantly towards the Districts' affordable housing supply requirements and will provide people with a local connection to the area an affordable property to call their own.

4.4.16 As a substantial benefit, the provision of affordable housing should be given significant weight when considering the proposals, given the increasing unaffordability of housing in the region and the unacceptably high number of households on the Council's Housing Register.

## 4.5 Design Strategy

4.5.1 Good quality design is a key principle of the NPPF. It states, '*high quality, beautiful places and sustainable buildings and places is fundamental to planning*'. This application has been submitted in outline so the design and layout are to be agreed through a Reserve Matters planning application, however key design principles have been used to create the Development Framework plan and Illustrative masterplan to show how the development could be designed.

4.5.2 The SWDP also requires a high quality design to be achieved, this is set out within policy SWDP21. This policy requires a Design and Access Statement (DAS) to be submitted with applications.

4.5.3 Policy SAL.UP7 of the Wyre Forest SAPLP, is a similar policy to that of SWDP21, requiring a DAS to be submitted with applications, to demonstrate that development proposals are of the highest design.

4.5.4 A DAS has been submitted as part of the application and sets out how the proposed development will meet the design requirements of the NPPF and the criteria set out with the SWDP and SAPLP. The DAS demonstrates that the development will provide a choice of housing to meet the needs of the area, whilst respecting and enhancing the site's environmental and landscape character. It will also promote the use of sustainable transport and connect into the existing Public Right of Way/Bridleway network.

## **4.6 Landscape**

- 4.6.1 Landscape impact was a reason for refusal on the previous application. The Landscape Officer's comments were concerned with views from Longmore Hill to the south. The reason for refusal goes on to state that the impact upon a valued landscape and the impacts for users of the Public Rights of Way would be unacceptable.
- 4.6.2 The Landscape and Visual Impact Assessment (LVIA) submitted as part of the application outlines the reasons why the site is not a valued landscape. The site is not covered by any non-statutory or statutory landscape, historic or ecological designation. Through the previous application it was not considered by Gladman or the Worcestershire County Council consultee that the site consists of a valued landscape.
- 4.6.3 The landscape strategy has been reconsidered as part of this revised application. As recommended by the Worcestershire Landscape Officer the density has been reduced along the southern boundary of the site to create a softer transition to the countryside. In addition to this an area of parkland and planting has been proposed to soften the edge of the development.
- 4.6.4 The site has been assessed to have medium landscape quality, and value and have a medium to low sensitivity. The proposed development will only create landscape effects limited to the near vicinity of the site.
- 4.6.5 Policy SWDP 25 requires a LVIA to be submitted, and states that landscape schemes must be integrated into the landscape and demonstrate that they conserve and enhance the landscape character.
- 4.6.6 Policy CP12 of the WFCS, sets out that developments must protect and where possible enhance the landscape, provide opportunities for landscape gain that

will be sort alongside new developments to strengthen and enhance the landscape character.

- 4.6.7 A LVIA has been submitted as part of the application and assesses the impact on the landscape and from key viewpoints. The development framework plan introduces and retains landscape feature that reflect the landscape character of the site and surrounding area.

## **4.7 Transport and Access**

- 4.7.1 The NPPF at paragraph 104 notes that transport issues should be considered early in development proposals. The proposals should consider any potential impacts on the transport network and how these can be addressed, opportunities from existing and proposed transport infrastructure, opportunities to promote sustainable transport, environmental impacts of transport, patterns of movement and how transport fits into the design of schemes.
- 4.7.2 Policy SWDP 4 states that developments should promote sustainable transport methods, and be supported by a travel plan. The application is supported by a Transport Assessment and a Travel Plan.
- 4.7.3 Policy CP03 of WFCS, states that development proposals should have full regard to the potential impact the development will have on have on the local highway network. Travel plans should be submitted with major developments. The policy required proposals to link into existing pedestrian, cycle and public transport infrastructure.
- 4.7.4 The application proposes an access point off Areley Common, the access point is a traditional priority junction. A proposed emergency access point has been identified to the south of the access point on Areley Common.

- 4.7.5 The application seeks to promote the use of sustainable transport, the site has good pedestrian connectivity to existing facilities such as the primary school and shop, there are existing footpath links onto Marlborough Drive and Areley Common. The existing footpath along Areley Common is proposed to be widened to at least 1.2 m and where sufficient land is available to 2m. This proposal will be a benefit to existing and new residents.
- 4.7.6 There is a good level of public transport within walking distance of the site. The bus service number 3 is the most frequent service, this runs a circular route to Kidderminster every 20 minutes Monday-Saturday. There are additional less frequent services running along Areley Common, and Redstone Lane to Stourport-on-Severn, Kidderminster and Worcester.
- 4.7.7 This application has been informed by the comments of Worcestershire Highway Officer on the 2017 application, there was no objection on highways grounds on that application.
- 4.7.8 The proposal fully accords with the NPPF on highways matters and policies SWDP 4, CP03 and SAL.CC1.

## **4.8 Health and Wellbeing**

- 4.8.1 A Health Impact Assessment has been submitted as part of the application to accord with policy SWDP31 and emerging policy 9 of Wyre Forest's Local Plan. Healthy communities are a key aspect of the social objective of sustainability within the NPPF. Paragraph 92 of the NPPF identifies criteria to achieve healthy places and lifestyles, this includes provision of safe and accessible open space, sports facilities, local shops, access to healthy food, and layouts that promote cycling and walking.

4.8.2 The Health Impact Assessment shows that there will not be a negative impact on the health of existing or new residents with the proposed development, the overall health impacts would be positive and wellbeing will be improved.

4.8.3 The proposal includes 4.74ha of public open space which will be accessible to all, improved pedestrian connectivity, there is a good access to healthy food, and the proposal will support existing services and facilities.

## **4.9 Green Infrastructure and Public Open Space**

4.9.1 The proposed development includes 5.32ha of green infrastructure, this includes informal and formal public open space, an equipped children's play space, a woodland, a country park, structural landscape planting and an attenuation basin. Policy SWDP 5 requires that 40% of development sites should be included as Green Infrastructure, the proposal goes well above this offering a total of 5.32ha equivalent to 50%.

4.9.2 It is seen as appropriate to provide this area as green infrastructure to enhance the landscape, and provide a community benefit through the provision of public open space and the country park.

4.9.3 Policy SWDP39 sets out the Councils' requirements for open space and the typologies that should be provided onsite. The proposals have considered this and are compliant with each criterion.

4.9.4 Policy CP13 states that new developments should positively contribute to the green infrastructure network, and open space should be provided to appropriate typologies. SAL.UP3 and SAL.UP4 also require open space and children's play space to be provided in accordance with the most up-to-date open space assessment.

4.9.5 The proposal has been considered against policy SWDP 13: effective use of land, and the development proposals would provide 35dpa across the

developable area, the green infrastructure is seen to be effective use given, the requirement for landscape and public open space.

- 4.9.6 The proposals fully accord with policy SWDP 5, SWDP 39, SWDP 13, CP13, SAL.UP3 and SAL.UP4.

#### **4.10 Ecology**

- 4.10.1 An Ecological Assessment has been submitted as part of the application; this assesses the potential impact on ecology of the proposed development. The application site would not impact upon any ecological designations. Further ecological surveys are to be undertaken as part of the application.

- 4.10.2 The SWDP requires that where possible developments should enhance biodiversity and geodiversity at SWDP 22. Policy CP14 and SAL.UP5, also requires developments to enhance biodiversity either on site or off-site biodiversity sites. CP14 also requires existing trees and woodlands which have Tree Preservation Orders (TPO) to be conserved and enhanced.

- 4.10.3 The application proposes to improve the ecology on site through additional planting, inclusion of an attenuation basin, and open space. The TPOs on site and the TPO woodland are to be retained and enhanced. It is proposed that there will be a biodiversity net gain through the development proposals.

#### **4.11 Historic Environment**

- 4.11.1 An aim of the NPPF is to conserve and enhance heritage assets, paragraph 194 requires applicants to describe the impact of developments on heritage assets and their settling.

- 4.11.2 Policy SWDP 6, and SAL.UP6 sets out the that the development proposals should conserve and enhance heritage assets including archaeological interest.

4.11.3 The application would not impact any built heritage assets. A geophysical survey has been submitted as part of this application; this shows that there was the possibility for earthworks bank in the north western part of the site. The proposed development will have limited impact upon this feature. Further archaeology works can be appropriately conditioned.

4.11.4 The previous application did not have an objection on heritage grounds, however it was agreed that a suitably worded condition requiring trial trenching could be attached to the planning permission.

## **4.12 Flood Risk and Drainage**

4.12.1 The site is located within Flood Zone 1, and does not propose a risk from flooding from rivers and seas.

4.12.2 Policy SWDP28 requires a Flood Risk Assessment to be submitted as part of a planning application. The flood risk assessment demonstrates that the proposed development will not increase Flood Risk downstream. The proposed Drainage Strategy suggests an attenuation basin located to the south west of the site which will then drain by gravity to a water course located to the south of the site this will be in accordance with policy SWDP 39, CP02 and SAL.CC7.

4.12.3 Through the design of the Drainage Strategy, climate change has been taken into account.

4.12.4 The previous application stated drainage as a reason for refusal based upon insufficient information, this has been addressed through a revised Flood Risk Assessment and Drainage Strategy.

## **4.13 Minerals**

4.13.1 The application site lies within a Minerals Safeguarding Area (MSA) for solid sand resource. Policy SWDP 32 requires there to be an assessment to prove there will not be unnecessary sterilisation of mineral resources within the MSAs. The policy MLP31 within the emerging Worcestershire Minerals Plan, states that sites within the minerals consultation area must demonstrate:

- a) How much of the mineral resource will be sterilised,
- b) The potential economic value of mineral resource in terms of type, depth, quality, extent and potential use, and
- c) How would the opportunities for extraction of the mineral resource be optimised in advance of the development.

4.13.2 An assessment has been undertaken which proves that the mineral resource would not be viable to mine, given its current location adjacent to an existing residential area and the required buffering.

4.13.3 Through the last application it was agreed that this objection should be removed.

4.13.4 The proposal accords with the provisions of policy SWDP 32 and emerging Worcestershire Minerals plan policy MPL31 given that the mineral resource would not be mined given its unviability.

## **4.14 Planning Conditions and obligations**

4.14.1 Gladman is committed to and willing to discuss with Officers at Malvern Hills District Council and Wyre Forest District Council any proposed planning

conditions related to the proposed development where these satisfy the six tests set out under Paragraph 003 of the PPG<sup>4</sup> and paragraph 56 of the NPPF.

4.14.2 The Applicant is also committed to engaging with the Councils in relation to securing planning obligations where these satisfy the requirements of Regulation 122 of the Community Infrastructure Levy Regulations and paragraphs 57 and 58 of the NPPF.

#### **4.15 The Development Plan: Weighting**

4.15.1 Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 places a statutory duty on local planning authorities to determine planning applications in accordance with the development plan unless material planning considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.

4.15.2 The Framework is a material planning consideration but does not change the statutory status of the Development Plan as the starting point for decision making. The planning application should be considered in this context.

#### **4.16 The Adopted Local Plan – Malvern Hills**

4.16.1 Development proposals should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area of the site within Malvern Hills comprises of the South Worcestershire Development Plan (SWDP). The policies relevant to the application are set out at Appendix 4.

4.16.2 The SWDP covers the Local Authority Areas of Worcester City, Wychavon and Malvern Hills District Council. The plan has a housing requirement of 28,400

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<sup>4</sup> ID: 21a-003-20190723

dwellings over the plan period 2006-2030. The requirement has been split between the three local authority areas and the Wider Worcester Area which aims to meet the housing needs of Worcester City. The adopted housing requirement is 5,650 dwellings outside of the Wider Worcester Area.

**4.16.3** The majority of the site is located within Malvern Hills, however adjacent to the urban area of Astley Cross, Stourport on Severn which is located within Wyre Forest District. The site lies within the Parish of Astley, the Village of Astley is classed as a Category 3 village within the settlement hierarchy. The site is not adjacent to the settlement boundary of Astley, but the settlement boundary of Stourport on Severn. The plan allocated 65 dwellings adjacent to Stourport on Severn within Astley Parish.

**4.16.4** The SWDP was adopted in February 2016, and therefore is over 5 years old. As per the NPPF paragraph 33 the policies within the plan should be reviewed.

**4.16.5** The application is in accordance with policy SWDP 1, this policy acknowledges when relevant policies are out of date or there are no relevant policies the Council will grant permission unless material considerations indicate otherwise. SWDP 1 also states where the Councils cannot demonstrate a five year supply of housing then the titled balance should apply.

## **4.17 The Emerging Development Plan – Malvern Hills**

**4.17.1** The three South Worcestershire Authorities are currently working on a review to the SWDP. The Councils have undertaken initial consultation on the Issues and Options in December 2018, and the Preferred Options consultation took place December 2019.

**4.17.2** The timetable suggests the Publication Draft of the plan will be consulted on during the summer 2022, with the proposed Adopted Plan anticipated by October 2023.

4.17.3 The Preferred Options consultation document identifies locations for growth across the Districts. The application site has not been identified for housing within the Preferred Options and is located outside the development boundary of Stourport on Severn and the Village of Astley.

#### **4.18 The Adopted Local Plan – Wyre Forest**

4.18.1 The adopted local plan for Wyre Forest comprises of the Wyre Forest Core Strategy (2010) and the Site Allocations and Policies Plan (2013). The policies relevant to the application are set out at Appendix 4.

4.18.2 The Wyre Forest Core Strategy was adopted in 2010, its sets out the strategic policies for the plan period of up to 2026. Stourport on Severn is identified as a Large Market Town (tier 2) within the settlement hierarchy. Stourport is the second largest town within the District behind Kidderminster. Within the Core Strategy Stourport upon Severn is identified to take 30% of the growth.

4.18.3 The Sites Allocations and Policies Plan (2013) allocates sites across the District. The application site was not allocated within the plan. The site lies outside of the settlement boundary for Stourport on Severn in the Countryside.

4.18.4 Both the Wyre Forest Core Strategy and The Sites Allocations and Policies Plan were adopted over 5 years ago.

#### **4.19 The Emerging Development Plan – Wyre Forest**

4.19.1 The Wyre Forest Local Plan Review (2016-2036) was submitted for Examination on 30<sup>th</sup> April 2020. The Examination In Public hearing sessions took place in January 2021.

4.19.2 The Council consulted on their main modification between 14<sup>th</sup> October 2021-26<sup>th</sup> November 2021.

- 4.19.3 The Wyre Forest District Council will be taking the Local Plan Review to Full Council to agree the adoption the plan on 26<sup>th</sup> April 2022.
- 4.19.4 The Emerging Local Plan Review plans for 5,520 dwellings to come forward over the plan period. The Plan allocates sites to meet the housing requirement. A number of sites within Stourport on Severn have been allocated, including amendments to the Green Belt.
- 4.19.5 The application site has not been allocated as part of the emerging plan. The site was considered within evidence base for the local plan but did not progress forward as an allocation.

## **4.20 Summary of the Development Plan**

- 4.20.1 In light of the above, the application proposals are not compliant with the South Worcestershire Development Plan as a whole. However, the proposals does comply with SWDP1 given that Malvern Hills cannot currently demonstrate a five-year supply of housing and the provision of SWDP1 state that sustainable development should be approved unless material consideration state otherwise. There is as such clearly a need for intervention in the plan-led approach, in order to meet housing requirements, and the development plan policies in play that restrict housing in this context should be given reduced weight. The material considerations in play justify the departure from the development plans and outweigh any limited development plan conflicts.

## **4.21 Five-Year Housing Land Supply**

- 4.21.1 The supply of available and deliverable sites for housing in Malvern Hills and Wyre Forest District is an important material consideration in determining the weight to relevant policies for the supply of housing.
- 4.21.2 Paragraph 11 of the NPPF states that where there are no development plan policies or the policies most important to determining the application are out of date the presumption in favour of sustainable development applies. Footnote 8 makes clear that this includes when a local authority cannot demonstrate a five year supply of deliverable housing sites.
- 4.21.3 The Framework (paragraph 74) requires local planning authorities (LPAs) to demonstrate a minimum of five years' worth of deliverable sites against housing requirements, with a delivery buffer of either 5%, 10% or 20% (moved forward from later in the plan period) depending on past performance. Local authorities should also make every effort to redress previous underperformance within the immediate 5-year period (commonly referred to as the 'Sedgefield Approach') and the delivery buffer should be applied to both the requirement and the accrued backlog.
- 4.21.4 The Council's currently have different positions regarding housing supply across their districts.

### **Malvern Hills – Housing Land Supply**

- 4.21.5 The South Worcestershire Authorities published an update to the housing land supply position in September 2021. The three Councils have calculated the supply position together rather than separately as they had historically been doing so.
- 4.21.6 The South Worcestershire Authorities claim a supply of 5.76 years. The Councils use their Local Housing Need figure to calculate the requirement.

- 4.21.7 Gladman dispute the supply position of the authority and believe it to be below the 5 years required by policy. Gladman contend that the Councils are incorrect for calculating the supply based upon the combined need for the three local authorities, given that SWDP 3 states the requirement for the three authorities is separate and non-transferable.
- 4.21.8 It has previously been confirmed through a S78 Planning Appeal by an inspector that Malvern Hills themselves cannot demonstrate a supply. The Inspector stated through the Rushwick appeal<sup>5</sup> that the Council can only demonstrate a supply of between 3.42 years and 4.16years based upon the Local Housing Needs Figure.
- 4.21.9 Notwithstanding the belief that the calculation should be undertaken for the three separate authorities, when three councils together also cannot demonstrate a supply. The calculation has been undertaken incorrectly, given that the oversupply has been included.
- 4.21.10 Including oversupply may be the appropriate method when based upon an adopted housing requirement however when using the Local Housing Needs figure neither an undersupply or oversupply should be included within the calculation.
- 4.21.11 Therefore removing the oversupply from the calculation, the three Local Authorities have a supply of 4.3 years supply. The supply is reduced further when the deliverability of the sites is looked, this reduces the supply to 4.1 years.
- 4.21.12 Based on this position, the application should be assessed in the context that Malvern Hills and the South Worcestershire Authorities cannot demonstrate a

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<sup>5</sup> Land off Clapham Hill, Rushwick. APP/J1860/W/21/3267054

5-year housing land supply. Therefore, as stated within paragraph 11 of the Framework the presumption in favour of sustainable development applies, and the application should be determined in accordance with the tilted balance as set out in paragraph 11(d) of the Framework.

- 4.21.13 The market and affordable homes proposed on the application site could make a significant contribution to housing supply in Malvern Hills in the next five years of the plan period, therefore helping to address the immediate lack of a five-year supply of deliverable housing sites. The site would also provide homes beyond this period to assist the Council in maintaining a five year housing land supply.

#### **Housing Land Supply – Wyre Forest**

- 4.21.14 Wyre Forest District Council updated their Five Year Housing Land Supply Report to have a base date of 1<sup>st</sup> April 2021. The report identifies a range of supply positions. The position confirms a supply of over 7 years. This position has been reviewed by Gladman, and it is believed that Wyre Forest can demonstrate a robust housing land supply.

#### **4.22 Housing need summary**

- 4.22.1 There is a pressing need throughout the country to deliver more housing to solve the housing crisis. Malvern Hills District Council has a responsibility to deliver the homes needed within the district.
- 4.22.2 The current situation within the Malvern Hills District indicates a significant shortage in housing leading to unaffordable homes.
- 4.22.3 In addition, Malvern Hills District Council cannot currently demonstrate a five year supply of deliverable housing sites. Therefore, this application directly responds to the housing needs within Worcestershire and would help enable the Council to be able to demonstrate a five year supply of housing. Given that

there is a lack of a five year housing land supply in accordance with paragraph 11 of the Framework the tilted balance should apply.

## **5 PLANNING BALANCE AND CONCLUSIONS**

### **5.1 Conclusions**

- 5.1.1 The Outline planning application is made in the context of the Government's requirement to significantly boost housing land supply and the presumption in favour of sustainable development. The proposal responds positively to the identified lack of a five-year housing land supply in Malvern Hill District Council and the identified needs for both market and affordable housing in the two Local Authorities.
- 5.1.2 The approval of this application will assist in the persistent problem of inadequate housing supply across the country and will meet the very basic human need of real people in real need of market and affordable housing.
- 5.1.3 This proposal would be deliverable in the short term and increase the supply and choice of housing within Stourport-on-Severn. It would also contribute towards economic growth and have wider social benefits to the local community, meeting a range of housing requirements, including much needed affordable housing. The principles outlined within the Design and Access Statement would secure a high quality scheme.
- 5.1.4 The Framework policies on the delivery of sustainable housing development carry significant weight, and the delivery of the proposed development would support housing and economic development objectives and meet the aims and objectives of sustainable development, securing net gains across all three strands of sustainable development (economic, social and environmental).
- 5.1.5 The supporting material, assessments and reports demonstrate that there are no technical or environmental impacts, and/or constraints that would significantly or demonstrably outweigh the substantial benefits of the proposal and specific policies of the Framework and Development Plan do not

indicate that development should be restricted. This material also shows that there are no unacceptable adverse impacts associated with the proposal. This is the appropriate Development Management test for the area within Malvern Hills.

**5.1.6** When considering the part of the application within Wyre Forest District, a flat balance must be undertaken. The proposed development would result in a significant number of benefits, no harm. There is a high affordable housing need within the District, the proposal would deliver 40% affordable homes over the site, which is higher than the Wyre Forest affordable housing policy. The delivery of affordable homes on the site should be given great weight. When considering the planning balance for Wyre Forest, the delivery of the much need homes within Malvern Hills must also be given great weight.

**5.1.7** As with any greenfield site, the development will introduce changes to the area resulting in some urbanising effects, and it will involve the loss of some agricultural land. This is to be expected and the LVA demonstrates that the scheme can be delivered without unacceptable wider landscape and/or visual impacts.

**5.1.8** Development on the application site would result in a large number of benefits. These include:

- Delivery of 145 new family homes;
- 40% affordable homes to be delivered on site;
- 5.32ha of green infrastructure (50% of the site area);
- A new parkland area, and footpaths to be created through the woodland;
- Children's Play Space;
- New landscape planting; and

- A number of economic benefits including, £14.3 million build cost, £3.7 million of annual household expenditure, potential provision of 255 FTE construction job, increase demand for local services and businesses.

5.1.9 In accordance with paragraph 11 of the Framework, the development proposal clearly constitutes 'sustainable development'.

5.1.10 The development of the site, as proposed, would be both suitable and sustainable, and there is justification to grant planning permission in accordance with the presumption in favour of sustainable development within Malvern Hills District Council. The significant benefits arising from the development must be taken into consideration when assessing both Malvern Hills and Wyre Forest parts of the application.

5.1.11 Accordingly, it is clear there are significant material considerations, and therefore the planning application should be approved.

## APPENDIX 1



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## **APPENDIX 1: DECISION NOTICES**

# Malvern Hills District Council Planning & Housing Services



Planning Ref: 17/00142/OUT  
Telephone: 01684 862241

Please ask for : Hayley Jones  
e-mail: hayley.jones@malvern hills.gov.uk

5 July 2017

Severn Valley Sand & Gravel Co. Ltd  
and Gladman De  
Gladman House  
Alexandria Way  
Congleton Business Park  
Congleton  
CW12 1LB

Dear Sir/Madam

**Applicant Name:** Severn Valley Sand & Gravel Co. Ltd and Gladman De  
**Proposal:** Outline planning permission for up to 125 dwellings (including up to 40% affordable housing) and 0.6ha for apartments with care (C2), introduction of structural planting and landscaping, informal public open space and childrens' play area, sustainable drainage system (SuDS), vehicular access off Areley Common and associated ancillary works. All matters to be reserved with the exception of site access.  
**Location:** Land At Areley Common, Astley Cross, Stourport On Severn, DY13 0JW

I am writing to let you know the outcome of your Planning application for the proposal detailed above at Land At Areley Common, Astley Cross, Stourport On Severn, DY13 0JW

Unfortunately we have **Refused** your application, for the reason set out in the attached **Refusal Notice**.

If you have any questions about our decision, or reasons for refusal please contact Hayley Jones Planning Officer on 01684 862241 or by email to hayley.jones@malvern hills.gov.uk

If you are unhappy with the refusal in this case, you can appeal to the relevant Secretary of State. Information on how to do this can be found on the Refusal Notice.

If you decide not to appeal you may find it useful before submitting a new application to contact **Hayley Jones** for **pre-application advice**, please note there maybe a charge for this service.

Yours faithfully

  
Hayley Jones  
Planning Officer  
hayley.jones@malvern hills.gov.uk

## **PLANNING REFUSAL NOTICE**

TOWN AND COUNTRY PLANNING ACT 1990

### **Refusal - Outline Application**

**Application No:** 17/00142/OUT

**Parish:** Astley and Dunley CP

**Agents Address:**

Severn Valley Sand & Gravel Co. Ltd and Gladman  
De  
Gladman House  
Alexandria Way  
Congleton Business Park  
Congleton  
CW12 1LB

**Applicants Address:**

Severn Valley Sand & Gravel Co. Ltd and Gladman  
De  
Gladman House  
Alexandria Way  
Congleton Business Park  
Congleton  
CW12 1LB

#### **Part I – PARTICULARS OF APPLICATION**

**Statutory Start Date:** 26 January 2017

**Location:** Land At Areley Common, Astley Cross, Stourport On Severn, DY13 0JW

**Proposal:** Outline planning permission for up to 125 dwellings (including up to 40% affordable housing) and 0.6ha for apartments with care (C2), introduction of structural planting and landscaping, informal public open space and childrens' play area, sustainable drainage system (SuDS), vehicular access off Areley Common and associated ancillary works. All matters to be reserved with the exception of site access.

#### **Part II - PARTICULARS OF DECISION**

Malvern Hills District Council hereby give notice that in pursuance of the provisions of the Town and Country Planning Act 1990 that **PERMISSION HAS BEEN REFUSED** for the carrying out of the development referred to in Part 1 hereof for the following reasons:-

#### **REASONS**

1. South Worcestershire Development Plan policy SWDP2 sets out that the development strategy for the adopted plan is to provide for and facilitate the delivery of sufficient housing to meet objectively assessed needs to 2030. The council are able to demonstrate a deliverable 5 years supply of housing to meet this identified need. The application site lies outside of the development boundary of Astley as defined by SWDP2, where new development in the open countryside will be strictly controlled to specific uses (SWPD2 C), none of which apply in this case. The development would be an extension to the built up area of Stourport. Wyre Forest DC has not asked MHDC, under the duty to cooperate, to provide land within the Malvern Hills District boundary to meet the needs of the town of Stourport. Such requirements, on this scale would be expected to come forward through consultation and duty to cooperate under the development plan process. Malvern Hills has a 5 year land supply and a rolling trajectory of sites for residential development and the housing development on this scale is not required to serve the district. The proposal therefore fails to accord with policy SWPD2 of the South Worcestershire Development Plan, DS01, DS03, DS05, SAL.PFSD1, SAL.DPL11 of the Wyre Forest Development Plan and guidance contained in the National Planning Policy Framework including paragraphs 17, 58, 109 and 196.

2. The development would result in a substantial adverse change to the character and appearance of the area and would fail to enhance this valued landscape. The proposal would represent a significant visual intrusion to users of the PROW which crosses the site therefore diminishing the amenity value to local residents and would appear visually dominant from the B4196 due to the rising land. It therefore fails to accord with policy SWDP25 of the South Worcestershire Development Plan, CP12 of the Wyre Forest Development Plan and guidance contained in the Worcestershire County Council Landscape Character Assessments and the National Planning Policy Framework, including paragraphs 17 and 109.

3. The application fails to adequately provide sufficient information to demonstrate that the surface water from the proposed development can be adequately drained. The applicants have failed to illustrate how the surface water flow path affects the flood risk to properties downstream at Longmore Hill. Furthermore there are serious concerns regarding the practical deliverability of certain elements of the drainage strategy including the deep drain solution and its potential route along the public highway. The proposal therefore fails to accord with policies SWDP28 & SWDP29, CP02, SAL.CC7 of the Wyre Forest Development Plan and guidance contained in the National Planning Policy Framework.

4. Insufficient information has been submitted with the application to ascertain the likelihood of impacts on protected species, including bats, Great Crested Newts, reptiles and breeding birds. Further survey work is required and in the absence of this information the Local Planning Authority is unable to discharge its duty to have regard to conserving biodiversity under the Natural Environment and Rural Communities Act 2006. On this basis, the proposal fails to comply with Policy SWDP 22 of the South Worcestershire Development Plan, CP14, SAL.UP5 of the Wyre Forest Development Plan or paragraph 118 of the National Planning Policy Framework.

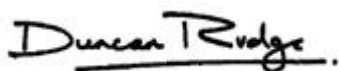
5. Insufficient information has been submitted with the application to allow assessment of the possible constraints the proposed development may cause to any future working of the minerals resource both within the site boundary, and in the wider resource contrary to paragraph 144 of the National Planning Policy Framework,

6. No firm arrangements have been entered into to secure an agreement to the provision of: Highways, Open Space and Health contributions and to secure the provision of affordable housing. As such the application is contrary to policies SWDP7 and SWDP 39 of the South Worcestershire Development Plan as well as guidance contained in the National Planning Policy Framework.

### **NOTES TO APPLICANT**

This decision notice refers to Plans and Drawings Nos: Location Plan 3076/106 & Illustrative Development Framework Plan.

**Signed:**

A handwritten signature in black ink that reads "Duncan Rudge". The signature is written in a cursive style and is underlined with a single horizontal line.

**Date: 5 July 2017**

## REFUSAL NOTICE

**Note 1.** Refusal of Approval Reserved Matters  
Refusal of Outline Planning Permission  
Refusal of Planning Permission  
Refusal of Listed Building Consent  
Refusal of Non-material Amendment following grant of planning permission

**Note 2.** Refusal of Consent to Display Advertisements

**Note 3.** Refusal of Householder  
Refusal of Householder - Non-material Amendment following a grant of planning permission

**Note 4.** Refusal of Prior Approval for single storey rear extension

**Note 1.** If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant permission or approval subject to conditions, then he can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. If you want to appeal against your local authority's decision then you must do so within 6 months of the date of this notice.

**Note 2.** If this a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

**Note 3.** If this is a decision to refuse planning permission for a householder application if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

**Note 4.** If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision on a planning application relation to the same or substantially the same land development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

The Secretary of State can allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State can not consider an appeal if it seems to the Secretary of State by the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory instruments requirements, to the provisions of any development order and to any directions given under a development order.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN. Tel: 0303 444 5000 or online at <https://acp.planninginspectorate.gov.uk>  
<http://www.planningportal.gov.uk/planning/appeals/>



# Wyre Forest District Council

## ECONOMIC PROSPERITY AND PLACE DIRECTORATE

Wyre Forest House, Finepoint Way, Kidderminster, Worcestershire DY11 7WF  
Tel. 01562 732928 Fax. 01562 732556

Severn Valley Sand and Gravel Co Ltd  
and Gladman Developments Ltd  
Gladman House  
Congleton Business Park  
Alexandria Way  
Congleton  
CW12 1LB

**APPLICATION NO. 17/0045/OUTL**

*(Important - This communication affects your property)*

## **REFUSAL OF OUTLINE PLANNING PERMISSION**

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

In pursuance of its powers under the above mentioned Act and Order, and having regard to the Development Plan, the WYRE FOREST DISTRICT COUNCIL, as Local Planning Authority, hereby **REFUSES** to permit the:-

**Outline planning permission for up to 125 dwellings (including up to 40% affordable housing) and 0.6ha for apartments with care (C2), introduction of structural planting and landscaping, informal public open space and children's play area, sustainable drainage system (SuDS), vehicular access off Areley Common and associated ancillary works. All matters to be reserved with the exception of site access.**

**LAND AT ARELEY COMMON, ASTLEY CROSS, STOURPORT-ON-SEVERN.**

in accordance with the outline application received by the Council on 26 January 2017

DATED

**19 JUL 2017**

(Signed) .....

Authorised Signatory



Continued

The reasons for the Council's decision to refuse outline planning permission for the development are:-

- (1) The application site is an unallocated site located beyond the existing settlement boundary within open countryside and the proposed development in this location therefore fails to accord with the relevant Housing Policies as contained within the Adopted Development Plans of both Wyre Forest District Council and Malvern Hills District Council which seek to guide residential development to appropriate locations. Both Councils are able to demonstrate in excess of five years housing land supply, as required by the National Planning Policy Framework. To approve the current application would therefore be contrary to Policies DS01 and DS03 of the Adopted Wyre Forest Core Strategy, Policy SAL.DPL1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan, Policy SWPD2 of the South Worcestershire Development Plan and guidance contained in the National Planning Policy Framework.
- (2) The development would result in a substantial adverse change to the character and appearance of the area and would fail to enhance this valuable landscape. The proposal would represent a significant visual intrusion to users of the PRoW which crosses the site therefore diminishing the amenity value to local residents and would appear visually dominant from the B4196 due to the rising land. The proposed development would result in the permanent urbanisation of this important landscape which would undergo irrevocable change. To approve the application in these circumstances would be contrary to Policy CP12 of the Adopted Wyre Forest Core Strategy, Policy SWDP25 of the South Worcestershire Development Plan and guidance contained in the Worcestershire County Council Landscape Character Assessments and the National planning Policy Framework, specifically paragraphs 17 and 109 of The Framework.
- (3) The application fails to adequately provide sufficient information to demonstrate that the surface water from the proposed development can be adequately drained. The applicants have failed to illustrate how the surface water flow path affects the flood risk to properties downstream at Longmore Hill. Furthermore there are serious concerns regarding the practical deliverability of certain elements of the drainage strategy including the deep drain solution and its potential route along the public highway. The proposal therefore fails to accord with Policy CP02 of the Adopted Core Strategy, Policy SAL.CC7 of the Adopted SAAPLP and Policies SWDP28 & SWDP29 of the Adopted SWDP, as well as guidance contained in the National Planning Policy Framework.
- (4) Insufficient information has been submitted with the application to ascertain the likelihood of impacts on protected species, including bats, Great Crested Newts, reptiles and breeding birds. Further survey work is required and in the absence of this information the Local Planning Authority is unable to discharge its duty to have regard to conserving biodiversity under the Natural Environment and Rural Communities Act 2006. On this basis, the proposal fails to comply with Policy CP14 of the Adopted Core Strategy, Policy SAL.UP5 of the Adopted SAAPLP and Policy SWDP 22 of the SWDP and paragraph 118 of the National Planning Policy Framework.

DATED

19 JUL 2017

(Signed)   
Authorised Signatory

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Continued

(5) Insufficient information has been submitted with the application to allow assessment of the possible constraints the proposed development may cause to any future working of the minerals resource both within the site boundary, and in the wider area, contrary to paragraph 144 of the National Planning Policy Framework.

**Positive and Proactive Statement**

**In dealing with this application, the Council has worked with the applicant in the following ways:**

**- seeking further information following receipt of the application.**

**In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application. This is in accordance with paragraphs 186 and 187 of the NPPF. Despite these efforts, the Council still consider that planning permission should be refused for the reasons set out above.**

**IN CONSIDERING THIS APPLICATION, THE LOCAL PLANNING AUTHORITY HAD PARTICULAR REGARD TO THE FOLLOWING POLICIES:-**

**ADOPTED WYRE FOREST DISTRICT CORE STRATEGY**

**DS01 - Development Locations**

**DS03 - Market Towns**

**DS05 - Phasing and Implementation**

**CP01 - Delivering Sustainable Development Standards**

**CP02 - Water Management**

**CP03 - Promoting Transport Choice and Improving Accessibility**

**CP04 - Providing Affordable Housing**

**CP05 - Delivering Mixed Communities**

**CP07 - Delivering Community Wellbeing**

**CP11 - Quality Design and Local Distinctiveness**

**CP12 - Landscape Character**

**CP13 - Providing a Green Infrastructure Network**

**CP14 - Providing Opportunities for Local Biodiversity and Geodiversity**

**ADOPTED WYRE FOREST DISTRICT SITE ALLOCATIONS AND POLICIES LOCAL PLAN**

**SAL.PFSD1 - Presumption in Favour of Sustainable Development**

**SAL.DPL1 - Sites for Residential Development**

**SAL.DPL11 - Community Facilities**

**SAL.CC1 - Sustainable Transport Infrastructure**

**SAL.CC2 - Parking**

**SAL.CC6 - Renewable Energy**

**SAL.CC7 - Water Management**

**SAL.UP3 - Providing a Green Infrastructure Network**


**SAL.UP4 - Open Space and Play Provision**

**SAL.UP5 - Providing Opportunities for Safeguarding Local Biodiversity and Geodiversity**

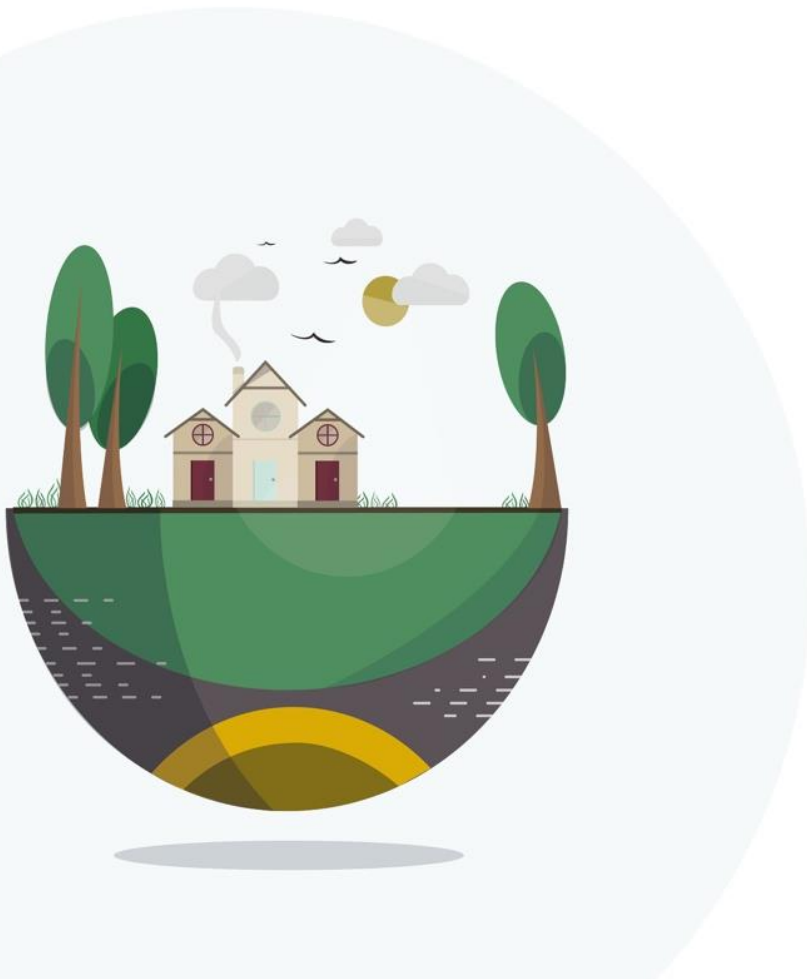
**SAL.UP7 - Quality Design and Local Distinctiveness**

**SAL.UP14 - Agricultural Land Quality**

**DATED 19 JUL 2017**

(Signed)   
Authorised Signatory

## APPENDIX 2



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## **APPENDIX 2: CORRESPONDENCE WITH WORCESTERSHIRE COUNTY COUNCIL**

## Emma Tutton

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**From:** Minerals <Minerals@worcestershires.gov.uk>  
**Sent:** 14 June 2017 17:01  
**To:** Barry, Stephen  
**Cc:** Emma Tutton; Ward, Philip  
**Subject:** Mineral resource assessment at Astley Cross, Stourport

Dear Mr Barry,

Following your phone call on Monday, Phil referred this query to me. I have now reviewed our previous responses and the information you have provided.

Whilst we still consider that the underlying Wildmoor Sandstone Formation is an important mineral resource, and it is proposed as a Mineral Safeguarding Area in the recent Third Stage Consultation on the emerging Minerals Local Plan, this has not yet been found "sound" through independent examination and does not form part of adopted policy. The area in question does not form part of the Mineral Consultation Areas which were established under the 1997 County of Hereford and Worcester Minerals Local Plan and as such has not been notified under Schedule 1 para 7 of the Town and Country Planning Act 1990.

I can therefore confirm that we will not require any further action to be undertaken with regard to mineral safeguarding in this instance.

Also, thank you for notifying us of the telephony issues. We will look in to this to rectify the problem.

Kind regards  
Marianne

**Marianne Joynes**  
**Minerals Planning Policy**

Strategic Planning and Environmental Policy  
Directorate of Economy and Infrastructure  
Worcestershire County Council  
County Hall, Spetchley Road, Worcester, WR5 2NP

**Tel:** 01905 766374  
**Email:** [minerals@worcestershires.gov.uk](mailto:minerals@worcestershires.gov.uk)

[www.worcestershires.gov.uk](http://www.worcestershires.gov.uk)



Get involved in planning - [register on our consultation database](#)

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**From:** Barry, Stephen [<mailto:sbarry@wardell-armstrong.com>]  
**Sent:** 14 June 2017 11:59  
**To:** Ward, Philip  
**Cc:** Emma Tutton  
**Subject:** Mineral resource assessment at Astley Cross, Stourport

Dear Philip

I would be grateful if you could ring me or email me with an update on the WCC position regarding our mineral resource assessment report, which we discussed on Monday afternoon; I understand you intended to take the matter to a team meeting on Tuesday afternoon. I rang you yesterday and again twice this morning but without success so I have left a message – by the way, did you know that your answerphone tells callers that the phone number is that of Rebecca Schofield? I checked with your switchboard and apparently you are both listed with the same phone number.

I am out of the office today but you can contact me on my mobile 0788 777 0613 or by email. My client is contacting the DC case officer today and would like to present an accurate summary of the issues (including minerals).

I look forward to hearing from you.

Regards  
Stephen

**Stephen Barry** | Technical Director  
Wardell Armstrong LLP  
Sir Henry Doulton House, Forge Lane, Etruria, Stoke on Trent, ST1 5BD  
t: 01782 276700 07887 770613



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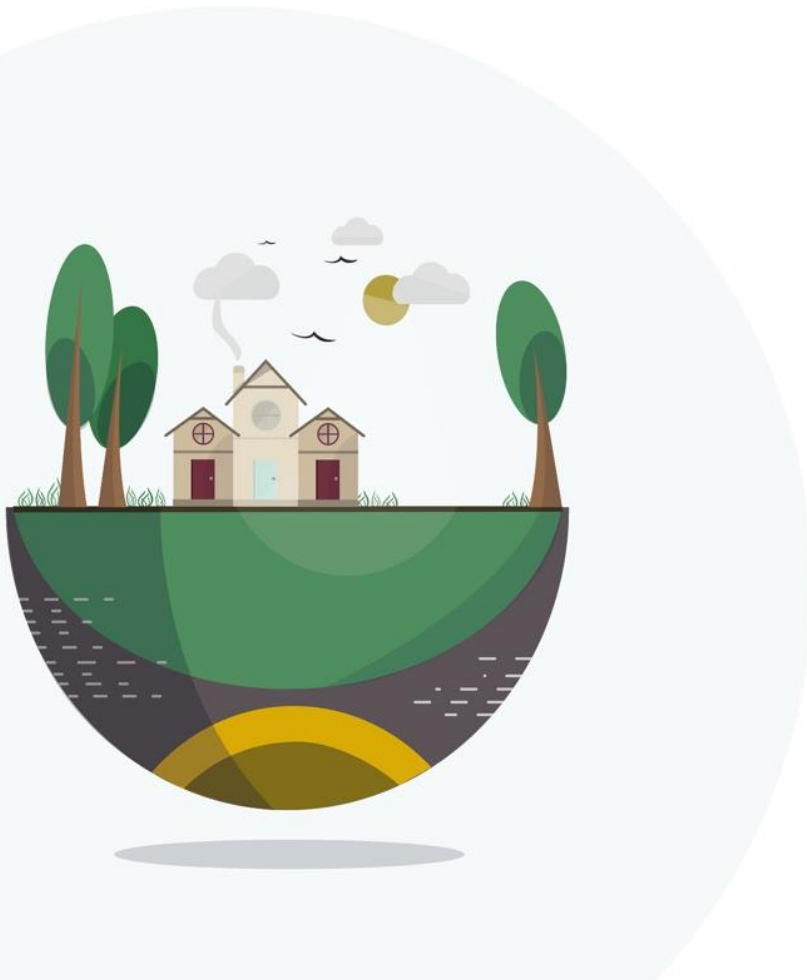
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## APPENDIX 3



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## **APPENDIX 3: DRAFT S106 HEADS OF TERMS**

Gladman will seek to enter into constructive dialogue with Malvern Hills District Council and Wyre Forest District Council to agree Section 106 obligations for any obligations which, in accordance with the CIL Regulations (2010) (as amended) are necessary, directly related to the development and fairly related in scale and kind to the development.

The following Heads of Terms are suggested:

### **AFFORDABLE HOUSING**

- i. The Agreement will provide for 40% affordable housing with a tenure split to be agreed with the Local Authority.

### **OPEN SPACE**

- i. The Agreement will require the Developer to provide onsite informal open space and an equipped children's play area.
- ii. Appropriate phasing requirements will be specified together with the requirement to agree with the Council an appropriate scheme for the long term maintenance and management of these areas, including any off-site commuted sums as applicable.
- iii. The Agreement will require the Developer to provide, as necessary, an offsite sports provision.

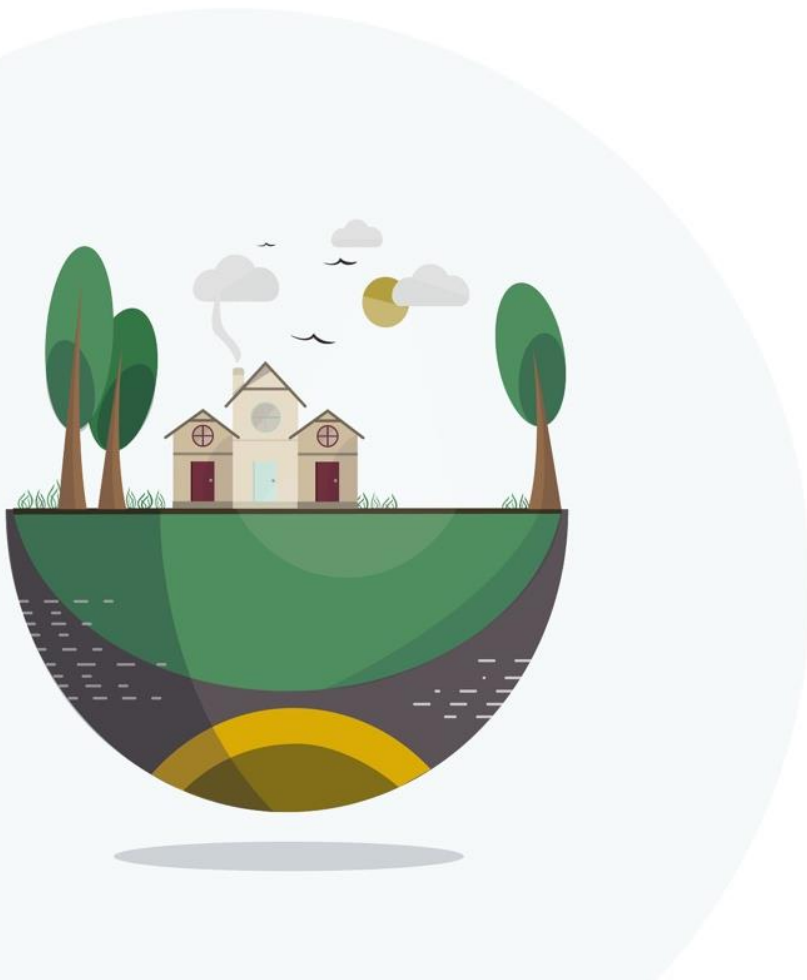
### **HIGHWAYS AND PUBLIC TRANSPORT**

- i. The Agreement will require the Developer to provide, as necessary, the improvements identified to improve the public highway, sustainable and public transport provision within the vicinity of the site.

### **OTHER**

- i. Other contributions may be identified through the planning consultation process, and subject to meeting the appropriate tests of necessity and reasonableness, consideration will be given to their inclusion.

## APPENDIX 4



## **APPENDIX 4: LIST OF RELEVANT POLICIES**

### **Local Plan Policy – SWDP 2016**

SWDP 1 – Overarching Sustainable Development

SWDP 2 – Development Strategy and Settlement Hierarchy

SWDP 3 Employment, Housing and Retail Provision Requirement and Delivery

SWDP 4 Moving around South Worcestershire

SWDP 5 Green Infrastructure

SWDP6: Historic Environment

SWDP 7: Infrastructure

SWDP 13: Effective use of Land

SWDP 14: Market Housing Mix

SWDP 15: Meeting Affordable Housing Needs

SWDP 21: Design

SWDP 22: Biodiversity and Geodiversity

SWDP 24: Management of Historic Environment

SWDP 25: Landscape Character

SWDP 28: Management of Flood Risk

SWDP 29: Sustainable Drainage Systems

SWDP 31: Pollution and Land Instability

SWDP 32: Minerals

SWDP 33: Waste

SWDP 39: Provision for Green Space and Outdoor community uses in New Developments

### **Local Plan Policy – Wyre Forest Core Strategy, 2010**

DS01 : Development Locations

DS03: Market Towns

DS05: Phasing and Implementation

CP01: Delivering Sustainable Development Standards

CP02: Water Management

CP03: Promoting transport choice and accessibility

CP04: providing affordable housing

CP05: Delivering Mixed communities

CP07: Delivering Community Wellbeing

CP11: Quality design and Local Distinctiveness

CP12: Landscape Character

CP13: Providing a Green Infrastructure Network

CP14: Providing Opportunities for Local Biodiversity and Geodiversity

### **Local Plan Policy – Wyre Forest Site Allocations and Policies Local Plan, 2013**

SAL.PFSD1: Presumption in favour of Sustainable Development

SAL.DPL1: Sites for Residential Development

SAL.DPL2: Rural Housing

SAL.CC1: Sustainable Transport Infrastructure

SAL.CC6: Renewable Energy

SAL.CC7: Water Management

SAL.UP3: Providing a Green Infrastructure Network

SAL.UP4 Open Space Provision

SAL.UP5: Providing Opportunities for Safeguarding Local Biodiversity and Geodiversity

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SAL.UP6: Safeguarding Historic Environment

SAL.UP7: Quality Design and Local Distinctiveness

SAL.UP9: Landscaping and Boundary Treatment

SAL.UP14: Agricultural Land Quality



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# PLANNING AND AFFORDABLE HOUSING STATEMENT

LAND OFF ARELEYCOMMON, ASTLEY CROSS, STOURPORT-ON-SEVERN

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[www.your-views.co.uk/astley-cross](http://www.your-views.co.uk/astley-cross)

