

**PLANNING COMMITTEE**

**19<sup>TH</sup> SEPTEMBER 2023**

**ADDENDA AND CORRECTIONS**

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
<b>PART A</b>		
23/0200/FUL	31	<p><u>Update Paragraph –</u></p> <p>Paragraph 2.29: Two further comments have been submitted by a local resident advising that there is a covenant on the land that prevents development and that a Natural England licence is required due to the impact on Habberley Valley which has special protection.</p> <p><i>[Officer comment – The Council’s Solicitor and the Applicant’s Solicitor have both advised that the deed submitted is not a covenant that prevents development. It is an overage deed requiring them to pay a % of any increase in land value as a result of a planning permission granted and implemented. The Applicant’s Solicitor has advised that the “The overage deed dated 1997 was released when Vistry Homes Limited acquired the land. The release forms are with the Land Registry for processing. In any event, the overage deed is not a planning matter and is not a development constraint. The overage deed is a private and commercial arrangement between those parties named in the deed and has nothing to do with anyone other than those mentioned in the deed. Residents (who are not named in the deed) should not be raising any concerns with the presence of such a deed and any residents who are named in the deed, cannot raise any concerns because the named parties have formally released the overage. For the avoidance of any doubt, the overage deed does not apply to the land acquired by Vistry”.</i></p> <p><i>Habberley Valley has no statutory protection, it is designated as a local nature reserve and a local wildlife site. The development would provide mitigation in the form of a financial contribution to offset the harm resulting from increased recreational pressure to Habberley Valley. As part of the development, acceptable ecological mitigation and enhancement measures would be implemented to minimise harm to biodiversity and to ensure measurable</i></p>

*net gains in biodiversity (13.44%) is achieved, which accords with national and local planning policy and no objection has been raised by the Countryside and Technical Services Manager. Natural England were consulted on the application and did not wish to make any comments on the application. No protected species would be impacted by the development to warrant the need for a Natural England licence]*

32 Paragraph 2.30:

The applicant's Transport Consultant, Hub Transport Planning LTD (Hub) has supplied a technical rebuttal note 08.09.2023 which should be read in conjunction with the Transport Assessment (TA). The rebuttal considers the consultation response prepared from the local resident's independent consultant, THaT Consultancy (THaT) with the main issues set out as follows:-

Traffic Impact - THaT has suggested that traffic flows in May 2023 are higher than September 2022, however, Hub advises that no evidence has been submitted to demonstrate that this is the case on the local highway network within the vicinity of the site, and that the figures quoted reference broader national statistics and trends. In any event, Hub considers that the September 2022 data is appropriate in the context of this scheme for the following reasons:-

- \* The data was collected in a 'neutral' month in line with guidance set out in TAG unit M1.2 – Data Sources and Surveys. The data was collected during school term time and when all local attractions such as the Habberley Trail and West Midlands Safari Park were open. All public and private schools in the area had returned following the summer holidays.
- \* The Transport Assessment considered a future year scenario of 2036, and appropriate growth rates were applied to the 2022 base data. The growth rates were agreed with Worcestershire County Council as the Local Highway Authority (LHA).
- \* The base data collected in September 2022 has been accepted by the LHA who advised in their response 28 June 2023 that "...there is no justification for recommending refusal of this application on the grounds of impact of development traffic".
- \* It has been accepted that the TA submitted to support the outline application was based on a

sound methodology and robust data. The Inspector stated "...I am satisfied that the conclusions contained within the TA and associated documents have been made on a sound methodology and robust data".

- \* The Highways Appeal Statement that was submitted as part of the appeal for the outline application indicated that the adjusted traffic flows used were greater than the September 2022 data. Therefore, even if the base flows were higher (as originally assessed in for the outline application), the development would still not result in a material impact on the local highway network, which was a conclusion supported by the Inspector.

Highway Safety - Hub advises that the TA report that supports the full application includes an up-to-date analysis of personal injury accident data in the vicinity of the site where it was concluded that the development would not have a detrimental impact on the highway. Hub reiterates that the LHA supported this conclusion in their response dated 28 June 2023 "...The Highway Authority agrees with the conclusion the latest accident data suggests there are no highway design and safety issues within the vicinity of the site, which might be exacerbated by the development."

Hub acknowledges reference to an overturned vehicle on Habberley Road on the 8 July by THaT, however no details of the accident have been provided and so it has not possible to verify the exact location of the accident or any causation factors. Without this information Hub considers that there is insufficient evidence to suggest that there is an inherent safety issue on Habberley Road. Hub advises that visibility to and from the proposed access was established in the TA report and is deemed to be appropriate for the recorded speeds along Habberley Road, which is in line with national and local design guidance and in agreement with the LHA in their response dated 28 June 2023 who advised "...These visibility splays are acceptable to the Highway Authority".

The Inspector also concluded when considering the outline application that "...Low Habberley and Habberley Road have good visibility which would allow any pedestrians crossing the roads to have good visibility of any oncoming vehicles.

Additionally the Committee Report confirms that crash information for the surrounding roads was obtained by the appellant which confirmed that there were currently no highway design and safety

issues. As such I do not consider that the proposed development would harm pedestrian safety”.

Hub therefore considers that the proposed development would not have a detrimental impact on highway safety.

Accessibility - Hub advises that as part of the TA it was established that the site is within a sustainable location and will assist in minimising demand for travel. Residents will have a range of sustainable travel options to access key facilities in the vicinity of the site including bus, cycle and footpaths, and this was not disputed by the LHA, whereby the site is included within the adopted Local Plan as acceptable in principle for development in this location.

While Manual for Streets (MfS) and the National Design Guide reference 800m as being a walkable neighbourhood, MfS also states that the 800m figure is not an upper limit and advises of walking replacing short car trips under 2km. Several local amenities are available within 2km of the development including schools, shops, pharmacy, a public house and Post Office.

Hub also reiterates that the site is within the catchment area of Upper Arley C of E Primary School and Bewdley Secondary School. A Section 106 Heads of Terms for the full application includes a substantial contribution towards a bus service to provide a link between the site and Upper Arley Primary School to help facilitate sustainable travel between the development and the school.

St John’s C of E Primary School and Baxter College are also located within the preferred maximum walking distance to schools set out in the IHT guidance.

Hub advises that the LHA has made suitable planning conditions to secure off-site improvements to pedestrian and cycle infrastructure in the vicinity of the site to encourage sustainable travel.

The Inspector at the time of the outline application also concluded that the development would comply with local plan policy to minimise the demand for travel and address road safety issues.

Summary and Conclusions - Hub Transport Planning LTD considers that following a review of the report prepared by THaT Consultancy, no evidence has been presented to suggest that the development would have a material impact on the local highway network, or that the proposal would result in an unacceptable impact on highway safety. The proposals have been reviewed by the Local Highways Authority and no objection has been raised. Further, the outline planning application has been granted planning permission via appeal, with

23/0435/FUL		<p>the Inspector concluding that the local highway network can accommodate the traffic generated by the proposed development.</p> <p>In conclusion, Hub is of the view that the development proposals will not have a severe impact on the local highway network or an unacceptable impact on highway safety and the proposals therefore align with guidance set out in the NPPF.</p> <p><u>Update Paragraph –</u></p> <p>74 Replace the last sentence in Paragraph 4.11 with the following:</p> <p><u>‘The closest distance from the nearest bungalow to the outdoor shelter itself is approximately 80 metres’.</u></p>
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**PART B**

22/0180/HYB		<p><u>Application Deferred –</u></p> <p>63 <i>Since the publishing of the agenda, further representation has been made by Tesco and Lidl to application 22/0180/HYB and whilst your Officers are content that these can be dealt with, it is considered that this should be covered in the Officer report rather than in the Addenda &amp; Corrections Sheet to ensure completeness, transparency and to allow Members to make a sound planning judgement. Accordingly, the application has been deferred until a subsequent meeting.</i></p> <p><u>Update Consultee Comment –</u></p> <p>66 Paragraph 2.4: This planning application is supported for the following reasons:</p> <ul style="list-style-type: none"> <li>- Use of employment land to generate new jobs in the local economy</li> <li>- Positive impact on the town / town centre</li> </ul> <p>A major study - ‘Revisiting the Impact of Large Foodstores on Market Towns and District Centres’ - commissioned by Tesco and conducted by the University of Southampton, which gathered evidence from over 8000 consumers and 1000 traders and used Experience / Goad retail-</p>
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composition survey data for more than 200 centres as the study's wider 'control' strategy concluded that:

- 'In-centre' or 'edge-of-centre' supermarkets have a positive impact on the town/town centre:
  - o "Supermarkets built on the edge of town centres encourage significantly fewer local residents to leave those towns for their main food shopping." (p. 4)
  - o "Critically important to market towns and district centres experiencing foodstore development on 'in-centre' or 'edge-of-centre' sites is the extent to which trade 'claw back' associated with the developments might spill-over, via the mechanism of linked trips, increasing footfall and urban 'buzz' in the existing centres and helping to maintain or enhance their vitality and viability." [...] "Evidence from the study's consumer surveys [...] shows that 68% of respondents claimed to combine visits to the new foodstores with visits to other shops or services in the existing retail centres."(p. 5)
  
- The new supermarkets encourage a significant decrease in car usage and increase in walking on main food shopping trips amongst local residents:
  - o "The extensive consumer surveys in the Southampton study reveal overwhelmingly *positive* consumer responses to the new 'in-centre' or 'edge-of-centre' foodstore developments – responses which became increasingly more positive over the first full year of operation of the new stores. Indeed, 12 months after the opening of the new stores 70.4% of survey respondents concluded that the new food store was beneficial for themselves and their families (compared to just 4.8% who believed it to be non-beneficial) – their positive attitude being mainly attributable to the travel benefits of improved local access to full-range food retail (i.e. reduced food-shopping miles)." (p.5-6)

References:

Wrigley, N., Lambiri, D., Cudworth, K (2010). *Revisiting the impact of large foodstores on market towns and district centres*. University of Southampton, School of Geography.

23/0079/PIP	108	<u>Update Conditions –</u> Paragraph 5.2 a. Condition 3 shall include the following additional item: <ul style="list-style-type: none"><li>- Tiered investigation (Contaminated Land)</li></ul>
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