



**MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON MONDAY 7 APRIL 2025
AT 7.30 PM AT KEMPSEY COMMUNITY CENTRE**

PRESENT: Cllr Gardener, Cllr Stevens, Cllr Clamp, Cllr Biddle, Cllr Plummer, Cllr Cooke, Cllr Anstey and Cllr White.

IN ATTENDANCE: Claire Witton - Deputy Clerk, County Cllr Allen and 35 members of the public

1. Apologies: None.

2. Declarations of Interest

1. Register of Interests: Councillors were reminded of the need to update their register of interests.
2. To declare any Disclosable Pecuniary Interests in items on the agenda and their nature –
Cllr Anstey declared interest as a neighbour in relation to M/25/00440/PIP.
Cllr Clamp & Cllr Plummer declared interest as landowners in relation to M/25/00408/FUL.
3. To declare any Other Disclosable Interests on items on the agenda and their nature NONE

PUBLIC QUESTION TIME

Notes from Public Question Time are appended to these minutes.

3. Minutes:

Having been previously circulated, the minutes of the Parish Council meeting held on 03.03.2025 were signed as a true and accurate record.

Matters Arising: An action noted to follow up with MHDC Enforcement regarding the fence panels at the corner of Centurion Drive.

4. To consider and comment on the following planning applications.

Planning Application No: **M/25/00323/OUT**

Location: Land At (Os 8570 4841), Napleton Lane, Kempsey

Proposal: Outline application (with all matters other than access reserved for future determination) for the demolition of no. 45 Bannut Hill and the construction of up to 99 dwellings; vehicular access from Bannut Hill; green infrastructure, sustainable drainage systems, and associated infrastructure

Comments: We object to this proposal for the following reasons:

- i. The proposed development would place further unacceptable pressure on existing infrastructure and public services in the village. In particular, it would generate a significant additional demand for primary school places which could not be met by the existing village school because it is oversubscribed, likely to remain so for the foreseeable future and has no capacity for further expansion.

The lack of convenient access to a primary school for new residents, together with those of other approved additional dwellings at Kempsey, within reasonable travel distance would lead to reliance on the use of the private car, which is contrary to the principle that new development

should be sustainable. That is unlikely to be mitigated by the Home to School Transport proposed but in any event it is considered unacceptable to have to bus primary school children on this scale to unspecified alternative schools at unknown distances.

The proposal would therefore result in an unsustainable form of development which would conflict with Policies SWDP 1, SWDP 2, SWDP 4 and SWDP7 and Policy K2 of the Kempsey Neighbourhood Plan.

- ii. The site is outside the defined Village Development Boundary and in the open countryside for planning purposes. The proposal is not for a type of development which is defined as being acceptable or appropriate in such locations and consequently is contrary to Policy SWDP2 and Policy K2 of the Kempsey Neighbourhood Plan.
- iii. The proposed development is neither infilling nor rounding off of the existing settlement pattern and would be readily seen as a major incursion into the open, rural setting of the village of Kempsey and harmful to the character and appearance of the area particularly when viewed from the adjoining public playing fields, from Napleton Lane and from the public rights of way which run through the site.

Consequently, the development would be contrary to Policies SWDP 5, SWDP 21, SWDP 25 of the South Worcestershire Development Plan and Policy K7 of the Kempsey Neighbourhood Plan.

- iv. The proposed means of access from Freemantle Drive would be likely to add to congestion and interruption of the free flow of traffic to the inconvenience and loss of amenity of local residents, particularly because of increased number of vehicles, noise and disturbance.
- v. The proposed development would increase traffic entering the A38, Main Road. The movements to south, in particular, would add to existing concern and conflict where children cross from Centurion Drive, to join the bus stop located on the west side of the Main Road.
- vi. The proposed SuDS drainage, using natural filtration, is likely to discharge surface water which, through gravity, would flow to and exacerbate the drainage issues already apparent in the lower, grassed field to the west alongside the A38 and which causes flooding issues on that road.
- vii. While agreeing that Freemantle Drive is not suitable for use by construction traffic, both because of its restricted nature and impact on local residents, the use of Napleton Lane for that purpose has not been adequately investigated or assessed and is likely to generate similar highway and amenity issues elsewhere.

Planning Application No: **M/25/00346/OUT**. Associated Ref: M/22/00967/OUT

Location: Land At (Os 8568 4948), Brookend Lane, Kempsey

Proposal: Outline planning application for residential development (Use Class C3) for up to 40 dwellings and associated access, with all other matters reserved - (VARIATION OF CONDITION 10 [ARCHAEOLOGY] OF OUTLINE PLANNING PERMISSION M/22/00967/OUT)

Comments: We have no objection to the change to 'occupation' rather than 'construction' of the dwellings as the trigger point of the condition but support the alternative suggested by the Archaeology Officer as a reasonable approach to further archaeological investigation of the site.

Planning Application No: **M/25/00354/HP**

Location: 99A Main Road Kempsey Worcester WR5 3JY

Proposal: Detached garage to front of dwelling

Comments: We object to the application for the following reasons:

- i. The uncharacteristic location of the garage in front of the dwelling is exacerbated because of its mass, scale and the height and it would therefore be an obtrusive feature in the streetscene, immediately apparent from Main Road.
- ii. That the proposed additional accommodation and construction, incorporating a cavity wall, would indicate a potential use other than incidental to the existing residential use. If approved, we invite a condition limiting the use to being incidental and ancillary that of 99A Main Road.
- iii. The likely adverse impact on the nearby protected trees as outlined by the council's tree officer.
- iv. Because of its large footprint, there would be little or no space remaining within the site to allow vehicles to turn and so would add to issues of congestion and manoeuvring within the shared access space of the development.

Planning Application No: **M/25/00217/HP**

Location: 8 Aston Close, Kempsey, Worcester, WR5 3JR

Proposal: Single storey rear extension

Comments: No Objection

Planning Application No: **M/25/00408/FUL**

Location: Land At (Os 8482 4850), Pixham Ferry Lane, Kempsey

Proposal: Proposed Community and Sport Centre to be built with on-site car parking. Two 11 a side football fields, 7 a-side football field, 5 a-side football field, skate park, pump track and a play area. Passing bays are also provided on Pixham Ferry Lane

Comments: The committee fully supports the application, which follows a long-standing commitment for further community, recreation and sports facilities as set out in Policy K10B of the Neighbourhood Development Plan and which has received substantial public support both then and now and is to be financed to a significant degree by MHDC's 106 Funds.

Planning Application No: **M/25/00440/PIP**

Location: Land At (Os 8532 5083), Bath Road, Broomhall

Proposal: Permission in Principle for one dwelling

Comments: We object to the application because it is not a type of development which is identified as being acceptable in either:

- i. the Significant Gap as outlined for Policy SWDP2D and Policy K4 of the Kempsey Neighbourhood Plan and would further erode its essential openness, and
- ii. the open countryside as outline for Policy SDWDP2C and Policy K2 of Kempsey Neighbourhood Plan.

As such the proposal would be unwarranted breach of planning policy.

Planning Application No: **M/25/00176/CLE**

Location: The Coach House Kerswell Green Farm Kerswell Green Worcester WR5 3PF

Proposal: Certificate of lawfulness of existing development for a sunroom

Comments: We don't have enough evidence to contradict the applicant's claim that the sunroof has been in place for more than 4 years and as such may now be considered as lawful development within the terms of s191 of the Town and Country Planning Act 1990.

However, it seems the purpose of the application is also to establish that Listed Building Consent was not required since the Coach House may not be in the curtilage structure.

At 3.3 The Planning Statement says: "Therefore this application seeks to confirm that the building is not 'curtilage listed' and in hindsight should never have been considered as such." At 4.2 it says: "Listed Building Consent is not required, and it is therefore requested that the LPA issues a Certificate of Lawfulness to that effect."

In that regard, we are unable to contest the assertions concerning the position of the Coach House relative to the curtilage of the listed property, Kerswell Green Farmhouse. Whether that is the case or not, we believe that the lawfulness of works which may or may not require Listed Building Consent

cannot be established through s191 which applies only to the lawfulness of development, as defined. The appeal decision referred to follows a different process under the planning (Listed Buildings and Conservation Areas) Act 1990 and is not relevant.

Planning Application No: **M/25/00456/CAN**

Location: Land At The Rocky Church Street Kempsey

Proposal: Undertake tree works, as detailed on application form and in any accompanying information

Comments: The committee supports the application based upon the District Council's Tree Officers recommendations, which should be carried out in full to avoid the potential future problems identified.

5. To consider and comment on updates on the following applications:

Planning Application No: **M/21/01217/FUL**

Location: Land At (Os 8550 5099) Bath Road Broomhall

Proposal: Proposed construction of 70 dwellings (100% affordable), including a mix of one, two, three and four bedroom properties, and the construction of new internal roads, private drives, parking, SUDs infrastructure and Green Infrastructure (including public open space). The proposal also includes the proposed construction of a new highway footpath along the A38 to Broomhall Lane and pedestrian crossing on the A38.

Description of documents published: MHDC Ecology Response

Comments: The response of the Council's Natural Heritage & Biodiversity Officer was noted, together with the suggested conditions, without the need to make further representations.

However, notification had also been received that amended plans had recently been submitted, affecting both the layout and the house designs. This was too late to allow comparison with the previous scheme and proper assessment. **ITEM DEFERRED**

6. To discuss any additional plans requiring comment up to the date of this meeting.

Planning Application No: **M/25/00493/HP**

Location: 18 Chapel Road, Kempsey, Worcester, WR5 3JT

Proposal: Side and rear 2-storey extension and front porch

Comments: ITEM DEFERRED

7. To update on South Worcestershire Development Plan Review.

Noted that Cllr Gardener is to represent the parish council at the Examination commencing on 04 March 2025. delete

Cllr Gardener and Cllr Cooke provided a summary of the hearing sessions they attended in connection with the Significant Gap (part of Matter 2) and the allocated Employment Site at Open Barn Farm (part of Matter 13). Cllr Gardener thanked Cllr Cooke for stepping in at short notice to represent the parish council.

8. Any Other Business.

An action noted to follow up with MHDC Enforcement on the matter of the external cladding at the Eco Park.

Meeting Closed at 22.11pm.

Signed Chairman..... Dat

Standing Orders were adjourned.

PUBLIC QUESTION TIME

A parishioner raised a point relating to the 99A Main Road application for a garage with a proposed second floor and requested that a condition should, be recommended so that it could not be used as a separate residential use, as applied in other similar cases.

Cllr Martin Allen addressed members of the public in relation to Planning Application No: M/25/00323/OUT and clarified that Kempsey Parish Councils role is to make comment in support of or as an objection to the application but does not hold final power to decide it. Cllr Allen referenced the intentional absence of the Ward District Councillors, so that it enabled them to make comment at MHDC Planning meeting without having expressed a view on the merits of the proposal. Cllr Allen shared reasons why the planning application should be turned down as follows:

1. The proposed development would place further unacceptable pressure on existing infrastructure and services in the village. In particular, the proposal would generate a significant demand for additional primary school places which cannot be met within the existing village school, because it is oversubscribed, likely to remain so for the foreseeable future, and has no capacity for further expansion.

The lack of convenient access to a primary school for new residents within reasonable travel distance would lead to greater reliance on the use of the private car, which is unlikely to be adequately mitigated by provision of a school bus service.

Additionally, it is unclear how such a bus service would be managed in practice and whether a financial contribution would adequately meet safeguarding requirements.

The proposal would therefore result in an unsustainable form of development which would conflict with Policies SWDP 1, SWDP 2, SWDP 4 and SWDP7 of the South Worcestershire Development Plan and Policy K2 of the Kempsey Neighbourhood Plan.

2. The proposed development would adversely affect the character and appearance of the area by introducing development that projects outwards from the existing built form, rather than integrating as discrete infill or 'rounding off' of the existing development. Furthermore, the scale and elevated position of the proposed development represents a substantial intrusion into the rural countryside to the south of Kempsey which is experienced from numerous public vantage points including the public rights of way which run through and surround the site. The development would also contribute to the unacceptable coalescence between Kempsey and the nearby hamlets of Napleton and Draycott.

The development would diminish the intrinsic character and beauty of the open countryside. Consequently, the development would be contrary to Policies SWDP 5, SWDP 21, SWDP 25 of the South Worcestershire Development Plan and Policy K7 of the Kempsey Neighbourhood Plan.

3. In addition to the other harms identified, the proposed development would result in the loss of Grade 2 Agricultural Land that has been used for arable production, remains suitable for that purpose, and that is considered worthy of protection. The development is therefore contrary to Policy SWDP13 of the South Worcestershire Development Plan.

4. There is not a dentist in the village.

5. The bus service is not adequate, there are no evening and no Sunday buses. It is possible that the current services will soon be cut later this year.

7. The proposed development is outside the settlement boundary.

7. Also, Hereford and Worcestershire NHS have said in a previous application

“The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development”

8. The land is not included in the SWDP or the proposed SWDPR plans and is in open countryside as stated in Policy SWDP2c.

9. The SWDP Review has gone through “Regulation 19” consultation and is currently going through the Planning Inspectors review which will end in the next few weeks.

Cllr Allen answered several questions raised by members of the public.

An abundance of further comments and questions were raised by members of the public, summarised as follows:

- A resident of the property that is proposed for demolition had serious concerns for the lack of information, clarity, timeliness and communication from the developer directly to him. He highlighted that a letter had been written to Dame Harriet Baldwin MP expressing such concern.
- A resident commented that the RSPB had interest in the land to the north, reasoning that nesting birds are present.
- A resident commented that it would adversely affect the aesthetic view of the area
- A resident commented that due to lack of facilities e.g. dentist, sufficient bus service, additional traffic journeys would incur
- Clarity was sought regarding the suggestion that 99 houses, under a 100 threshold, may be determined by planning officers, not local councillors. Cllr Gardener confirmed that, while the government has suggested that process, it is not the case at present.
- The land outlined for development is classified as Grade 2 agricultural land and also lies outside the settlement boundary.
- A reference was made that Freemantle Drive is incorrectly marked on the plan.
- Several policy references to the SWDPR and the impact of that for the application. Cllr Gardener highlighted that the SWDPR is not yet in place and the SWDP is currently the operative Local Plan. However, the older it is the more likely it is to be considered out of date and given less weight when planning applications are decided.
- It was suggested that an area with a blue outline is owned by the developer and would be the next area to be developed if the current application succeeded. Cllr Gardener explained that it was more likely that the developer had an option on the land.
- A concern arose that following the development of the new community centre, the adjoining playing fields at Plovers Rise could be redundant of use and subject to further development. Cllr Gardener confirmed that the playing fields are KPC owned, and a covenant applies that restricts its purpose and usage.
- An inquiry about who the social housing provider might be. Cllr Gardener explained that that is not known at this stage. It was noted that the house proposed to be demolished is owned by Platform Housing.
- Several residents asked why we are here in this situation again, following two previously refused planning applications. Cllr Gardener responded to say the previous refusals had not been appealed and each application had changed to try to meet previous objections. He further explained that the SWDP housing policies would not be up to date if MHDC cannot show that it has a rolling 5-year housing supply. The last assessment identified 3.8 years supply but under the new method of calculation introduced by the government in December 2024 there is just 2 years supply. However, the appeal for a development on Post Office Lane was dismissed despite the target of 5-year supply was not met.
- Several concerns were raised about additional traffic, particularly on Freemantle Drive and its close proximity to the children’s playing fields and also where traffic would be directed during construction. Cllr Gardener said that the Transport Assessment submitted with the application proposed that all construction traffic was to come via Napleton Lane. That was thought to present other traffic problems. The Highway Authority is still to comment

- An enquiry regarding whether it would be worthwhile for Kempsey residents to attend the MHDC planning meeting and make their views known. Cllr Gardener reassured that members of the public can have influence on such matters.
- ***Cllr Garden closed public question time stating that all views are valid and that KPC will take into account all the comments made.***

Standing Orders were reimposed.