



9th December 2014

Mr J Hegarty
Chief Executive
Malvern Hills District Council
The Council House
Avenue Road
Malvern
Worcs
WR14 3AF

Dear Mr Hegarty

Planning Application: 14/00936/OUT

Clifton upon Teme Parish Council wrote to Gary Williams on 10th November expressing the very serious concerns which they had concerning the planning decision made at the Northern Area Development Management Committee meeting on 22nd October regarding the above application. A copy of that letter is attached. The Council is not satisfied with the response received from Gary Williams dated 20th November (copy attached) nor the response from John Williams dated 20th November (copy attached). We believe that, at the very least, our concerns should be escalated to Stage 3 of the Complaints Procedure and be referred to the Council's Standards Committee for further consideration.

There are several issues relating to the above planning application and we itemise our concerns below:

1. **Road Width** : The access to this development of 48 houses leads on to Pound Lane in Clifton upon Teme. The village primary school is on this Lane and the traffic situation at school in and out times is "chaotic" (the words of a District Councillor). The Worcester Local Transport Plan primarily provides guidelines for the planning and building of new roads into housing developments but there are also matters relating to the access to existing roads, including the following:

Section 1.5.3 states that "Any development that proposes new private accesses to a Secondary Distributor or higher category of road will only be considered where an improvement to an existing unsatisfactory situation is achieved."

Furthermore Section 1.5.10 states "Where a development is remote from higher categories of road, and is served by a number of substandard width rural roads, consideration must be given to the improvement of the existing roads, such as the provision of passing bays."

We have measured the narrowest point of the Lane which is by the school with a Laser Range Metre. **The width is 4.377 meters.**

The guidelines specify a road classified as a Lane needs to have a minimum constant carriageway width of **4.5 metre**. Coincidentally the Highways Statement produced by **GreenLight Developments Ltd** clearly states that the **Pound Lane** carriageway “...has a minimum width of **4.5 metres for a section outside the school**”, which is obviously inaccurate. By accepting GreenLight’s statement on the road width MHDC failed in their duty to validate material facts pertinent to road regulations, which is even more poignant as one objection letter included a measurement highlighting the error in the Highways Statement.

Surely it is not the responsibility of the general public to validate the compliance of a planning application against regulations. This is the responsibility of the District Council Planning Department.

2. **Over Development:** The Parish Council was sent a copy of a letter from the leaders of the 3 Councils involved in the emerging SWDP to Brandon Lewis MP, Minister for Housing and Planning. This letter quotes “Some villages have seen housing growth exceeding 30% over a very short space of time”. The development under consideration would increase the housing growth in Clifton upon Teme by 50% clearly significantly in excess of what the Council Leaders consider acceptable and which should be obviously therefore totally unacceptable and the application should have been refused on that point alone.

3. **Cllr David Hughes:** Cllr Hughes has a commercial relationship with the agent for this application and in the view of most people he should therefore have declared an Other Disclosable Interest and not taken part in the meeting. In fact he led the opposition to the motion which was to refuse the application. Our opinion is, along with other members of the public present, that without his input the outcome could have been very different. The voting on this application was 3 for, 4 against with 3 abstentions.

At the Northern Area Development Management Committee held on November 5th Councillor Hughes declared an Other Disclosable Interest for item 14/01037/FUL as he had a commercial relationship with the agent – the agent for both applications is the same! He reminded the Committee that he had sought legal advice regarding this situation in July 2014 where he was advised that the relationship did not warrant a declaration. However, legal advice has been updated and he had decided to err on the side of caution.

Page 3 of the Agenda Front sheet to all meetings clearly shows that Cllr Hughes should have declared an interest. Further explanation is therefore required from John Williams, Head of Policy and Governance, as to how he reached the conclusion that our concerns do not merit formal investigation. Especially given that his letter is dated 20th November and Cllr Hughes declared an interest in a similar issue on 5th November. We are also aware that other people present lodged complaints over this issue.

4. **SWDP Question :** During the discussion at the meeting one District Councillor asked the planning officers present whether the Blueshot Meadow site is included in the proposed modified SWDP. All four present remained silent. The Councillor then asked the question directly to Duncan Rudge who refused to answer. Gary Williams’ letter of 20th November states that the planning officers were answering a different question! The District Councillor has confirmed to us in writing that the question he asked is the one we state. We find it difficult to accept that 4 planning officers misheard the question when members of the public clearly heard it.

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The Parish Council at their meeting on 4th December voted to continue with this complaint about MHDC officers and Councillors and the Council requests, as stated above, that this matter is escalated to Stage 3 of the complaints procedure. Council would be interested to know how long this procedure will take as Council will then wish to decide what further action it might take.

We await your response with interest.

Yours sincerely,

J C Dale (Mrs)
Clerk & RFO
Clifton upon Teme Parish Council

Cc: Mrs Harriet Baldwin, MP
Brandon Lewis, MP
District Councillor, Mrs G Farmer