

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr C Brain	Outline application for up to 10 dwellings with all matters reserved except for access  Land Off Withybed Lane, Withybed Green, Alvechurch, Worcestershire	03.08.2021	21/00711/OUT

**This application comes before the Planning Committee because it is for Major development (10 dwellings)**

**RECOMMENDATION:** That planning permission be Refused

### Consultations

**Cllr Van Der Plank** Consulted 10.05.2021

Comments summarised as follows:

I strongly oppose this application on the grounds that it would be an inappropriate development on valuable Green Belt land. Furthermore, a development of this size would be out of place and significantly change the character of this part of the village. The site is also inappropriate from a highways and access perspective and would have a detrimental affect both during the construction and afterwards, to residents in the area around the site

**Alvechurch Parish Council** Consulted 10.05.2021

Comments summarised as follows:

Alvechurch Parish Council objects to the application

### Access

The Canal Bridge/Railway Bridge makes access to this proposed site difficult. We believe that County Highways should carry out a site inspection in the first instance. There are no pavements leading from the proposed site to Alvechurch village centre, therefore pedestrian access is not sustainable and suggests a further increase in traffic movement.

### Ecology

Given the sites proximity to the canal, there are likely to be bats and other protected species which should continue to receive protection.

### Green Belt

The site is in the Green Belt and outside of the village envelope and therefore contrary to our Neighbourhood Development Plan (NDP) which is a statutory document in its own right.

The Parish Council believe that consideration of this proposal should be as part of a Green Belt Review

**Arboricultural Officer** Consulted 10.05.2021

Comments summarised as follows:

No objections subject to the imposition of conditions as follows:

1. All trees and hedge lines to be retained on the site or within influencing distance of the development in any adjoining land are to be give protection in accordance with BS5837:2012 recommendations.
2. A tree / hedge protection plan and method statement should be provided.
3. All pruning of any tree and hedges should be in accordance with BS3998:2010 recommendation.

**Worcestershire County Highways** Consulted 10.05.2021

Comments summarised as follows:

Worcestershire County Council acting in its role as the Highway Authority has undertaken a full assessment of this planning application and recommends that this application is refused.

The site is a field which is in semi-rural and unsustainable location off an unclassified lane. The site benefits from an access point with substandard visibility and with overgrown vegetation impeding visibility. Withybed Lane in the vicinity of the proposed development site does not benefit from footpaths or street lighting and no parking restrictions are in force in the vicinity. However, 70m to the east along Withybed Lane starting from the bridge is the beginning of a single footpath. The site is not located within walking distance of amenities, bus route and bus stops via a route with suitable infrastructure for the residents (no footpath or street lighting for 70m). Alvechurch Railway Station is located approx. 800m from the proposed development.

Amenities are located as follows:

- o Bus stop located approx. 470m distance on George Rd (not a frequent service (4 trips a day)
- o Train station approx. 850m
- o School approx. 1.3km
- o Pub 120m

The layout as shown on the submitted site plan 101 Rev 01 is unacceptable due to the issues which would be created to the highway user.

Vehicular access issues:

- o The applicant has provided visibility splays on the site plan, however: I am unable to support the proposal without recent speed survey evidence confirming 85th%tile speeds in the vicinity of the proposed vehicular access. The speed surveys would provide

the evidence to determine the recommended visibility splays which would be appropriate for this access. The proposed access will create additional vehicle trips to the site than is presently experienced, therefore the highway authority considers the existing access should be suitable to accept these additional trips - In the interests of highway safety.

- o Applicant has failed to provide pedestrian visibility splays of 2m x 2m measured perpendicularly back from the edge of carriageway on both sides of the proposed access - In the interests of highway safety.

At present pedestrian safety would be compromised by the proposal. For this proposal to be acceptable in the interest of pedestrian and highway safety it is recommended the applicant considers the following:

- o Provision of a single footpath fronting the site to enable pedestrians to reach the existing footpath safely.
- o Provision of a single footpath under the bridge to enable the footpath to connect to the existing footpath, this will require a Traffic Regulation Order (TRO).
- o Provision of passing bays due to the narrowness of the lane and the intensification of the lane.

Other issues:

An internal review was requested for the proposed development and the following comments / concerns were received:

Layout Issues:

- o Applicant to ensure due to the intensification vehicular passing bays are provided since the road width is approx. 3.7m fronting the proposed development.
- o Due to the existing alignment (lack of visibility around / over each adjacent bridge) road widths: applicant to provide a justification why additional traffic movements should be accepted at this location.
- o Applicant to confirm whether it is their intention for the road to be adopted.
- o Proposed internal layout road widths, radii, footway widths need to be clarified.
- o Turning head design needs to be reduced to accord with standard sizing.
- o The site (internal) and the proposed vehicular access required to be tracked.
- o Applicant to note an amorphous turning head design will not be accepted.
- o 2.0m footway / margin needs to be provided around road extents.
- o Highway drainage outfall details must be provided, given the location applicant to confirm if there is an approved outfall to meet highway requirements. If not, the road would remain private.

- o CEMP would need to be provided for consideration, applicant to consider the width of the road and the height limit on the railway bridge.
- o Applicant to employ a suitably qualified lighting engineer to assess the requirements to light the development and the junction with Withybed Lane in line with the WCC Street Lighting Design Guide on the basis of a dark baseline (i.e. highway lighting should only be proposed if there is clear requirement to include it). Should any public or private lighting be proposed as part of the scheme the developer must liaise with WCC's ecologist regarding their proposals.
- o It is also recommended that liaison with Network Rail be undertaken in the event of public or private lighting.
- o In accordance with WCC latest guidance the applicant to provide each property with an electric vehicle rapid charging point and cycle parking in accordance the Streetscape Design Guide.

#### Public Transport

- o The footpath from the bus stop on George Road ends at Withybed Close (at the bridge) and there are no dropped kerbs so this bus stop would not be classed as an accessible continuous footpath from the development to the existing footpath. WCC Public Transport Officer has provided the following comments: The route may not be accepted as a safe walking route for Education Transport purposes (see below). Therefore, I would request a contribution of £1134 towards establishing a Community Transport service to the development based on Census data and HMRC approved rates.
- o There is also an issue with Home to School transport costs for High School students as both designated High Schools are more than 3 miles from the proposed development therefore the County Council has a statutory duty to provide free home to school transport, therefore I would request a contribution of £10,737 from the developer.

The application fails to accord with the adopted policy and the consequences of this will result in an unacceptable impact on the highway network which is contrary to paragraph 108 and 110 of the NPPF.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would be an unacceptable highways impact and therefore recommends that this application is refused.

#### **Canal and River Trust Consulted 10.05.2021**

Comments summarised as follows:

Suitably worded conditions would be necessary at the point where layout and appearance are considered, to safeguard the Character and Ecology of the Worcester and Birmingham Canal.

Conditions should require the submission of: details of a surface water drainage scheme; details of any proposed accesses to the towpath; details of the proposed layout, appearance, materials cross sections, canalside boundary treatment and lighting; the submission of a construction environmental management plan (CEMP).

**North Worcestershire Water Management** Consulted 10.05.2021

Comments summarised as follows:

The site falls within flood zone 1 (low risk of fluvial flooding) and is not shown to be an area susceptible to surface water flooding. Should you be minded to grant permission I would request that a surface water drainage strategy for the proposed development be submitted (via condition)

**WRS - Contaminated Land** Consulted 10.05.2021

Comments summarised as follows:

There is potential for contamination to exist on the site. The degree and extent of contamination is currently unknown. More information relating to ground conditions is required to determine whether remediation will be required (prior to any construction work commencing).

WRS recommend that conditions pertaining to Landfill and Ground Gases / Gas protection measures together with a 'reporting of unexpected contamination' condition be applied to any consent granting permission.

**WRS - Noise** Consulted 10.05.2021

Comments summarised as follows:

I consider that noise from the railway line can be adequately mitigated with appropriate glazing and ventilation products and potentially an acoustic fence along the boundary. As such, I consider that a noise assessment could be conditioned and is not required at this time in the planning process.

**Worcestershire County Council Education Department**

Comments summarised as follows:

The planning proposal is in the catchment area of Crown Meadow First School & Nursery, Alvechurch CE Middle School, and the shared catchment area of North and South Bromsgrove High Schools. In addition, the area is served by a number of nurseries and childminders and Chadsgrove and Rigby Hall Special Schools.

As the proposal is for up to 10 dwellings an education obligation would be sought in line with the Education Obligations Policy. If the proposal is for less than 10 dwellings an obligation will not be sought.

For a 10 dwelling scheme, one additional Early Years place will be required if this development goes ahead.

The cost implication is in line with the Education Obligations Policy of £18,062 per Early Years place. If the application progresses, and determination is unlikely to be reached before June 2021, the cost may be updated to reflect guidance from the DfE on the levy charged per pupil place, adjusted for regional variances. There may also be monitoring fees to reflect the cost of monitoring the application.

### **Publicity**

18 Neighbour notifications sent 10.05.2021

Site Notices displayed 11.05.2021

Press Notice published 14.05.2021

### **Neighbour Responses**

72 letters of objection received

9 letters received in support of the application

### **Objection summary:**

- Approval of this application would set a precedent for other inappropriate developments in the Green Belt. Earlier applications to the north of Withybed Lane and the immediate west of the Canal have been refused by the Council and dismissed by the Planning Inspectorate historically
- The land is Green Belt which affords protection from development
- The site has significant environmental and ecological quality
- Concerns raised regarding to removal of ancient hedgerows bordering the canal towpath. Future occupiers will want a 'canal view' so at some stage hedgerow removal is highly likely
- The development would destroy the beauty of a tranquil area much loved by walkers
- Proposals would have a negative impact on ecological biodiversity
- The existing access is already hazardous. Withybed Lane is very narrow, and the access point is near to a blind bend with very limited visibility. The extra traffic the development would generate would make this much more dangerous
- Drainage and flooding concerns raised
- Any development on the site will look incongruous and will be highly visible
- Significant habitat loss for birds and animals
- No pavements available on Withybed Lane for pedestrians
- The development would be contrary to the provisions of the Bromsgrove District Plan and the Alvechurch Neighbourhood Plan
- Alternative brownfield land should be developed not the Green Belt
- Proposals would put further strain on doctors, dentists, and schools
- Pollution concerns
- The railway line provides an essential boundary to the existing village of Alvechurch. Development should not encroach beyond it
- Proposal would not be providing affordable housing, rather 'top end' market housing

- Additional vehicle movements would be dangerous to pedestrians, cyclists and horse riders who regularly use the area
- The siting and scale of development shown on the indicative site layout plan would not be sympathetic to the local character of the area
- Clear separation between Withybed Green (to the west) and the edge of Alvechurch Village (to the east) is a crucial part of landscape distinctiveness. Green space between the two provided by the green field and hedgerows is essential. This valued landscape would be lost forever
- The proposals would harm the openness of the Green Belt and would conflict with the purposes of the Green Belt
- The site does not have a built-up character as claimed and the site is certainly not infill development
- The site is a considerable distance from many local services. Even if there were footpaths (which there are not), such amenities would be too far away to walk to rendering occupiers reliant on private transport
- The access point would take away the passing space which is a refuge for pedestrians and for vehicles when they approach from opposite directions on this narrow and steep lane

#### Support summary:

- There would be significant economic and social benefits arising from granting permission
- The land has been used for a variety of purposes in the past and the use of the land for residential purposes would retain the status of Withybed Green as a Hamlet
- The existing access has existed without raising safety concerns. Relocating the entrance to the site further up Withybed Lane appears sensible
- Affordable housing is required in this sought after and desirable area
- The character of the area would not be harmed by granting permission for housing and the site is well shielded from existing housing

### **Relevant Policies**

#### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP6 Infrastructure Contributions

BDP8 Affordable Housing

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP21 Natural Environment

BDP23 Water Management

#### **Others**

ALVNP Alvechurch Neighbourhood Plan

Bromsgrove High Quality Design SPD  
NPPF National Planning Policy Framework (2019)  
NPPG National Planning Practice Guidance

### **Relevant Planning History**

B/1995/0234	Retention of existing stables and sheds for the storage of tack and fodder and continuance of equine uses including riding, grazing & shodding etc.	Granted	09.10.1995
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### **Assessment of Proposal**

#### **The site and its surroundings**

The site comprises a field measuring 0.53 hectares and is located within the Green Belt, outside the Alvechurch Village settlement as defined on the Bromsgrove District Plan Policies Map.

A railway line is situated beyond the site's eastern boundary and the Worcester and Birmingham Canal forms the sites western boundary. The unclassified road Withybed Lane forms the northern boundary from which vehicular access is proposed.

Withybed Lane provides vehicular access to The Crown Inn Public House and dwellings located within Withybed Green to the west.

#### **The proposed development**

This is an application for outline permission with all matters reserved for future consideration except for access for the construction of up to 10 dwellings.

As such, only the principle of development together with means of access to the site can be considered at this stage.

An Indicative site layout plan has been provided as have details of the proposed new vehicular access to the site.

Means of access is proposed via Withybed Lane at a point approximately mid-way between the canal (to the west) and the railway bridge (to the east).

Two plans have been submitted with this application:

Drawing 21-5693-100 – Site Location Plan Rev 01

Drawing 21-5693-101 – Proposed Site Plan Rev 01

Drawing 21-5693-101 has been considered as an indicative layout plan since the planning application form states that only the matter of access to the site is being sought under this application. All other matters (appearance, landscaping, layout and scale) would need to be sought as part of a separate and future planning application if the outline application were to be approved. As such, Drawing 21-5693-101 illustrates how



the site **could** be developed to accommodate 10 dwellings and not how the site **would** be developed.

## Assessment

### **Principle of development**

The sites planning history is limited. Planning permission was granted on 09.10.1995 for the retention of buildings in relation to equine uses but no earlier applications have been submitted for residential development on the site.

The site immediately to the north of the proposed access point, again bounded by the canal (to the west) and the railway line (to the east) which is also land designated as green belt has however been subject to a number of applications for residential development, including, notably application B/8668/1981 (refused permission by the Council on 22.06.1981 and dismissed at appeal by the Planning Inspector on 06.04.1982.

In dismissing the appeal, I have noted that the Inspector commented that *'the high railway embankment adjoining the appeal site to the east provides a clear and positive visual and physical barrier between the built-up development of Alvechurch to the east and the generally open countryside (including the appeal site) to the west. I am in no doubt that the appeal site forms no part of the built-up area of Alvechurch and is properly regarded as lying in open countryside.'*

The application site, like the appeal site above is located within the designated Green Belt where policy BDP4 of the Bromsgrove District Plan and the National Planning Policy Framework (NPPF) state that new buildings are considered inappropriate development, subject to a number of exceptions.

Exceptions to inappropriate development are listed under Paragraph 145 of the NPPF (parts a to g). I do not consider that exception (e) limited infilling in villages would apply. The sites size is significant at over 0.5 hectares and I do not consider that the quantum of development proposed is limited having regard to the ordinary meaning of the word 'limited' and nor do I consider the proposal to be infilling.

The Inspector, in dismissing B/8668/1981 commented that *'there is, in my view, no possibility of regarding the appeal site as an infill plot – such a description is properly applied only to a short length of an otherwise built-up frontage and the appeal site, lying as it does in isolation between the railway embankment and the canal is patently not within that category.* Notwithstanding the date of the appeal decision, the NPPF (February 2019) still regards 'limited infilling in villages' as an exception to inappropriate development in the green belt under exception (e) and I do not believe that the site would fall within that category.

Further, the site falls outside the Alvechurch village settlement as defined on the Bromsgrove District Plan Policies map.

It is not considered that the proposed development would fall within any of the other exceptions to inappropriate development as listed under Para 145 of the NPPF and Policy BDP.4 the Bromsgrove District Plan.

The Framework indicates that openness is an essential characteristic of the Green Belt. The introduction of such built form within the site, parked cars and associated domestic paraphernalia would inevitably significantly impact on the openness of the Green Belt in spatial terms. The development would also be highly visible and would have a far greater visual impact on the openness of the Green Belt than that of the existing site.

The introduction of development also fails to assist in safeguarding the countryside from encroachment, one of the 5 purposes of the Green Belt as set out under Paragraph 134 of the Framework. The development would therefore fail to comply with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open.

The Council accepts it does not have an up to date 5 year housing land supply. However, the National Planning Policy Framework indicates that the presumption in favour of sustainable development does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. As set out under footnote 6, Para 11d of the Framework, Green Belt is an example of such areas/assets and the proposal would be inappropriate development in accordance with the policy.

In addition to the above, the site is in an unsustainable location. No pavements or street lighting exist along this section of Withybed lane, which itself is a narrow rural lane. There are no bus stops or local facilities within an acceptable walking distance of the site. As set out in the Highways Engineer's comments, the lack of adequate footway provision and street lighting would make the route unsafe and deter journeys on foot or bike particularly in times of darkness and adverse weather conditions meaning that there would be a heavy reliance on car-based trips, which would be unacceptable.

### **Highway Safety**

Withybed Lane is a narrow country lane with no pavements and streetlighting. No speed survey evidence has been provided to determine the recommended visibility splays for the proposed, intensified use in this location and no plan has been provided showing that the pedestrian and vehicular visibility splays can be achieved safely and without encroaching onto third party land.

Paragraph 108 of the NPPF states that safe and suitable access to the site should be achieved for all users and Paragraph 110 states that development should allow for the efficient delivery of goods, and access by service and emergency vehicles. Insufficient detail has been submitted to demonstrate that the proposals are acceptable in this regard.

Based on the above, the Highways Engineer has objected to the application on the grounds that it fails to accord with the adopted policy and the consequences of this would result in an unacceptable impact on the highway network which is contrary to Paragraph 108 and 110 of the NPPF.

### **S106 matters**

Policy BDP8 of the Bromsgrove District Plan adopted January 2017 comments that contributions will not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000 sq m. Where there is a net increase of 11 or more dwellings, affordable housing provision will be expected on-site and will be calculated against the net number of new dwellings as follows:

Up to 40% affordable housing (or a higher % if proposed) on greenfield sites

Up to 30% affordable housing (or a higher % if proposed) on brownfield sites.

Notwithstanding the above, the National Planning Policy Framework, February 2019 at Paragraph 63 comments that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). The glossary contained within the NPPF confirms major development as that being 10 dwellings or more, or sites over 0.5 hectares in size. The Council considers that the requirement for providing affordable housing is now triggered at 10 dwellings rather than 11 and the 1,000 sqm trigger has been replaced with a site size trigger of 0.5 hectares. The applicant has commented that the site may be developed at a lower number of dwellings than 10. However, the description of the development submitted by the applicant states: Outline application for up to 10 dwellings. Further, the site area at 0.53 hectares exceeds the 0.5 hectare trigger. The applicant has not provided an obligation to provide any affordable dwellings at the site (affordable dwellings being dwellings defined as affordable under Annex 2: Glossary – page 64 of the NPPF). Further, in the event of the development providing 10 residential dwellings, the applicant has not agreed to enter a S106 agreement to provide monies to WCC for education provision and highway improvements as set out earlier in this report.

### **Ecology**

The Councils Tree Officer has raised no objection subject to the imposition as planning conditions to protect existing trees and hedgerows.

A Preliminary Ecological Appraisal (PEA) and Phase 1 habitat survey (March 2021) has been undertaken by a qualified Ecologist which concluded that the site is dominated by botanically poor grassland of low quality due to the grazing of horses on the site.

The report comments that trees or buildings on the site do not support features suitable for roosting and/or hibernating bats, whilst much of the site was thought to be of low value to foraging or commuting bats.

No evidence of breeding birds, particularly in the form of nests, was recorded on the land, although the Bramble scrub was considered to hold some potential for nesting birds.

The site was considered unsuitable for Great Crested Newts, as there are no permanent still water features, and no refugia or hibernacula. The report comments that Reptiles are also unlikely to be encountered, as there were limited basking areas, with no obvious refugia or hibernacula.

I have noted that the PEA was carried out in March 2021 rather than in late spring / early summer (during the height of the bird nesting season). Further, a bat (emergence) survey

has not been carried out and such surveys should take place between the months of May to September.

### **Very Special Circumstances**

The proposals represent inappropriate development in the Green Belt. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and shall not be approved except in very special circumstances. Moreover, I consider that the proposal would be harmful to the openness of the Green Belt. This Green Belt harm is a matter to which the Council should attach substantial weight in decision making terms in line with Paragraph 144 of the Framework.

Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whilst the proposal would contribute towards housing supply and create short term construction jobs, the social and economic benefits of the development attract little weight in the planning balance.

I have not identified any very special circumstances necessary and none have been put forward to justify the demonstrated harm to the Green Belt in this case.

### **Other matters**

Only drawing 21-5693-101 – Proposed Site Plan Rev 01 has been submitted to the Council in respect to the matter of access sought under this outline planning application. The plan also indicates dwelling location, parking location, and landscaping which are not matters being sought under this application. If means of access to the site was acceptable (which it is not) and drawing 21-5693-101 were to be approved this would also indicate that matters reserved for future consideration including layout are acceptable also. Such matters have not been considered under this application having regard to the submitted planning application form.

### **Conclusion**

The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. The proposal would result in loss of openness to the Green Belt and would also result in encroachment into the countryside, conflicting with one of the purposes of Green Belts. The modest social and economic housing contribution does not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist.

The proposal would result in an unsustainable form of development and insufficient information to demonstrate appropriate highway safety and access for all users in accordance with local and national policy has been provided.

No considerations have been advanced that would justify a decision other than in accordance with the development plan, where the scheme would clearly conflict.

**RECOMMENDATION:** That planning permission be Refused

**Reasons for Refusal**

1. The site is located outside a defined village envelope within an area identified within the Development Plan as falling within the Green Belt where there is a presumption against inappropriate development. In such an area, development is limited to that which is not inappropriate to a Green Belt and which would preserve its openness. The proposal does not meet any of the policy criteria specified at Policy BDP4 of the Bromsgrove District Plan (BDP) or at Paragraph 145 of the National Planning Policy Framework furthermore 2019 (NPPF) and as such the proposal would amount to inappropriate development, which by definition, is harmful to the Green Belt. The development would reduce the openness of the Green Belt and furthermore, the development would result in encroachment in the countryside, conflicting with the purposes of Green Belt policy. No very special circumstances exist or have been put forward to clearly outweigh the significant harm caused to the Green Belt. As such the proposal is considered to be contrary to Policy BDP.4 of the Bromsgrove District Plan and the provisions of the Alvechurch Neighbourhood Plan and the National Planning Policy Framework.
2. The proposed development by reason of its distance from essential services, job opportunities and public transport links in addition to a lack of adequate footway provision and street lighting would mean that future occupiers would be reliant upon motor vehicles as a means of transport. As such it would result in an unsustainable form of development. The proposal would therefore be contrary to Policies BDP.1 and BDP.16 of the Bromsgrove District Plan and Paragraphs 8, 108 and 110 of the NPPF.
3. No speed survey evidence has been submitted to determine the recommended visibility splays for the proposed intensified use in this location and no plan has been provided showing that the pedestrian and vehicular visibility splays can be achieved safely and without encroaching onto third party land. As such, insufficient evidence has been advanced to demonstrate that vehicular access to the site could be achieved without compromising highway safety. The proposal would therefore be contrary to Policy BDP.16 of the Bromsgrove District Plan and Paragraphs 108, 109 and 110 of the NPPF.
4. The lack of a formal agreement to contribute towards highways, education provision and to ensure the provision of affordable housing on the site is contrary to the requirements of Policies BDP.6 and BDP.8 of the Bromsgrove District Plan and Paragraph 63 of the NPPF. The proposed development would result in an increase in the demand on local facilities with no compensation or enhancement of existing facilities, thus resulting in harm to the wider community around the site. Contrary to Paragraph 56 of the NPPF the applicant has failed to enter into a S106 agreement to mitigate these impacts.

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