

## Broadwas and Cotheridge Neighbourhood Development Plan

### Schedule of Parish Council responses to representations made at Regulation 16 Stage April 2019

Representation by:	Summary	Parish Council Response
<b>MHDC Officers</b>	<p>1) Key Views policy lacks clarity</p> <p>2) Design policy would benefit from photographs to support the points being made.</p> <p>3) Green Spaces – further clarity required to distinguish between Local Green Spaces (as in the Framework) and Green Spaces (as in SWDP)</p> <p>4) Duplication of policies with the SWDP especially in respect of Policies P7, P8 and P9</p>	<p>The overall guiding principles behind the new Neighbourhood Development Plan (NDP) has been to distil the policies of both the 2012 National Planning Policy Framework (the “Framework”) and the South Worcestershire Development Plan (SWDP) into one document that covers those interests specific to Broadwas and Cotheridge and to do so in a form that is relatively simple to follow for residents and would-be developers alike. In this way the guidance and policies of the Framework and SWDP can be highlighted where relevant to the community, and further detail added where appropriate and permissible within the constraints of the “senior” documents. It is inevitable in these circumstances that there is some duplication with those other documents – but only of the material directly relevant to Broadwas and Cotheridge.</p>
<b>MHDC Officers</b>	<b>Detailed comments</b>	
	<p>Contents, Foreword, Broadwas and Cotheridge and Planning Policy Context - Various minor text changes are suggested.</p>	<p>Various minor text changes are suggested, most of which will be required anyway to update the document post-examination – the very nature of the different stages of plan preparation are such that, at each new stage some updating is required. However, it should be noted that this NDP will need to be assessed for compliance with the 2012 Framework (because it was submitted before 24<sup>th</sup> January 2019) which, whilst largely consistent with the later 2018 version, explains why the key references should be retained to the 2012 version.</p>
	<p>Various paragraph references in section 2 – whereby revised wording is suggested.</p>	<p>The paragraphs have been drafted in this way in this part of the document with the target audience being, primarily, local residents. Thus, for example, the differentiation between “Districts” and Worcester <i>City</i> Council (which, despite its title, is legally a <i>district</i>) is not especially important, and the cross references</p>

		<p>to The Framework need to be retained to the 2012 version for accuracy.</p> <p>In paragraph 2.9 the reference to the former Malvern Hills District Local Plan is helpful for local residents in their understanding of the origin of many of the policies – it was an important document in the past and hasn't been simply discarded; key elements (such as the Development Boundary) have been brought forward and updated in the new hierarchy of planning policies.</p> <p>The final sentence of paragraph 2.11 is significant as it explains to local residents that there is no over-riding requirement from either the Framework or the SWDP for the Parish Council to be promoting significant new releases of land for housing in the NDP. This is a very important point for the local community as expressed in their responses to consultations and other public engagement events during the plan preparation. Indeed, in order to be compliant with the SWDP, the Development Boundary for Broadwas should be retained (as discussed further below).</p>
	Section 3 – minor drafting change suggested	Agreed
	Section 4 – Vision and Objectives – no comments	Noted – and note that these have been consulted upon at every stage.
	<p>Development Boundary and Policy P1</p> <p>Various minor text changes are proposed – including an updated reference of a website address for the Background Paper No 1</p>	Noted
	Policy P 2 and supporting text – various minor changes are proposed	<p>Policy P2 and supporting text were significantly revised following the Regulation 14 consultation to cover non-residential as well as residential development and to include the second section on alterations, extensions and re-use of existing buildings. These changes came about directly in response both to public response to the draft NDP and the local planning authority's suggestions. Whilst further changes may seem desirable from a technical point of view it is important not to lose sight of other audiences, especially the local</p>

		community, to whom the plan needs to be meaningful too. The wordings in the submitted NDP and as now suggested do not appear to change the fundamental meaning or purpose of the policy.
	<p>Policy P3 and Local Green Spaces generally.</p> <p>These comments appear to be a general commentary – albeit with the suggested change of removing references to the SWDP policies in paragraph 5.10</p>	<p>The issue of significant open spaces is of great importance to the local community for the obvious reasons of the amenity, landscape, wildlife value and recreational value that they represent (not to mention consultation responses). The difficulty in drafting the NDP has not been in defining where they are – the whole local community knows that perfectly well, but in trying to reconcile the various different definitions of what “Green Space” actually is. There is, effectively, a matrix of definitions in the Framework, the SWDP, and various studies and published documents including those by the south Worcestershire districts in support of the SWDP and Natural England in respect of SSSIs and the registered Village Green. The NDP has been drafted to differentiate between those “Green Spaces” with a primarily amenity, landscape and/or wildlife value, (Policy P3) and those with a primarily functional recreational value (Policy P4). They are identified on the Policies Map accordingly. For the local community the key issue for the NDP to address is that these spaces are protected, howsoever they are defined, and that they continue to provide amenity, landscape, wildlife and recreational value as appropriate. The detailed wording of the supporting text and policies seek to do this as submitted and are supported by the background paper.</p> <p>The differentiation between P3 and P4 sites becomes clearer if one considers that a recreational facility could be enhanced by built development (changing rooms for example) whereas the Village Green and SSSIs would not. Hence the need for two slightly different policies.</p>
	<p>Policy P5 Key Views and supporting text. It is suggested that further justification is required especially for view south of</p>	<p>This policy and supporting text have been substantially revised since the Regulation 14 stage to focus on the most significant view points, primarily from and near the A44 and Otherton Lane. The difficulty with “View” policies is that there are views ‘from’ key</p>

	<p>the A44 and Otherton Lane escarpment.</p>	<p>points that are worthy of protection and key views ‘to’ features that should be preserved. It must be conceded that there is no “right to a view” as such in planning law –but that doesn’t mean that policies to preserve key landscape interests cannot be promoted. The NDP has taken the approach to be selective over where there are vantage points that give clear views of features of landscape value that can be defined, or are already defined, in published documents. The detailed wording chosen has been based on previous examples of made/adopted NDPs and sets out the specific interests that are to be protected along with the important requirement that these are <i>public</i> views that can be appreciated by the community as a whole.</p>
	<p>Policy P6 – Design The principal suggestion is that the policy be supplemented with photographic examples and/or a new design guide document.</p>	<p>This is a helpful and positive suggestion, although beyond the means of the Parish Council at this stage of plan preparation. The NDP was being developed at the same time as the South Worcestershire councils were preparing their own Residential Design Guide and so there was a risk of duplication with that document, which has now been published. Assuming that policy P6 becomes part of the final made/adopted NDP then a further document could usefully be prepared as a non-statutory guide to its interpretation in the specific local context – possibly in the form of a Village Design Guide. (It makes sense that the statutory policy is adopted before the related and sub-ordinate non-statutory guidance prepared.)</p>
	<p>Policy P7 – Employment Uses and Farm Diversification. General commentary - and concern that the relationship between P7 and SWDP 12 is unclear.</p>	<p>Farm diversification gave rise to some of the strongest objections/comments at Regulation 14 stage of the draft NDP and this policy, and supporting text, were substantially revised as a result. There is a careful balancing exercise to be drawn between enabling local enterprises to thrive whilst protecting the amenity of residents. During the course of preparation of the plan, potential Planning Enforcement issues have arisen with some sites – perhaps as to be expected in a rural parish close to a large urban area. The point of Policy P7 is, in part, to ensure a clear basis for assessing new development proposals and to highlight the issues that need to be taken into account in</p>

		Planning Enforcement cases. SWDP12 cannot be changed with an NDP – but this policy is intended, <i>inter-alia</i> , to assist in its interpretation in the specific context of Broadwas and Cotheridge.
	Policy P8 – Built Community Facilities Suggested that the key sites be identified in the Policies Map.	The sites are identified on the Policies Map with symbols rather than outlines due to the scale of the map. A supplementary document could be provided at a larger scale but would appear unnecessary as the sites are physically small and their curtilages are clearly defined on the ground.
	Policy P9 Renewable Energy and Low Carbon Energy General commentary on the policy and supporting text	Noted
	Policy P10 Developer Contributions. Concern expressed that the policy as drafted lacks clarity	It is in the nature of Section 106 agreements that they are specific to the development under consideration – and there may well be little if any scope for discussion as to the purpose of any funds raised. In the case of CIL funds there is a degree of discretion available to the Parish Council. The purpose of Policy P10 is to set out the Parish Council’s priorities. It cannot be predicted when or how much of any CIL payments will arise during the plan period and so a statement of priorities (to be reviewed as part of the monitoring of the NDP) is the correct approach at this stage.
<b>Worcestershire County Council</b>	Suggest that the Plan should state that all developments must meet the requirements of the County Highway Authority’s Streetscape Design Guidance	A suitable reference to the design guidance could helpfully be added to the Design section in the supporting text – although it should be noted that works within the highway are outside the scope of a Neighbourhood Development Plan.
<b>Environment Agency</b>	No “substantive” comments	Noted
<b>Historic England</b>	Noted – pleased to see reference to Farmsteads Study included	Noted
<b>Natural England</b>	No specific comments	Noted
<b>Severn Trent</b>	Supportive of the policy especially Policy P6 (A)	Reference in the supporting text could helpfully be made to the general points made, especially with regard to the Framework. However, the detailed technical material is arguably beyond the scope of a Neighbourhood Development Plan and more

		relevant to the interpretation of contemporary Building Regulations (which may well be revised during the lifetime of this NDP).
<b>Coal Authority</b>	No comments	Noted
<b>National Grid</b>	No specific comments	Noted
<b>Wolverley Homes Ltd</b>	In summary: (first bullet point) “The emerging neighbourhood plan fails to comply with the national planning policy which seeks to boost the supply of housing. There is a significant evidence base demonstrating that there is a local housing need. The emerging neighbourhood plan fails to plan positively to help meet the identified local housing need.”	The Framework does indeed seek to boost the supply of housing <i>nationally</i> but should not be taken as carte blanche to allocate new housing land in all circumstances everywhere. The SWDP implements the Framework in the strategic context of South Worcestershire and has provided for strategic housing need in West Worcester as explained in both the supporting text to the policy and Background Paper no. 1. There is no outstanding need which requires new allocations in Broadwas or Cotheridge. The alleged “evidence” of local housing need is a reference to the Gloucestershire Rural Community Council’s April 2018 Housing Need Study which had a number of very significant deficiencies as identified in the Addendum to Background Paper no. 1 and, even on best interpretation, could be argued to identify an apparent local need of Broadwas of five open market houses. This figure can easily be achieved through the lifetime of the NDP as drafted through infill development, conversions and other minor schemes.
	(second bullet point) “the emerging neighbourhood plan provides no housing allocations and simply attempts to set out a restrictive approach to growth within a very tight development boundary at Broadwas – at the same time acknowledging “very limited scope for new development within the development boundary”.	The NDP must be compliant with the SWDP – and that includes maintaining/re-stating the development boundary. The question of reviewing the development boundary was raised at a very early stage in the plan preparation process and the views of both the local planning authority and the local community sought. Their views were considered and assessed with the conclusion that the boundary should not be changed. Other options were also considered at length. The results are summarised in Background Paper No. 1 which sets out the three most realistic options which were considered, published and consulted upon along with the reasoned conclusion. On the basis of the arguments set out in the Background Paper and summarised in the supporting text to

		Policy P1 the Development Boundary has been retained in compliance with the SWDP.
	(third bullet point) “The emerging plan fails to comply with national planning policy which seeks to place modest growth at rural settlements to sustain and enhance their local services. Additionally, the emerging neighbourhood plan fails to follow the development strategy of the adopted spatial plan, the South Worcestershire Development Plan (SWDP) which seeks to achieve the same objectives as the Framework; as noted above.”	By providing design guidance for development both within and outside the development boundary the NDP does allow for modest growth within the constraints of, and consistent with, the SWDP. The Parish Council have worked with the local planning authority in drawing up the NDP and the opinion of the local planning authority, as evidenced in their response above, is that the NDP as submitted is <b>compliant</b> with the “adopted strategic spatial plan”, i.e. the SWDP.
	(Fourth bullet point) “The suggested local green space designations set within the emerging neighbourhood plan policy P3 fails to meet the tests set out in the Framework. There is no evidence base, or creditable documentation, to justify those emerging green space designations. “	The adequacy of the evidence base and compliance with both the Framework and SWDP is largely a matter of opinion. The sites are identified in Background paper No.2 using the methodology suggested by the local planning authority and the criteria in the Framework. Both the Framework and the SWDP set out the approach to be taken and the recognised value of Green Spaces (by whatever definition) and the role of the NDP is to identify them in the local context. It is important to note that the sites identified meet the four tests of Proximity, Demonstrably Special, Local In Character and Not Extensive (see Background Paper No 2) and are clearly identified on the Policies Map. In addition, and significantly, the identification of the various Green Spaces does not prevent the NDP meeting any need for land for housing as required by the SWDP (and the Framework).
	(fifth bullet point) “To be made sound, the emerging neighbourhood plan should, as a starting point, seek to make housing allocations such that, as a minimum, the local community can accommodate its currently	This objection depends substantially on the flawed Housing Needs survey as explained above. For the reasons set out in the addendum to Background Paper No. 1, that study can be discounted as a basis for providing new housing land allocations on greenfield sites outside the development boundary. The question of housing need in “the wider area” is a more strategic matter

	<p>identified housing need. Additionally, housing growth opportunities – not village cramming within tightly drawn development boundaries – should be identified to help meet the identified future housing need of the wider area as well as providing village growth the help sustain and enhance the rural services that Broadwas provides.”</p>	<p>that whilst outside the scope of the NDP to resolve on its own, the NDP must be cognisant of that wider context and has taken it into account. In the case of Broadwas and Cotheridge it is significant that directly to the east, in the adjoining parish of Lower Broadheath, there is part of the strategic West Worcester expansion area, policy SWDP 45/2, a site intended for around 2,500 houses – specifically to address the strategic housing need in this part of Worcestershire. Also, to the west and north the adjoining parishes benefit from their own made/adopted NDP in the form of the Martley, Knightwick and Doddenham NDP. Another adjoining parish to the east, Rushwick, is a Designated Neighbourhood Plan area, but has not yet progressed to a draft plan stage. These have all been considered in developing the NDP and, in the view of the local planning authority, the NDP as drafted is compliant with the SWDP and does provide adequately for land for housing without making new greenfield site allocations.</p>
	<p>(sixth bullet point) “The proposed local green space designations, particularly that between Berryfields Close and Church lane, should be deleted”.</p>	<p>At this point it becomes clear what the real point of the objection is – to seek the development of a specific green field site in current agricultural use for speculative residential purposes. Whilst the objector is to be commended for seeking to achieve this through the development plan process, the arguments set out above remain persuasive. In summary, the strategic and local land for housing requirements can be met without developing this site. Its promotion as an allocated site would put the NDP into non-compliance with the SWDP, and the site has its own intrinsic landscape value both for the views it affords from the village to the River Teme corridor, and the setting it provides for the cluster of listed buildings and structures nearby, especially St Mary Magdalene Church and immediate environs. Furthermore, there is no community support for this proposal.</p>
	<p>(seventh bullet point) “Land between Berryfields Close and Church Lane should be allocated such that it can sustainably help to provide some of the</p>	<p>In the absence of an established strategic or local housing need it is difficult to see how the development of a greenfield site in current agricultural use could be seen as “sustainable” development. The arguments regarding the lack of strategic or local need to justify this site</p>



	<p>affordable housing requirement and housing need demonstrated to exist within the locality.”</p>	<p>as an allocation are summarised above. Significantly, the allocation of this site outside the development boundary adopted in the SWDP would put this NDP into very obvious and significant conflict with the “senior” plan i.e. the SWDP.</p>
	<p>The remainder of this part of the objection sets out further details of the arguments put forward above, including the very serious objection that: “As a fundamental principle of planning law, a neighbourhood plan has no legal jurisdiction in the re-writing of strategic policies contained within an up-to-date and operative spatial development strategy. Here, the authors of the emerging Broadwas and Cotheridge neighbourhood Plan have seriously misdirected themselves.”</p>	<p>The first sentence quoted cannot be argued against – it amounts to a summary of the legal relationship, in this case, between the NDP and the SWDP. The second sentence, however, is itself a “misdirection”. The allocation of a green field site for new housing (which is the overall purpose of the objection) on land identified as outside the development boundary in the adopted SWDP is in clear conflict with that strategic plan and amounts to an attempt to re-write the relevant policies of the SWDP. Should the objection site be developed at similar density to the Berryfields Close development nearby then it is conceivable that 20 or more houses could be accommodated (depending on the depth of development measured back from the A44). The only reason to promote such a site for development would be if there is an identified strategic housing need that could not be satisfied elsewhere in this part of South Worcestershire. There is no such identified need. To maintain compliance with the SWDP this site must retain its status as open countryside outside the development boundary. That is not a misdirection at all – it is a case of maintaining compliance with the senior strategic plan.</p>
	<p>The objection then turns to the question of Local Green Space – objecting to one particular site which they seek to develop for housing. The objection largely comprises of asserting that there is no justification and refers to an appeal decision (not supplied) – and concludes thus: “Given that no evidence of a comprehensive and technical assessment has been demonstrated within</p>	<p>The final part of the conclusion as quoted alleges that the designation of Green Space is a “thinly veiled attempt to thwart future development at the village.” This is not accepted because, as demonstrated in Background paper No. 1 and elsewhere in the supporting text of the plan it is shown that Broadwas has exceeded (in terms of numbers of new houses) the requirements of the SWDP as adopted, both as a result of the two allocated sites resulting in more units than required in the SWDP plus any windfall sites such as the appeal site at the site known as “Zourka” (see more below). The NDP as submitted allows for development as required</p>

	<p>the emerging neighbourhood plan, and its background paper, it is clear that the plan seeks to misuse local green space designations in a thinly veiled attempt to thwart future development of the village. In that regard the emerging plan fails to meet the “basic conditions” test.</p>	<p>by the SWDP and, in the view of the local planning authority, is compliant with the SWDP. The NDP cannot therefore be seen as an attempt to “Thwart future development at the village” or as non-compliant with the Basic Conditions.</p> <p>In the proven absence of need to allocate significant new housing development sites, the attention of the Parish Council then turned to assessment of those Green Spaces which were most important to the local community. Note that, as in many rural villages, the spaces between buildings can be as important to the character of the village as the built frontages. The A44 is the one main thoroughfare through the whole NDP area and the various views and glimpses of the wider rural area are very much part of the character of the locality. The Green Spaces policy seeks to protect specific sites of specific amenity and landscape qualities, and, where relevant, both recreational and wildlife/natural heritage assets – so one Green Space Policy alone was not considered appropriate for all cases. Hence the division into two policies – one focussing on recreational green space and one focussing on landscape and amenity. This is all part of presenting the planning policies to the local community in a logical and understandable way.</p> <p>It is self-evident that this objection site, being in agricultural use, is primarily a landscape asset and an important part of the character of the village separating as it does the cluster of buildings and structures associated with St Mary Magdalene Church to the west from the main body of the village to the north and east. “Filling in” this space with built development would fundamentally change the character of the village as experienced from the main thoroughfare through it and would block views from the village of the River Teme corridor to the south. For this reason, and in the absence of any over-riding justification for its development, it is a vital asset to the local community and should continue to be protect6ed from unnecessary development. The Local Green Space policy and accompanying Key Views policy are together</p>
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		<p>an appropriate way of achieving this and do so by applying the principles of both the Framework and the relevant SWDP policies in the local context.</p>
<p><b>Gregory Gray Associates</b></p>	<p>In summary:  Either the Development Boundary should be extended to include the site of Zourka, or the site should be the subject of a specific allocation for residential development.</p>	<p>“Zourka” is the name of a bungalow standing in 0.94 hectares of land on the west side of Church Lane to the north of St Mary Magdalene Church (a grade II* listed building). It was the subject of a planning application to be redeveloped for three houses which was refused and subsequently upheld on appeal in April 2018. A more recent planning application to increase the number of dwellings to five was submitted in January 2019 but was withdrawn in March 2019.</p> <p>The Parish Council agrees that an appropriate way to establish the planning policy status of the site is by means of the NDP process. The site is outside and does not adjoin the current Development Boundary. It is therefore currently in Open Countryside as defined in both the SWDP and the emerging NDP.</p> <p>Furthermore, any extension to the existing Development Boundary to “attach” this site to the existing boundary would require enlarging the boundary substantially to include many properties on the north side of the A44. This would not be compliant with the SWDP and would therefore fail to meet the Basic Conditions.</p> <p>The next question then arises as to whether there is justification for a new allocation for this 0.9 hectare site in Open Countryside. As was made clear in the local planning authority’s assessment of the most recent planning application Malvern Hills District currently has adequately met its 5 Year Housing Land Supply target (expressed by the planning officer in the rather technical terms thus: “the Council considers it can demonstrate a robust 5YHLS of 6.57 years.” (see the “Policy Comment on Planning Application” submitted with this document). In more normal English that means that the local planning authority can currently demonstrate an adequate five-year supply of land for housing. On this basis there is no pressing need to allocate this site for housing at the present time.</p>

		<p>The planning application also gave rise to other objections, notably from the council's Conservation advisor, but, for the purposes of this document an analysis of the design of the proposed development is not the key point at this stage. The principle of an allocation for new housing cannot be justified on the basis of housing land supply or by reference to the policies in the SWDP.</p> <p>The site is also within the setting of the group of listed buildings and structures associated with St Mary Magdalene Church – see Background Paper No 3 (the map shows the location of both the listed buildings and the Zourka site). This is, therefore, regarded as a sensitive site. If the Development Management process results in a final scheme for the site then that will have to be accepted, but for the purposes of this NDP it is not needed to achieve compliance with the housing land supply policies in the SWDP and it would be unwise to allocate such a sensitive site for development in the absence of a clear picture of how that development would take place.</p>
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Enclosure: Planning Policy Officer's comments on Planning Application ref: 18/01798 at the site known as "Zourka", Church lane, Broadwas, dated 1<sup>st</sup> March 2019.

On behalf of  
Broadwas and Cotheridge Parish Council  
8<sup>th</sup> April 2019

## Policy Comment on Planning Application

**Application No:** 18/01798/FUL

**Date:** 1 March 2019

**Application Location & Description:**

Zourka, Church Lane, Broadwas, Worcester, WR6 5NQ;  
Demolition of bungalow and outbuildings and construction of five houses and garages, landscaping, including new structural landscaping, new pedestrian and vehicular access, access road and bat barn.

**Response made by:** [REDACTED]

**DM Officer:** [REDACTED]

**Policies**

**National Planning Policy** – NPPF and NPPG.

**South Worcestershire Development Plan** – SWDP1, SWDP2, SWDP3, SWDP5, SWDP6, SWDP7, SWDP13, SWDP14, SWDP15, SWDP21, SWDP24, SWDP25, SWDP26, SWDP27, SWDP29, SWDP30, SWDP39, SWDP59 and the SWDP Interactive Policies Map.

**Other Relevant Documents** – Malvern Hills Five Year Housing Land Supply Report (July 2018), Strategic Housing Market Assessment (February 2012), Market Housing Mix Position Statement (May 2017), South Worcestershire Design Guide SPD (March 2018), Affordable Housing SPD (October 2016), South Worcestershire Developer Contributions SPD (October 2016) and Malvern Hills Community Infrastructure Charging Levy Schedule (June 2017).

**Planning Policy Context**

**National Planning Policy Framework (NPPF)** – the NPPF is a material consideration in the determination of planning applications. The purpose of the planning system is to contribute towards the achievement of sustainable development, and Paragraph's 15 to 217 of the NPPF set out the Government's interpretation of that concept.

**South Worcestershire Development Plan (SWDP)** – the SWDP was adopted on 25 February 2016 and no legal challenges were subsequently made. A Review of the SWDP commenced in late 2017, with the Issues and Options consultation running in Autumn 2018.

**Broadwas and Cotheridge Neighbourhood Plan (BCNP)** – the BCNP was submitted to Malvern Hills District Council on 20 January 2019, with the Regulation 16 consultation commencing on 15 February and concluding at 5pm on 29 March 2019. Given the BCNP has not yet reached Examination it can only be afforded minimal weight in decision making.

**Five Year Housing Land Supply and Housing Delivery Test** – the NPPF at Paragraph 73 requires local planning authorities to demonstrate a Five Year Housing Land Supply (5YHLS) against the relevant housing requirement (i.e. SWDP3). Paragraph 11 at Footnote 7 states that policies for the provision of housing (i.e. SWDP2 and SWDP3) should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing

sites. The latest 5YHLS Report (July 2018) shows that against the SWDP3 housing requirement, the Council considers it can demonstrate a robust 5YHLS of 6.57 years. In all recent appeal decisions in the District, the Council's 5YHLS position has either not been contested by the appellant or the Inspector has concluded that there is a robust 5YHLS.

NPPF Paragraph 11 at Footnote 7 also states that policies for the provision of housing should not be considered up-to-date where the Housing Delivery Test (HDT) indicates that delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. The 2018 HDT results were published in February 2019, which gave Malvern Hills a measurement of 187%, meaning no sanctions have been applied.

On the basis of the above, all SWDP policies concerning the provision of housing are to be afforded full planning weight.

### **Background and Proposal**

The brownfield site measures approximately 0.94 hectares and lies to the south west of Broadwas, outside of the Development Boundary for Broadwas as defined by SWDP2 C and the SWDP Interactive Policies Map. The site is not allocated for housing in the SWDP.

The site has been subject to a number of previous planning applications, most notably 17/00169/FUL for the demolition of the existing bungalow and outbuildings and construction of three houses and associated works. This application was refused on 26 June 2017 but subsequently allowed on appeal on 10 May 2018 (APP/J1860/W/17/3191631), and given condition 1 of the appeal decision allows up to three years for commencement this permission remains extant.

This application seeks full planning permission for the demolition of the existing bungalow and outbuildings and construction of five houses and garages, landscaping, including new structural landscaping, new pedestrian and vehicular access, access road and bat barn.

### **Principle of Development**

The site is not allocated for housing in the SWDP (see SWDP59 for Village Allocations) and falls wholly outside of the Development Boundary for Broadwas as defined by SWDP2 C and the SWDP Interactive Policies Map. Criterion C of SWDP2 and its associated footnote 3 list exceptions for which development outside of the defined Development Boundaries is acceptable in principle; standalone open market self-build housing is not one of the exceptions.

On the basis of the above, the principle of development would not normally be supported, but given extant planning permission 17/00169/FUL, allowed on appeal, the principle of development for three dwellings has been established. Having said that, the increase in dwellings proposed in this application would not be supported in principle, and therefore the application taken as a whole is not supported in principle.

### **Green Infrastructure**

SWDP5 requires all new housing developments on greenfield sites exceeding 0.2 hectares to provide an element of Green Infrastructure (GI), at a rate of 20% on sites measuring between 0.2 and 1 hectare. For brownfield sites, SWDP5 does not seek a specific amount of GI but states that proposals will need to satisfy other SWDP policies such as SWDP21 Design which

may mean parts of the site will need to perform a GI function.

### **Historic Environment**

SWDP6 and SWDP24 seek to conserve and enhance the significance of heritage assets, including their setting. Given the number of Listed Buildings in close proximity to the site, including the Grade II\* Listed Church of St Mary Magdalene, the views of the Council's Conservation Officer are crucial in the application of SWDP6 and SWDP24.

### **Density of Development**

SWDP13 seeks to make effective use of land, requiring windfall housing developments in the villages to be provided at an average net density of 30 dwellings per hectare, having regard to the character of the local built and natural environment. 5 dwellings are proposed on a site area measuring approximately 0.94 hectares; this equates to an average net density of just over 5 dwellings per hectare. Although this is significantly lower than the average net density sought by SWDP13, it is considered appropriate with the character of the local built and natural environment in mind.

### **Housing Mix**

SWDP14 requires all new housing developments of five or more dwellings to contain a mix of sizes and types of market housing, having regard to location, site size and scheme viability. The market housing mix should also be informed by the latest Strategic Housing Market Assessment (SHMA, February 2012) and other local information sources. This includes the Market Housing Mix Position Statement (May 2017), which forms 'Note 2' of the South Worcestershire Design Guide SPD (March 2018), which sets out the following desired mix that schemes should seek to be compliant with:

- 1 and 2 bedroom dwellings – 35% of the total number of market homes*
- 3 bedroom dwellings – 35% of the total number of market homes*
- 4 and 4+ bedroom dwellings – maximum of 30% of the total number of market homes*

The proposed scheme is made up of five 4 bedroom dwellings, which is clearly not supportive of the desired mix set out in the Market Housing Mix Position Statement (May 2017). The DM Officer should seek to negotiate a more compliant mix.

### **Affordable Housing**

SWDP15 and the Affordable Housing SPD (October 2016) require all new housing developments of 6 or more dwellings within a Designated Rural Area, or 10 or more dwellings outside a Designated Rural Area, to contribute towards the provision of affordable housing. This is unless the development proposes a total combined gross floorspace of 1,000m<sup>2</sup> or more, in which case SWDP15 B is to be applied as written.

As the proposal is for five dwellings and the total combined floorspace is less than 1,000m<sup>2</sup>, no affordable housing is sought.

### **Design**

SWDP21 and the South Worcestershire Design Guide SPD (March 2018) expect all

development to of a high quality design, detailing the design elements that should be addressed in an accompanying Design and Access Statement.

The DM Officer should be satisfied that the design principles detailed in SWDP21 B are satisfied now and for each reserved matters application, should outline planning permission be granted, notably i. Siting and Layout; ii. Relationship to Surroundings and to Other Development; iv. Neighbouring Amenity; v. Settlement Character; vi. Mix of Uses; vii. Flexible Design; viii. Scale, Height and Massing; ix. Links, Connectivity and Access; x. Detailed Design and Materials; xi. Appropriate Facilities; xii. Landscaping; xiii. Public Realm; and xiv. Creating a Safe and Secure Environment.

### **Landscape Impact**

SWDP25 states that “development proposals and their associated landscaping schemes must demonstrate that they take into account the latest Landscape Character Assessment and its guidelines; they are appropriate to and enhance the primary characteristics defined in character assessments and important features of the Land Cover Parcel, and have taken any available opportunity to enhance the landscape”.

The views of the Council’s Landscape Officer on the potential impact of the proposal are crucial in the application of SWDP25.

### **Telecommunications and Broadband**

SWDP26 expects all new developments to be provided with superfast broadband or alternative solution where appropriate e.g. mobile broadband or Wi-Fi. It is recommended that a condition be attached to outline planning permission, should it be granted, requiring such measures to be incorporated.

### **Sustainability and Energy Performance**

SWDP27 requires all new residential development to incorporate the regeneration of energy from renewable or low carbon sources equivalent to at least 10% of the predicted energy requirements, unless it can be demonstrated that this would make the development unviable.

The DM Officer should ensure that renewable and/or low carbon technologies are incorporated into the scheme and that the generation of energy from such sources amounts to at least 10% of the predicted energy requirements. The provision of such should be measures are secured through a suitably worded Section 106 agreement.

### **Drainage and Flooding**

The views of the Council’s Drainage Engineer on the submitted Drainage Statement are essential in the application of SWDP29 and SWDP30.

### **Highways**

Comments should be sought from Worcestershire County Council as the Local Highway Authority on the proposed access and wider highways implications resulting from development on this site, and also the required number of car and cycle parking spaces.



## **Conclusion**

The site is not allocated for housing in the SWDP (see SWDP59 for Village Allocations) and falls wholly outside of the Development Boundary for Broadwas as defined by SWDP2 C and the SWDP Interactive Policies Map. Criterion C of SWDP2 and its associated footnote 3 list exceptions for which development outside of the defined Development Boundaries is acceptable in principle; standalone open market self-build housing is not one of the exceptions.

On the basis of the above, the principle of development would not normally be supported, but given extant planning permission 17/00169/FUL, allowed on appeal, the principle of development for three dwellings has been established. Having said that, the increase in dwellings proposed in this application would not be supported in principle, and therefore the application taken as a whole is not supported in principle.

In addition, the current housing mix is not deemed appropriate and would require modification or justification for the clear skew in favour of larger dwellings.

## **Contributions**

In accordance with SWDP7, development is required to provide or contribute towards the provision of the development needed to support it. Malvern Hills District Council secures contributions through a combination of Community Infrastructure Levy (CIL) and Section 106.

CIL was introduced through the CIL Regulations 2010 (as amended) which came into force on 6 April 2010. CIL is essentially a locally set charge that Local Authorities can place on new development in their area.

Malvern Hills District Council adopted its CIL Charging Schedule, Regulation 123 List and associated policies at its Council meeting on 16 May 2017, with an agreement to implement the charging of CIL from 5 June 2017. For residential development, the levy rate is £0 per m<sup>2</sup> in urban areas and £40 per m<sup>2</sup> in all other areas. In addition to CIL, contributions may also be sought through Section 106 agreement if they are necessary to make the development acceptable in planning terms, are directly related to the development, and fairly and reasonably related in scale and kind to the development (Regulation 122).

Should the DM Officer be minded to approve this outline planning application, the following contributions towards infrastructure should be sought:

### **CIL**

The application falls outside a defined urban area so is CIL liable at a rate of £40 per m<sup>2</sup> on all market residential gross internal floorspace.

### **Section 106**

Affordable Housing – as detailed above, As the proposal is for five dwellings and the total combined floorspace is less than 1,000m<sup>2</sup> no affordable housing is sought.

Cycling – comments should be sought from Worcestershire County Council's Sustainable Transport Team on their requirements.

Education – comments should be sought from Worcestershire County Council's Education department on their requirements.

Highways – comments should be sought from Worcestershire County Council's Highways department on their requirements.

Public Open Space (POS) – as the site does not exceed 5 dwellings, in line with SWDP39 there is no requirement for the provision of Green Space and outdoor community uses.