

**Kempsey Neighbourhood Plan
Regulation 16 Consultation Draft
February 2017**

Schedule of MHDC Officer Comments

| Policy | Comments |
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| Next Steps | |
| | Paragraph 5, final sentence – it is suggested that the word “new” is replaced with “adopted” |
| Introduction and Background | |
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| Key Issues for Kempsey | |
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| Vision and Objectives | |
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| National and Local Planning Policy Context | |
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| 5.0 Neighbourhood Plan Policies | |
| | It is suggested that Figure 5 may more appropriately be titled a “Proposals”, rather than “Policies”, map. |
| K1 - New Housing Development in Kempsey Village | |

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| <p>New housing development within the Kempsey village development boundary (Figure 5, the Policies Map) will be supported when it meets the following:</p> <p>a) It is infill development that seeks, wherever possible, to use previously developed land that is not of high environmental value; or</p> <p>b) It is for the conversion, re-use or extension of an existing building; and</p> <p>c) It accords with other relevant policies of the Kempsey Neighbourhood Plan and South Worcestershire Development Plan (SWDP).</p> | <p>Policy K1 seeks to support housing development within a revised village development boundary which includes sites allocated in the SWDP contiguous with the settlement boundary.</p> <p>K1a says that “wherever possible” infill development should be previously developed land that is not of high environmental value. For clarity, it is suggested that it is made clearer that the policy is not proposing that new housing development will only be supported on previously developed land as this could be considered too restrictive. As background, the SWDP was not allowed to prioritise previously developed land over green field land - see SWDP Inspector’s report paragraph 121, page 26.</p> <p>As background to K1, the SWDP makes provision for around 28,400 dwellings including around 2,600 dwellings at Broomhall Community and Norton Barracks Community (Worcester South urban extension), much of which will be in the Kempsey parish. The SWDP also allocates 315 dwellings in Kempsey at Bight Farm, on the Main Road and Brookend Lane. In light of this, it is considered that there is no immediate need to identify sites for further development in Kempsey within the Neighbourhood Plan. The Framework stipulates that Plans should be positively framed it does not require new or additional policies where local needs can be shown to be already met.</p> <p>Notwithstanding the above, Policy K1 provides flexibility and supports development within the development boundary, providing it accords with other policies in the Plan and SWDP.</p> <p>Policy K1 is considered to be in general conformity with the strategic policy SWDP 2 (Development Strategy and Settlement Hierarchy). SWDP 2 focuses most development on the urban areas where both housing needs and accessibility to lower-cost public services are greatest. SWDP 2B says windfall development proposals will be assessed in accordance with the settlement hierarchy. Kempsey village is identified as a Category 1 settlement in the hierarchy. The role of Category 1 settlements in the SWDP is predominately aimed at meeting locally identified housing and employment needs.</p> <p>The SWDP identifies a development boundary for Kempsey. The development boundary includes sites allocated for development outside and adjoining an existing settlement</p> |
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| | <p>boundary (including SWDP 59/8 and SWDP59/9). Where a housing allocation is not coterminous with the development boundary, it has not been included in the boundary.</p> <p>The Neighbourhood Plan proposes to update the development boundary, applying the principle adopted in the SWDP.</p> <p>Figure 5 shows the proposed revised development boundary for Kempsey village, including SWDP allocations coterminous with the development boundary. It should be noted that proposed development boundary in the Neighbourhood Plan is slightly different to that in the SWDP. The SWDP 59/f allocation (and therefore SWDP) includes part of the Significant Gap whereas the Neighbourhood Plan excludes the Significant Gap. The reason for the Neighbourhood Plan seeking to exclude this part of the Significant Gap is because the land is to be retained as open space and its inclusion in the SWDP development boundary for Kempsey is an anomaly. The revised development boundary in the neighbourhood plan seeks to correct this anomaly.</p> <p>It is noted that the revised development boundary in Figure 5 does not include the site south of Post Office Lane with planning permission (14/00625/FUL) for 75 dwellings. The site is coterminous with the existing development boundary and it is understood that it has been the Parish Council's intention to include the site within the revised development boundary (see Kempsey Parish Council's response to the Regulation 16 consultation). It is noted that the site was included in the proposed revised development boundary in the Regulation 14 consultation.</p> |
| K2 - New Housing Development in Kempsey Parish outside of Kempsey Village | |
| <p>New housing development within the parish, but outside of the Kempsey village development boundary, as shown on Figure 5 the Policies Map, will be strictly controlled. New housing development will only be supported outside of the development boundary when it is:</p> <p>For new dwellings, the development is for one of</p> | <p>Policy K2 seeks to strictly control housing development in the open countryside in accordance with SWDP 2. The policy provides flexibility for new development for use by rural workers, rural exception sites, replacement dwellings, house extensions and conversions.</p> <p>Paragraph 55 of the Framework says that local planning authorities (and this applies to neighbourhood plans) should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live</p> |

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| <p>the following:</p> <p>a) A dwelling that is essential for use by a rural worker including persons employed in agriculture, horticulture, forestry or a rural enterprise and when in accordance with SWDP policy SWDP19;</p> <p>b) Affordable housing on an exception site to meet identified local need and when in accordance with SWDP policy SWDP16;</p> <p>c) A replacement of an existing dwelling with established use rights and where the replacement dwelling does not exceed the footprint of the dwelling to be replaced by more than 30% and is in accordance with SWDP policy SWDP 18; and</p> <p>d) It accords with other relevant policies in the Kempsey Neighbourhood Development Plan and the South Worcestershire Development Plan.</p> <p>For extensions or alterations to existing dwellings and buildings that require planning permission:</p> <p>e) An extension to an existing dwelling will be supported provided that they are subordinate to, and do not dominate the character and appearance of the original dwelling; or</p> <p>f) Conversion or re-use of existing buildings will be supported where there is no need for substantial reconstruction or need for large extensions.</p> | <p>permanently at or near their place of work.</p> <p>Policy K2 provides a clear local interpretation of SWDP 2C as it relates to housing development. Reference is made to SWDP 16 (Rural Exception Sites), SWDP 18 (Replacement Dwellings in the Open Countryside), SWDP 19 (Dwellings for Rural Workers).</p> <p>It is suggested that Policy K2 e) and f), which relate to extensions and conversions, be decoupled from K2 a) to d) – i.e. after K2 d) it is suggested that there be separate paragraphs relating to extensions and conversions because they are not “new” housing development.</p> <p>Paragraph 5.11 – It is suggested that the words “may come forward” (on line 7) could be deleted.</p> |
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| K3 - Housing Mix | |
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| <p>All new housing development proposals over 5 units should provide a range of types, sizes and tenures of housing. As and when proposals are submitted, the proposed mix of housing will be assessed on a site by site basis. This assessment will take in to account SWDP Policy 14 and the most up to date information on local housing needs.</p> | <p>Policy K3 proposes that housing development over 5 units should provide a range of housing types, sizes and tenures, taking account of SWDP 14 (Market Housing Mix).</p> <p>Policy K3 seeks to have regard to paragraph 50 of the Framework.</p> <p>Policy K3 is broadly consistent with SWDP 14 which seeks a mix of types and sizes (but not tenures) in developments of 5+ units.</p> <p>Evidence from the SHMA (2014) supports the need for a mix of housing.</p> |
| K4 - The Significant Gap | |
| <p>The open character of the Significant Gap (as shown on Figure 4) between Kempsey and Worcester will be retained to provide a clear separation and the individual identities of Kempsey and Worcester.</p> <p>The following development may be acceptable in the Significant Gap:</p> <ul style="list-style-type: none"> a) The re-use of rural buildings; b) Agricultural and forestry-related development; c) Playing fields d) Other open land uses that maintain the openness of the gap; and e) Minor extensions to existing dwellings. | <p>Policy K4 seeks to maintain the Significant Gap between Kempsey village and Worcester.</p> <p>Policy K4 is consistent with SWDP 2(D) which seeks to ensure the retention of the open character of the Significant Gap.</p> <p>It is suggested that paragraph 5.19 should include reference to the fact that the proposed boundary of the Significant Gap in Policy K4 seeks to amend an anomaly in the SWDP map by including that part of SWDP 59f which is to be retained as open space.</p> |

| K5 - Designated Heritage Assets | |
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| <p>Development proposals that conserve, enhance and respect the setting of the parish's Listed Buildings and Conservation Area (see Figure 7) will be supported.</p> <p>The Listed Buildings in Kempsey are found in Appendix 1.</p> | <p>Policy K5 supports development proposals that “conserve, enhance and respect the setting of” Listed Buildings and the Conservation Area within Kempsey parish.</p> <p>Figure 7 helpfully shows the Kempsey Conservation Area. The map could, however, be made clearer.</p> <p>Heritage assets are an irreplaceable resource, which are protected by national legislation and policy. Policy K5 rightly distinguishes between designated heritage assets (such as listed buildings and conservation areas) and non-designated heritage assets (which are covered by Policy K6).</p> <p>The Framework requires that historic assets should be conserved in a manner that is appropriate to their significance.</p> <p>Reference in the Background / Justification to the Kempsey Conservation Area Appraisal & Management Strategy (Dec 2008) may be helpful.</p> |
| K6 - Non-Designated Heritage Assets | |
| <p>Following adoption by Malvern Hills District Council, proposals requiring planning consent which affect a building or structure on the Local List must demonstrate how they protect or enhance the heritage asset,</p> <p>The renovation or alteration of buildings or structures identified on the Local List should be designed sensitively, and with careful regard to the heritage asset's historical and architectural interest and setting.</p> | <p>Policy K6 seeks to identify and protect 10 non-designated heritage assets and their settings.</p> <p>There are a number of buildings / assets within the parish that have local heritage value which may not be appropriate for national listing, but could be locally listed. Whilst the Local List will be designated and maintained by Malvern Hills District Council, it is considered appropriate for the Parish Council to nominate non-designated heritage assets for consideration in the MHDC Local List SPD through the neighbourhood plan process. As non-designated heritage assets these buildings would be afforded some protection through local planning policy.</p> <p>Figure 13 helpfully maps the location of the proposed heritage assets and Appendix 2 provides a short narrative and photograph for each asset.</p> |

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| K7 - Valued Landscapes | |
| <p>Valued landscape areas in the neighbourhood plan area will be protected and enhanced for their visual, cultural, historical, archaeological and architectural interest. These valued landscapes are:</p> <ul style="list-style-type: none"> • Kempsey Common • Normoor, Kerswell Green and Stonehall Common • Ashmoor Common • north and south Hams • The confluence of Hatfield Brook and the River Severn in Kempsey village. <p>The Commons and Hams are shown on Figure 11.</p> | <p>Policy K7 seeks to protect and enhance 5 valued landscapes.</p> <p>Paragraph 109 of the Framework says that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.</p> <p>Photographs of the valued landscapes are included on pages 28 to 30, whilst their locations are shown later in the plan on page 40.</p> <p>Paragraphs 5.27 and 5.28 refer to Natural England's National Character Assessment and the Worcestershire Villages Historic Environment Resources Assessment, but it is not clear how these have informed the development of Policy K7.</p> |
| K8 - Protection and Improvement of Community Facilities | |
| <p>Proposals leading to the loss or change of use of the community facilities identified on Figure 5 the Policies Map, and listed below, to non- community uses will not be supported unless the following can be met:</p> <p>a) There is clear justification by the applicant that the facility is no longer economically viable in its current form and location to continued community use. If a site is considered to be no longer economically viable for continued community use, evidence should be provided by the applicant to show that the site has been actively marketed for community uses for a period of at least 12 months, including in the</p> | <p>Policy K8 seeks to protect 11 specific community facilities, including 6 public houses.</p> <p>The Framework, paragraphs 69 and 70 highlight the important role planning can play in facilitating social interaction and creating healthy, inclusive communities.</p> <p>The Background / Justification could be strengthened if there was a clearer indication of why the 11 community facilities have been identified for protection, whilst other community facilities, such as the doctors surgery, schools, sports facilities at Plovers Rise etc, have not.</p> <p>The Parish Council could consider nominating certain buildings eg public houses as Assets of Community Value. The driving principle of the Assets of Community Value legislation is to provide a Community Right to Bid should such assets come onto the</p> |

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| <p>neighbourhood area and that no sale or let has been achieved during that period; or</p> <p>b) The proposal includes alternative provision, on a site within the parish, of equivalent or enhanced facilities. Such sites should be accessible by public transport, walking and cycling and have adequate car parking.</p> <p>This policy applies to the following:</p> <p>K8/1 Kempsey Community Centre K8/2 Seabourne Inn K8/3 Shop and Post Office K8/4 Crown Inn K8/5 St Mary's Church K8/6 Parish Hall K8/7 Talbot Inn K8/8 Walter de Cantelupe Inn K8/9 Anchor Inn K8/10 Kempsey Youth Centre K8/11 The Huntsman Public House</p> | <p>open market thereby offering communities an opportunity to seek to acquire and operate a local asset for the benefit of the local and wider community.</p> <p>The principle of applicants being required to demonstrate that the existing use is no longer viable through active marketing of a site for 12 months is well established. It is not clear why the identified community facilities should be marketed for "community uses".</p> |
| K9 - New and Extended Community Facilities | |
| <p>Proposals for new, or extensions or improvements to existing community facilities (including those identified under Policy K8) will be supported provided that they are:</p> <p>a) Within or adjoining the Kempsey village development boundary or identified on the Policies Map (Figure 5) including on site K10Bi;</p> <p>b) Of a scale that meets the needs of the local</p> | <p>Policy K9 supports new or extended "community facilities" within or adjoining the Kempsey development boundary, subject to scale respecting the character of the area, adequate car parking and sustainable access.</p> <p>As currently worded, Policy K9 would apply to proposals for any community facilities (not only those in Policy K8). Is this the intention of the policy? For example, paragraph 6.3 indicates that the Parish Council would oppose proposals for a pharmacy in the parish which could be contrary to Policy K9.</p> <p>Clarification would be helpful about which community facilities Policy K9 would relate to.</p> |

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| <p>community and in keeping with the character of the area;</p> <p>c) Provided with adequate car parking and operational space; and d) They are accessible by walking, cycling, and public transport</p> | <p>Paragraph 5.34 refers only to the Community Centre, Parish Hall and Youth Centre. If the policy is about the provision of a new community facility to accommodate the community centre and parish office it would be helpful if this was made clearer.</p> <p>Paragraph 5.36 – It is suggested that the word “managed” be replaced with “used”.</p> |
| <p>K10 - Existing and Future Community, Recreation and Sport</p> | |
| <p><u>K10A: Existing Provision</u></p> <p>The existing sports and recreation facilities at Plovers Rise (see Proposal K10A, Figure 5 the Policies Map) will be protected. Proposals to improve and enhance these facilities will be supported.</p> | <p>Policy K10 A seeks to protect existing sports and recreation facilities at Plovers Rise.</p> <p>Paragraph 5.39 says the existing facilities at Plovers Rise cannot be extended.</p> <p>If the purpose of Policy K10A is to protect the community facilities at Plovers Rise it is not clear why the facilities are not identified in Policy K8.</p> |
| <p><u>K10B: Future Provision</u></p> <p>To meet future community, recreation and sport needs land to the north of Pixham Ferry Lane and west of Old Road South is identified on the Policies Map for further community, sport and recreation provision (shown as Proposal K10Bi on Figure 5 the Policies Map).</p> <p>In order to develop this area for further community, recreation and sport provision enabling housing development may be considered on land to the east of Old Road South and north of Pixham Ferry Lane between Sunnyside Farm and Bight Farm (shown as Proposal K10Bii on Figure 5 the Policies Map). Such enabling development would only be supported where it can be demonstrated that:</p> <p>a) the enabling development is necessary to secure</p> | <p>Policy K10B seeks to allocate land to the west of Old Road South (shown as K10Bi on Figure 5) for community, recreation and sports use.</p> <p>The policy says that land to the east of Old Road South (K10Bii) may be supported for enabling housing development if certain conditions hold.</p> <p>Policy K10B refers twice to “<u>further</u> community, recreation and sport provision”. The intention is obviously to indicate further provision within the parish, but as written, the policy implies “further” provision west of Old Road South which would be incorrect. It is suggested that the word “further” is deleted.</p> <p>Paragraphs 5.37 to 5.39 and 5.43 explain the need for additional land for sport and recreation uses, whilst paragraphs 5.40 and 5.41 outline the types of sports and recreation uses that are needed.</p> <p>Paragraphs 5.44 and 5.47 say that land to the west of Old Road South and north of Pixham Ferry Lane has been identified as potentially suitable for community, sports and recreation use because it is level, well-drained and has safe access. It is suggested that Paragraphs 5.44 and 5.47 could be combined to say that following a site appraisal and</p> |

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| <p>the delivery of site K10Bi for community, recreation and sports provision;</p> <p>b) sufficient funding for the community, recreation and sport provision cannot be assembled without including such enabling development; and</p> <p>c) the amount of enabling development is the minimum necessary to provide the identified community, recreation and sport provision on site K10Bi.</p> | <p>selection process, site K10Bi is proposed because it is the only site that meets the essential suitability requirements including size, availability, relatively flat, not affected by flooding, not covered by national or local planning designations, has suitable access to the public highway, is within or adjacent to the development boundary, is considered to have no adverse impact on residential amenity etc. It is suggested that the Background / Justification includes a link to the Site Appraisal document.</p> <p>It is unclear where the minimum size requirement of 5 hectares has been derived and whether this would be sufficient to meet all of the proposed community, recreation and sports uses.</p> <p>Paragraph 5.45 explains how the Parish Council intend to fund delivery of the recreation and sports facilities. Planning Practice Guidance says neighbourhood plans should only contain policies relating to the development of land. The details of how the recreation and sports facilities may be funded could be included in a Background Document, but is not considered necessary in the Plan.</p> <p>Paragraph 5.45 refers to the relocation of the community centre and parish offices to the proposed site at K10Bi.</p> <p>Paragraph 5.46 suggests that enabling housing development may be supported if certain conditions hold. Paragraph 5.46 says “currently, the preferred site for such [enabling] development is ...” Paragraph 5.47 also refers to a “preferred” site. This implies that other sites for enabling development are (or may be) considered. This does not provide a framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.</p> <p>Paragraph 5.47, 4th sentence says that only site <u>K10Bii</u> was considered available and suitable. It is suggested that this should be K10Bi (not K10Bii).</p> |
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K11 - Local Green Spaces

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| <p>The following Local Green Spaces identified in Table 1 and shown on Figure 5 the Policies Map, will be protected. Inappropriate development, as defined in the Framework, that would be harmful to these Local Green Spaces will only be supported in very special circumstances.</p> <p>K11/1 Kings Hill</p> <p>K11/2 The Limes</p> <p>K11/3 St Mary's Close</p> <p>K11/4 Christina Close</p> <p>K11/5 The Oaks</p> <p>K11/6 Bannut Hill</p> | <p>Policy K11 proposes 6 Local Green Spaces in line with the NPPF.</p> <p>Evidence to support the proposed Local Green Spaces is provided in Table 1.</p> <p>Figure 5 shows the location of the proposed Local Green Spaces. It should be noted that all of the proposed spaces should be clearly mapped to show their location and that each space should have clearly defined boundaries which show the precise area each designation would apply to.</p> |
| <p>K12 - Green Infrastructure</p> | |
| <p>The Green Infrastructure Network identified on Figure 11 will be protected and enhanced in accordance with Policy 5 of the SWDP.</p> | <p>Policy K12 seeks to protect and enhance the Green Infrastructure identified on Figure 11.</p> <p>Whilst Policy K12 is well intended, it is considered that the policy lacks sufficient clarity that a decision maker could apply it consistently and with confidence when determining planning applications.</p> <p>To provide some clarity to applicants and decision makers, Figure 11 helpfully shows the green infrastructure network to which the policy relates. It is noted that there is a big overlap between the Green Infrastructure identified in Figure 11 and the Valued Landscapes to be protected and enhanced in Policy K7.</p> |

K13 - Development or Re-development of Land for Employment Uses within the Development Boundary

Proposals to develop or redevelop land for employment purposes within the Kempsey village development boundary (Figure 5) will be supported when:

a) They re-use existing land or buildings, and do not have an adverse impact on residential amenity, traffic flows or highway safety; or

b) They are for the diversification of an existing rural enterprise.

In assessing such applications, proposed uses should not have a significant adverse impact on the residential amenity or character of the area through their scale, nature of operation, access, car parking, noise or traffic generated by visitors, staff and deliveries.

Policy K13 supports the development or re-development of land within the Kempsey development boundary for employment purposes where:

- (i) It re-uses existing land / buildings and does not have an adverse impact on residential amenity or traffic flows, or
- (ii) It is the diversification of an existing rural enterprise.

Also, proposed uses should not have an adverse impact on residential amenity or character through their scale, nature of operation, access, car parking, noise or traffic generation.

The Framework is committed to supporting sustainable economic growth. Policy K13 provides the flexibility to re-use existing land or buildings and supports the diversification of existing rural enterprises, subject to appropriate scale, design, residential amenity and highways considerations.

SWDP 8E (Providing the Right Land and Buildings for Jobs) supports the provision of employment land and conversion of existing buildings to support job creation providing the development supports an existing business or new enterprise of a scale appropriate to the location. It is considered that Policy K13 compliments SWDP 8E.

K14 – Development or Re-development of Employment Sites Outside the Development Boundary

Extension proposals that would support the retention of existing employment sites or development of new sites outside of the Kempsey village development boundary will be supported when they satisfy criterion C in Policy 12 of the SWDP and where they do not have a significant adverse impact on local roads, residential amenity, enjoyment of the countryside, landscape, heritage assets or wildlife.

Policy K14 supports the retention or limited expansion of existing employment sites outside the Kempsey development boundary, subject to there being no significant adverse impact on residential amenity, traffic impact, landscape, heritage asset and wildlife.

Paragraph 28 of the Framework says that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. This is to include supporting sustainable growth and

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| | <p>expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.</p> <p>It is considered that Policy K14 compliments SWDP 12 (Employment in Rural Areas). SWDP 12B seeks to protect existing employment sites and SWDP 12C supports the expansion of existing employment sites in rural areas where it has been demonstrated that intensification of the existing site is not viable or practical.</p> <p>To provide clarity on which sites Policy K14 would apply, it would be helpful if the Plan included a map showing the location of the existing employment sites. This would also help provide clarity that Policy K14 does not apply to the diversification of farms.</p> <p>Paragraph 5.58, 2nd sentence refers to the circumstances in which the expansion of existing “rural businesses” will be supported. It is suggested that “rural businesses” is replaced with “employment sites outside the development boundary”.</p> |
| K15 – Transport | |
| <p>Development leading to adverse traffic impacts will be required to put in place suitable mitigation or make developer contributions so that such mitigation can be put in place.</p> | <p>Policy K15 proposes that mitigation measures or developer contributions will be required where development proposals would have adverse traffic impacts.</p> <p>The Background / Justification identifies 4 specific transport schemes which the Parish Council wish to encourage – improved bus services, a cycleway, a footpath improvement and speed restrictions.</p> <p>Planning Practice Guidance says that neighbourhood plans can consider what infrastructure is needed to support development and ensure that a neighbourhood can grow in a sustainable way.</p> <p>Whilst the intention of the Policy K15 is laudable, it is considered that it does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency, as required by paragraph 17 of the Framework.</p> |

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| 6.0 Supporting Actions | |
| | <p>Section 6 of the neighbourhood plan identifies supporting actions that Kempsey Parish Council wish to take to support the objectives of the plan. The supporting actions relate to non land use matters.</p> <p>Planning Practice Guidance says that “<i>neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex.</i>”</p> <p>To make the Parish Council’s supporting actions more clearly identifiable from the neighbourhood plan, it is suggested that the supporting actions may be more appropriately included as an Appendix or companion document.</p> |
| 7.0 Next Steps | |
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| 8.0 Monitoring and Review | |
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| Glossary | |

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| Appendix 1 Listed Buildings in Kempsey | |
| Appendix 2 – Suggested Buildings to be Considered by Malvern Hills for Local Listing | It is suggested that the title of the Appendix say Malvern Hills District Council . |