

**Regulation 16 Consultation
on the Submitted Malvern Town Neighbourhood Plan
RESPONSE FORM**

Under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, Malvern Town Council has submitted the draft Malvern Town Neighbourhood Plan to Malvern Hills District Council. In accordance with Regulation 16, Malvern Hills District Council would like to invite comments from organisations and individuals on the Neighbourhood Plan.

This consultation runs for six weeks from Friday 9th November to 5:00pm on Friday 21st December 2018.

If you wish to comment on the draft Malvern Town Neighbourhood Plan **please complete and return this form no later than 5:00 pm on Friday, 21st December 2018 to:**

Email: policy.plans@malvern hills.gov.uk , or by

Post: Planning Policy, Malvern Hills District Council, Planning Services, The Council House, Avenue Road, Malvern, Worcestershire, WR14 3AF.

The personal information you provide on this form will be held and processed in accordance with the requirements of the Data Protection Act 2018 and the General Data Protection Regulation 2018.

Please note that your name and comments will be made publicly available when displaying the outcome of this consultation and cannot be treated as confidential. Any other details, including signatures, private telephone numbers and email addresses will not be published on the Council's website, but the original representations with personal details redacted will be published. Your details will be retained in order for us to validate your comments. We will use these details to notify you of the progress on the Malvern Town Neighbourhood Plan. If you do not wish to be notified of the progress of the Neighbourhood Plan please let us know by ticking the appropriate box at the end of this response form.

Please fill in your details in the boxes below:

Alastair Bird

Barton Willmore

Barton Willmore, [REDACTED]

[REDACTED]

[REDACTED]

Please state which part of the draft Neighbourhood Plan (i.e. which section, objective or policy) your representation refers to (please use a separate form for each representation):

Please see attached letter

Please use the space below to make comments on this part of the Neighbourhood Plan.

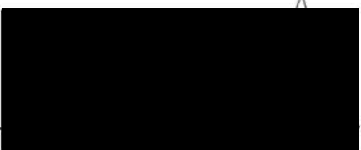
Please see attached letter

Please use a separate form for each representation.

Future Notification

Please state whether you would like to be notified of the decision on the Neighbourhood Plan proposal:

Yes No

Signature 

Date ...21st December 2018.....

Thank you for completing this form.

Planning Policy
Malvern Hills District Council
Planning Services
The Council House
Avenue Road
Malvern
Worcestershire
WR14 3AF

BY EMAIL: policy.plans@malvern hills.gov.uk

29200/A3/AB/DGW

21st December 2018

Dear Sir/Madam,

MALVERN NEIGHBOURHOOD PLAN 2015-2030: SUBMISSION VERSION

We write on behalf our client, DC Rowberry and Daughters, to submit representations to the Malvern Neighbourhood Plan 2015-2030 (MNP) Submission Version consultation. These representations relate to our client's land interests known as Land at [REDACTED], Malvern (the 'Site'), located wholly within the administrative boundary of Malvern Hills District Council (MHDC).

Background

A Site Location Plan is provided at **Appendix 1**, detailing the significant landholding our client controls to the north of Malvern. The Site consists of several agricultural fields located between Leigh Sinton Road and Lower Howsell Road. The Site contains limited trees and vegetation, albeit for those which demarcate individual parcels of land.

There are understood to be no statutory landscape or ecological designations within the Site. The Site is located outside the Malvern Hills Area of Outstanding Natural Beauty (AONB), which is located approximately 1 mile to the west and south-west. The Site also contains no Sites of Special Scientific Interest (SSSI), Ramsar Sites, Special Protection Areas (SPAs) or Special Areas of Conservation (SACs). It is noted that the Site is located wholly within the Leigh Sinton Significant Gap, designated as part of the South Worcestershire Development Plan (SWDP) (adopted February 2016).

In accordance with the GOV.UK website, the majority of the Site falls within Flood Zone 1 (a less than 1 in 1,000 annual probability of river or sea flooding). Areas which fall outside of Flood Zone 1 could be suitably incorporated into the delivery of any future development.

Whilst no listed buildings are located within the Site itself, Historic England's online register confirms that five buildings associated with Grit Farm and Little Buckman's Farm have been designated as Grade II listed buildings. The impact on these listed buildings will therefore be taken into full account as part of the design process for any future development.

The Site is therefore considered to present a suitable and sustainable opportunity to deliver market and affordable housing to the north of Malvern. Accordingly, representations have recently been



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submitted to the South Worcestershire Development Plan Review (SWDPR) Issues and Options consultation in which two potential development options were identified.

Firstly, Land at Grit Lane, Malvern falls wholly within our client's ownership and could deliver approximately 110 dwellings. Vehicular access is proposed from Grit Lane into the two development parcels. Screening alongside the development boundaries will ensure that any impact on the surrounding landscape is minimised. An Illustrative Masterplan has been provided at **Appendix 2** which sets out how the development could come forward.

Secondly, a comprehensive Development Framework Plan has been provided at **Appendix 3**, which sets out how land to the north of Malvern could deliver up to 675 dwellings. This includes a scheme which is set back from the listed buildings, incorporates significant public open space, introduces new planting throughout, preserves the existing Public Rights of Ways and identifies potential vehicular access points, whilst delivering development that does not adversely affect the Strategic Gap between Malvern and Leigh Sinton.

Malvern Neighbourhood Plan 2015-2030 Submission Version

The National Planning Policy Framework (NPPF) is clear in its approach at paragraph 11 that there should be a presumption in favour of sustainable development, running through both plan-making and decision taking. For plan-making, this means that plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change.

Paragraph 13 of the NPPF goes on to explain that Neighbourhood Plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.

As a starting point, only a draft Neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions (as relevant to this submission) are:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

In order to demonstrate how the basic conditions have been met, the Planning Practice Guidance (PPG) (ID 41:066-20140306) recommends that a draft 'basic conditions statement' be included in the Plan so that it is clear in the way that these conditions have been met. Accordingly, it is noted that a Basics Condition Statement (October 2018) is submitted in support of the emerging MNP.

In respect of Malvern, the strategic policies are contained within the SWDP. It is noted that each of these strategic policies are set out at paragraph 2.8 of the emerging MNP.

However, the South Worcestershire Councils (SWCs) are in the process of reviewing the SWDP which will guide development up to 2041. Indeed, the SWCs have recently completed an Issues and Options consultation of the SWDPR with adoption timetabled for November 2021. The SWCs propose to 'roll-over' the Plan period of the SWDPR from 2016 to 2041.

As such, it is noted that the strategic policies to which the MNP should align, will shortly be updated. As a result, given that the MNP has a Plan period up to 2030, for 9 years the Plan will need to be considered against the strategic policies contained within the SWDPR (2021 to 2030).

Policy MT4: Electric Vehicle Charging Points

It is noted that draft Policy MT4 requires all proposals for new residential development to provide an active electric charging point for each parking space provided. Whilst the provision of electric charging points is generally supported, it would not always be practical or viable to provide an active point for every parking space proposed. As such, given that there is no requirement as part of the SWDP, it is considered that Policy MT4 does not meet basic condition (e) and should be deleted.

Policy MI1: Development and Infrastructure

Draft Policy MI1 explains that for development proposals of over 200 dwellings, it will be necessary to submit an Infrastructure Delivery Statement alongside a planning application.

However, the emerging MNP would require applicants to identify capacity issues and confirm a strategy for addressing any shortfall prior to the submission of an application. This is likely to lead to significant delays in the preparation and submission of applications whilst these details are agreed. Indeed, whilst discussions with relevant authorities would take place prior to the submission of an application, agreeing an appropriate strategy for delivering infrastructure needs will be confirmed as part of the consultation process. Delivery will then ordinarily come forward through the discharge of relevant planning conditions.

There is no requirement for an Infrastructure Delivery Statement as part of the District Council's Validation Checklist – either as a national or local requirement. Furthermore, provision of such a detailed document does not accord with either national or local guidance. As such, draft Policy MI1 is not considered to accord with basic condition (a) or (e) and should be deleted.

Policy MH1: Housing Mix

The guidance contained within draft Policy MH1 is generally supported as it does not specify a housing mix that would be required to come forward on residential developments. Instead, it notes the type of accommodation where there is a particular shortage but will require developers to accord with the latest evidence base or their own assessment of housing need. Given the timeframe of the Plan period (2016 to 2041), this is considered to be an appropriate approach as housing need can change significantly over time.

However, it is considered that the requirement for 'specialist housing for the elderly' should be deleted from draft Policy MH1, as it does not accord with national or local planning guidance. Indeed, it would not always be appropriate or necessary to provide specialist elderly accommodation on a residential-led development. Elderly accommodation is usually brought forward by specialist operators on individual developments given that the needs are different to traditional market and affordable accommodation.

Policy MH2: New Residential Development within the Development Boundary

We have no specific comments in respect of the wording to draft Policy MH2. However, it is noted that the Development Boundary for Malvern is likely to be amended following adoption of the SWDPR – 'Option 2' of the SWDPR Issues and Options consultation specifically sought comments on the scope and content of the Development Boundary Review.

Considering this, MNP should provide flexibility in order to accord with any resultant changes to the SWDPR.

Policy MH3: New Residential Development beyond the Development Boundary

It is noted that the emerging MNP does not allocate sites for housing and instead relies on those contained within the adopted SWDP. However, as set out above, these allocations are to be shortly updated as part of the SWDPR to accommodate development up to 2041. Whilst it is appreciated that

this extends beyond the Plan period of the MNP, it is likely to result in additional development coming forward on the edge of Malvern that is not currently considered as part of the Neighbourhood Plan.

To ensure that the emerging MNP accords with wider strategic policies, it is considered that draft Policy MH3 should be amended as follows:

"3. A replacement of an existing dwelling with established use rights and where the replacement dwelling does not exceed the original footprint by 30%; or and

4. Unless otherwise updated by the South Worcestershire Development Plan Review, development accords with other relevant policies of the MNP and SWDP. particularly in relation to the Malvern Hills Area of Outstanding Natural Beauty and the Leigh Sinton Significant Gap."

In the first instance, it is necessary to replace the 'and' set out at criterion (3) with 'or' as it is unlikely for a development proposal to accord with all of the requirements of draft Policy MH3.

Furthermore, the amended wording at criterion (4) ensures that it is clearly demonstrated that the Development Boundaries contained within the MNP and SWDP are likely to be amended and provides sufficient flexibility for additional development to come forward. As part of this, it is considered appropriate to delete reference to the Malvern Hills AONB and Leigh Sinton Significant Gap as the effect on these designations is a strategic issue which should be considered as part of the SWDPR.

Moving Forward

We would welcome the opportunity to meet with Malvern Town Council to discuss the development proposals further and how it would provide a suitable and sustainable location to accommodate residential-led development.

Summary

We would be grateful if you would acknowledge receipt of our representations to the MNP Submission Version consultation. We trust this submission is clear and helpful, but should you have any queries in relation to the above, or consider a meeting would be helpful, please do not hesitate to contact Daniel G. Wilson or myself.

[REDACTED]

Planning Associate

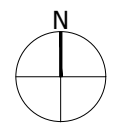
APPENDIX 1



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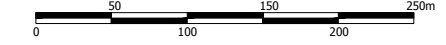
Revision	Date	Drn	Ckd
-	-	-	-

LEGEND
 Site Boundary
 43.08ha



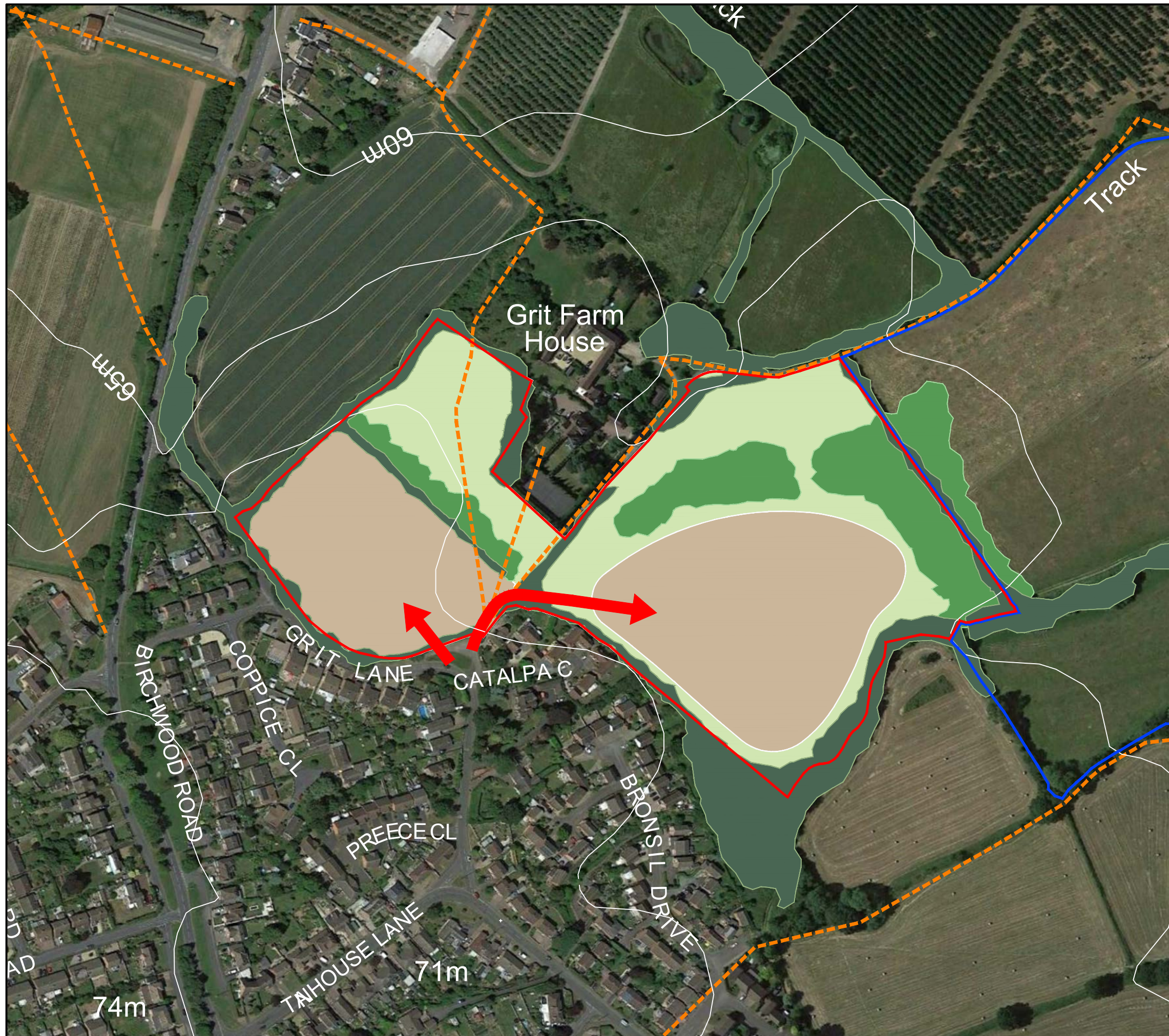
Project
**Land at Great Buckman's Farm,
 Malvern**
 Drawing Title
Aerial Location Plan

Date 29.11.18	Scale 1:5,000@A3	Drawn by MS	Check by LH
Project No 29200	Drawing No BM-M-02	Revision -	



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APPENDIX 2

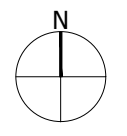


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Revision	Date	Drn	Ckd
-	-	-	-

LEGEND

- Site Boundary
7.52ha
- Other Land in Client's Control
35.56Ha
- Potential Vehicular Access Point
- Public Rights of Way
- Developable Area
- Public Open Space
- Existing Planting
- Proposed Planting

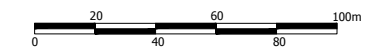


INDICATIVE DEVELOPABLE AREA:

Development Area - 3.6Ha
 3.6ha @ 30dph
 = 110 units approximately*
 *(Subject to further design and technical development)

Project
**Land at Grit Lane,
 Malvern**
 Drawing Title
Illustrative Masterplan

Date 17.12.18	Scale 1:2,500@A3	Drawn by MS	Check by LH
Project No 29200	Drawing No BM-M-04	Revision A	



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APPENDIX 3

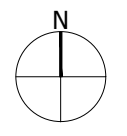


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Revision	Date	Drn	Ckd

LEGEND

-  Potential Vehicular Access
-  Primary Movement
-  Local Access / Movement
-  Public Rights of Way
-  Pedestrian Link
-  Developable Area
-  Approved Development - 49 dwellings
-  Public Open Space
-  Existing Planting
-  Proposed Planting




INDICATIVE DEVELOPABLE AREA:

Development Area - 22.4Ha
 22.4ha @ 30dph
 = 675 units approximately*
 *(Subject to further design and technical development)

Project
Land at Great Buckman's Farm Malvern

Drawing Title
Development Framework: Land North of Malvern

Date	Scale	Drawn by	Check by
17.12.18	1:5,000@A3	MS	LH
Project No	Drawing No	Revision	
29200	BM-M-05	C	



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