

Welland Neighbourhood Development Plan
Regulation 16 Response
Malvern Hills District Council Officer Comments
August 2023

<p>Policy SD1: Promoting and Achieving Sustainable Development</p> <p>Proposals which clearly demonstrate they promote and achieve sustainable development in accordance with the policies set out in the Welland Neighbourhood Development Plan will be supported.</p>	<p>It is considered that Policy SD1 has regard to national policy.</p>
<p>Policy SD2: Renewable and Low-Carbon Microgeneration Development</p> <p>Proposals requiring planning permission for stand-alone and small-scale renewable and low-carbon microgeneration energy development will be supported providing they do not, individually or cumulatively, cause unacceptable harm to:</p> <ol style="list-style-type: none"> 1. landscape character and visual amenity having regard to the AONB Management Plan and associated guidance; 2. nearby heritage assets and their settings; 3. residential amenity; and 4. important habitat and biodiversity assets. <p>Developments with a capacity greater than that defined as microgeneration will be subject to policy SWDP27: Renewable and Low Carbon Energy and the Renewable and Low Carbon Energy Supplementary Planning Document (July 2018).</p>	<p>Policy SD2 now helpfully makes clear that microgeneration relates to renewable and low carbon energy generation up to 50kw electricity and 45kw heat production only.</p> <p>Now that the capacity of microgeneration is clear it may not be necessary in the policy name to refer to “stand-alone and small-scale”, although in the RJ it may be useful to indicate that microgeneration may include stand-alone schemes as well as technologies integrated into the design of new buildings.</p> <p>The RJ helpfully refers to the SWC’s Renewable and Low Carbon Energy and the Renewable and Low Carbon Energy Supplementary Planning Document (July 2018). Strictly speaking, the SPD covers microgeneration and larger schemes. Rather than referring to the SPD in Policy SD2, it is suggested that reference is simply included in the RJ. For example, “Factors that will be taken into account when determining the suitability of different renewable and low carbon energy schemes are set out in guidance in the South Worcestershire</p>

	Renewable and Low Carbon Energy Supplementary Planning Document (July 2018).
<p>Policy SD3: Energy Efficiency Improvements to Existing Buildings</p> <p>The retrofitting of energy efficiency measures in existing developments will be encouraged and considered favourably, subject to consideration of potential impacts on landscape character and visual amenity, biodiversity assets, the historic environment and the residential amenity of the local area.</p> <p>New residential and non-residential development which incorporate 100% of its energy requirements from on-site low-carbon and renewable energy provision will be encouraged and considered favourably having regard to the provisions of other relevant policies in the statutory development plan.</p>	<p>It is considered that Policy SD3 covers two separate issues. Energy efficiency and on-site renewable / low carbon energy generation involve different technologies and the planning issues involved are very different.</p> <p>On-site renewable and low carbon energy provision will be microgeneration and therefore best addressed in Policy SD2.</p> <p>The first sentence of paragraph 5.1.18 encourages development to generate 100% of its energy requirements from on-site renewable or low carbon energy, but the rest of the paragraph relates to energy efficiency. As above, please note that energy generation (energy supply) and energy efficiency (reducing demand) are separate issues.</p>
<p>Policy DB1: Development within the Welland Development Boundary</p> <p>Development proposals including new development and the conversion, re-use or extension of an existing building along with any associated infrastructure, will be supported within the Welland Development Boundary, as shown at Figure 5.1, provided they meet the following criteria:</p> <ol style="list-style-type: none"> 1. They have regard to the guidance within the Welland Design Guide and Code (see Appendix 5.1); and, where relevant to the specific development and location of the site, to the AONB Partnership's Management Plan and associated Guidance. 2. Where developments are located within the AONB, they conserve and enhance the special qualities of the AONB's landscape and where they are considered to be within the 	<p>Policy DB1 supports development within the development boundary, subject to 6 criteria being met.</p> <p>Given that Policy LE1 relates to micro / small business development within the development boundary, should Policy DB1 relate specifically to residential development? If not, presumably micro / small businesses would have to meet the requirements of both DB1 and LE1.</p> <p>The second part of Policy DB1 says that development proposals outside the development area will be assessed against relevant policies in the SWDP and national policy. Whilst it is considered that this would meet the Basic Conditions, it may be worth noting that if the District Council cannot demonstrate a 5-year housing land supply then development proposals outside the development boundary would not necessarily conflict with the NDP or NPPF, unless they were considered isolated. If the NDP wanted to resist development in</p>

<p>setting of the AONB, they take into account views into and out of the AONB and the complementary nature of the landscape character and type within the AONB and its relationship to its setting.</p> <ol style="list-style-type: none"> 3. They provide safe and suitable access to the site for all users; 4. They do not create unacceptable harm to the amenity of adjacent residents and occupiers; 5. They do not cause unacceptable harm to land or features that have important biodiversity, landscape character, visual amenity and heritage value; and 6. They accord with other relevant policies within the Plan and the SWDP <p>Land beyond the Welland Development Boundary, with the exception of the proposed allocation at policy H4, is considered to be within the open countryside where development proposals will be assessed against relevant local and national policies and any relevant policies within the Plan.</p>	<p>the open countryside in the event that the District Council did not have a 5-year housing land supply then a policy along the following lines may be appropriate:</p> <p><i>New housing development in open countryside, outside the Development Boundary (as shown on Figure 4.1) will be supported if it meets one or more of the following criteria:</i></p> <ol style="list-style-type: none"> 1. <i>There is an essential need for a rural worker to live permanently at or near their place of work in the countryside.</i> 2. <i>It represents the optimum viable use of a heritage asset or would be an appropriate enabling development to secure the future of heritage assets.</i> 3. <i>It is truly outstanding, reflecting the highest standards in architecture, and would help raise the standards of design more generally in rural areas, and would significantly enhance its immediate setting.</i> 4. <i>Affordable housing on an exception site is required to meet an identified local need.</i> 5. <i>It would re-use redundant or disused buildings and enhance their immediate setting.</i>
<p>Policy G1: Local Green Space</p> <p>The following areas, identified at Figure 5.2 (and on individual site plans at Figures 5.2.1-5.2.8 in Appendix 5.2), are proposed to be designated as Local Green Space where development will need to be consistent with national policy relating to Green Belt.:</p> <p>WLGS01: Spitalfields Recreation Ground WLGS02: Welland Village Green WLGS03: Welland Park WLGS04: Pursers Orchard WLGS05-01: St James Green WLGS05-02: St James Green</p>	<p>It is considered that Policy G1 should meet the Basic Conditions.</p>

<p>WLGS06: Kingston Close Green Space WLGS07: Natural England Ecology Zone</p>	
<p>Policy G2: Neighbourhood Open Space</p> <p>The following areas, identified at Figure 5.3 (an on individual site plans on Figures 5.3.1-5.3.4 in Appendix 5.4), are proposed to be designated as Neighbourhood Open Space (NOS):</p> <p>WNOS01: St James Church Yard WNOS02: Spring Meadows SSSI Buffer WNOS03: Welland Cemetery WNOS04: Gifford Drive and Blandford Close</p> <p>Development proposals affecting a Neighbourhood Open Space will only be supported if:</p> <ol style="list-style-type: none"> 1. the proposed development improves the existing use and community value of the space without harming the quality or character of the Open Space, or 2. the applicant can demonstrate that one of the criteria at NPPF paragraph 99 apply. 	<p>Policy G2 considered to have regards to paragraph 99 of the Framework.</p>
<p>B1: Local Biodiversity net gain</p> <p>To be supported, all new residential and non-residential development will deliver at least 10% net gain in local biodiversity. Applicants will need to provide a proportionate and current assessment of the type and condition of habitats and species found on the site pre-development and demonstrate how the development will secure and maintain the improvements to biodiversity.</p> <p>Net gains in biodiversity should be through on-site measures, the details of which need to be agreed with the Local Planning Authority. Off-site net gain measures will only be acceptable as a last resort</p>	<p>Whilst paragraphs 174 and 179 of the Framework refer to net gains for biodiversity, they do not specify a percentage for the gain.</p> <p>The Environment Act 2021 introduces the mandatory requirement for new developments to provide a 10% biodiversity net gain. However, it is understood that the requirement has no legal effect yet (and will be brought into force through secondary legislation in November 2023).</p>

<p>and where on-site mitigation is demonstrated not to be possible. Applicants will be required to demonstrate that off-site gains will be brought forward in a timely manner at a scale and within reasonable proximity to the proposed development.</p>	
<p>Policy LC1: Landscape Character and Visual impact</p> <p>Developments along with any associated infrastructure, including their accompanying landscaping schemes, must conserve and enhance the special qualities of the area’s landscape and scenic beauty and be consistent with its landscape character and preserve visual amenity by complying with policy SWDP25 and any subsequent policy.</p> <p>Development proposals must:</p> <ol style="list-style-type: none"> 1. Have regard to good practice guidance, including that produced by Worcestershire County Council, Malvern Hills District Council, and the Malvern Hills AONB Partnership, 2. Provide measures to conserve and enhance the intrinsic landscape character and natural beauty of the area, and 3. Through sensitive design and location, avoid adverse impacts on the designated landscapes and take into account local (to the development site) character and development patterns. 4. Submit proportionate evidence, including a Landscape and Visual Impact Assessment where required, to demonstrate they conserve and enhance the special qualities of the Neighbourhood Area taking account of: <ol style="list-style-type: none"> i. Visual assessments of the sensitivity and capacity of a site for development which should be independent of vegetation mitigation measures, on the basis that views of development may not be screened by vegetation in future. 	<p>Presumably, the intention would be that development proposals meet all 4 criteria. If so, this could be made clearer.</p> <p>As currently worded, it is considered that Policy LC1 lacks sufficient clarity for a decision maker to apply it with consistency and with confidence.</p> <p>It is not totally clear what information applicants need to provide to demonstrate that the requirements of Policy LC1 will be met.</p> <p>On the one hand, the first paragraph of Policy LC1 indicates that development proposals should comply with SWDP 25. On the other hand, paragraph 5.5.3 indicates that the Welland Neighbourhood Plan Landscape Assessment Report (LAR) has informed the development of Policy LC1.</p> <p>It is considered that Policy LC1 needs greater clarity. As a suggestion, could Policy LC1 be amended along the lines of <i>“Development proposals must demonstrate that guidance in the Welland Neighbourhood Plan Landscape Assessment Report (LAR) has positively influenced the siting, design, scale, layout and landscaping of the proposal”</i>?</p>

<p>ii. A consideration of cumulative effects and matters such as coalescence arising from existing and planned future development.</p>	
<p>Policy C1: Protection of existing Built Community Facilities and the Local Shop</p> <p>Any proposal that would result in the loss of a site or building currently or last used as a community facility as identified below and shown at Figure 5.5 (with individual site plans at Figures 5.5.1-5.5.5 in Appendix 5.5) will only be permitted having regard to the criteria at policy SWDP 37B.</p> <p>Existing Built Community Facilities</p> <p>WCF01: Welland Village Hall, Marlbank Road WCF02: Welland Primary School, Marlbank Road WCF03: Welland Post Office, Gloucester Road WCF04: St James Church of England Church, Gloucester Road/Drake Street WCF05: The Pavilion, Spitalfields, Marlbank Road</p> <p>In relation to WCF03 above, policy SWDP10 part I will also apply to proposals for a non-retail use of the premises. In relation to WCF04 above, special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses is required.</p>	<p>Community Facilities are defined in the SWDP as “Buildings, services and land uses intended to meet the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community.” In the SWDP, development proposals which could result in the loss of the Post Office (WCF03) would be assessed against SWDP 10 (Protection and promotion of centres and local shops) which is a strategic policy, not SWDP 37B.</p> <p>Subject to the above, it is considered that Policy C1 is in general conformity with SWDP 37B.</p>
<p>Policy C2: Provision of new and improved built community facilities</p> <p>Proposals for new and improved built community facilities will be supported provided that all the following criteria are met:</p>	<p>Policy C2 supports new or improved built community facilities within the Development Boundary that meet all 6 of the criteria listed.</p> <p>Generally, it is considered that Policy C2 should meet the Basic Conditions, except criterion 6. It is considered that local important habitat and biodiversity assets would have to be identified and</p>

<ol style="list-style-type: none"> 1. They are of a scale appropriate to its location and satisfy the requirements of policy LC1, 2. They have regard to the guidance within the Welland Design Guide and Code (see Appendix 5.1) and guidance produced by the AONB Partnership, 3. They avoid unacceptable harm on residential and other local amenity, 4. They have satisfactory access and off-street parking such that existing residential or other uses is not unacceptably harmed. 5. They make full use of opportunities to provide access by walking, cycling or public transport – e.g., through the provision of bike racks or connectivity to footpaths. Where practical and viable, use should be made of sites which are within or physically well-related to the Welland Development Boundary. 6. They protect and enhance local important habitat and biodiversity assets in line with national and local plan policy and Malvern Hills AONB guidance. <p>The inclusion of renewable and low carbon energy provision in proposals is encouraged.</p>	<p>mapped if criterion was to be applied consistently and with confidence by decision makers.</p>
<p>Policy HE1: Non-Designated Heritage Assets</p> <p>To be supported, proposals which affect a non-designated heritage asset must demonstrate how they protect or enhance the heritage asset.</p> <p>Proposals for the renovation or alteration of a non-designated heritage asset (building or structure) must be designed sensitively and with careful regard to the heritage asset’s historical and architectural interest and setting.</p>	<p>For clarity it is suggested that it be made clearer that the policy will apply to non-designated heritage assets following adoption on the Local List by MHDC. It is suggested that the first paragraph be amended to read <i>“To be supported, proposals which affect a non-designated heritage asset (a building or structure on the Local List following adoption by Malvern Hills District Council) must demonstrate how they protect or enhance the heritage asset.”</i></p> <p>It is considered that Policy HE1 should meet the Basic Conditions.</p>

<p>Any proposal which directly or indirectly impacts on such a heritage asset or its setting must describe the impact of the development on its significance and demonstrate that the significance of that asset will not be adversely harmed.</p>	
<p>Policy I1: Development and Infrastructure</p> <p>Development proposals, other than householder development, will be required to provide or contribute to the provision of infrastructure made necessary by that development or where it gives rise to the need for additional or improved infrastructure to mitigate its impact on existing provision.</p> <p>Planning applications will need to demonstrate that an assessment has been carried out of the infrastructure requirements and its provision and delivery for the proposed development.</p> <p>If additional infrastructure is required, it should be provided at the appropriate time during the construction of the development. It should normally be provided prior to the development becoming fully operational or occupied unless it is demonstrated that its provision after this will not have an unacceptable adverse impact on highway safety or the amenity of residents and occupiers within and adjacent to the development. Major developments may need to be phased to ensure this requirement can be met.</p>	<p>It is correct that development will be required to provide or contribute toward the provision of infrastructure necessary for the development.</p> <p>However, in relation to the “assessment” (second paragraph), it is not clear what the assessment should address. In order for Policy I1 to be applied consistently and with confidence by decision makers it is considered that greater clarity is required (perhaps in the RJ) about what infrastructure should be considered in the assessment – e.g. affordable housing, on-site / off-site highways improvements, footways, cycleways, green infrastructure, green spaces, education, healthcare, waste, social infrastructure (leisure / sports / recreation facilities), drainage and flood protection etc.</p> <p>In relation to the timing of infrastructure delivery, it is suggested that the third paragraph could be simplified along the following lines - <i>“Where infrastructure is needed to support new development, the infrastructure must be operational no later than the appropriate phase of the development for which it is needed.”</i></p>
<p>Policy I2: High Quality Communications Infrastructure</p> <p>A. Development of ultrafast broadband infrastructure to serve the WNA will be supported. Any new development within the WNA should be served by full fibre broadband connections unless it can be demonstrated through consultation with the NGA Network providers that this would not be possible, practical or commercially viable. In such circumstances,</p>	<p>Part A relates to broadband, and Part B relates to telecommunications installations.</p> <p>It is considered that Policy I2 should meet the Basic Conditions.</p>

<p>suitable ducting should be provided within the site and to the property to facilitate future installation.</p> <p>The area in which the works have been carried out should be, so far as necessarily practicable, reinstated to its condition before the infrastructure was laid.</p> <p>B. New infrastructure to support telecommunications installations (such as mobile phone masts) requiring planning permission will be supported provided that the proposal meets all of the following criteria:</p> <ol style="list-style-type: none"> 1. The siting and appearance of equipment does not have an unacceptable impact on the landscape and scenic beauty of the Malvern Hills Area of Outstanding Natural Beauty and its setting; 2. The siting and appearance of equipment does not have a significant adverse impact on the amenity of local residents; 3. Equipment sited on existing buildings and structures is sympathetically designed; 4. Where freestanding new masts are proposed, it is demonstrated that there are no viable options for siting the equipment on or in existing buildings or structures; 5. The equipment and its siting/installation does not unacceptably or permanently harm biodiversity. 	
<p>Policy I3: Surface and Foul Water Drainage and Management</p> <p>To be supported development proposals must be designed to include sustainable drainage and water management measures. Proposals must either demonstrate that the existing water drainage infrastructure is adequate or include improvements to that infrastructure to sustainably accommodate any additional water runoff.</p>	<p>Policy WI4: Surface and Foul Water Drainage and Management</p> <p>Policy WI4 has 3 parts.</p> <p>Part 1 of Policy WI4 requires all development proposals to either:</p> <ol style="list-style-type: none"> i. Demonstrate that the existing “(surface) water drainage infrastructure” is adequate, or

Surface water should only connect with the public sewer as a last resort after all other alternatives have been investigated. This is particularly important to manage the impact on the public sewerage system as surface water flows are much larger than foul flows. Applicants should engage with the public sewerage undertaker at the earliest opportunity so that early consideration can be given to the proposed approach to foul water flows.

Development should be brought forward in accordance with an agreed overall site-wide drainage strategy (including foul and surface water drainage) submitted with the planning application. The drainage strategy should be agreed prior to the commencement of development on the site. Development proposals which are brought forward on a phased basis should have regard to interconnecting infrastructure. The strategy should ensure infrastructure is constructed with regard to interconnecting later phases.

Drainage proposals should be able to demonstrate how there will be no adverse impact or cumulative harm to existing biodiversity.

ii. Include improvements to that infrastructure to accommodate any additional water runoff.

Part 2 of WI4 says that surface water should only connect with the public sewer as a last resort after all other alternatives have been investigated and that planning applicants should engage with the public sewerage undertaker.

Part 3 of Policy WI4 requires a site-wide drainage strategy (including foul and surface water drainage) to be submitted with the planning application and the strategy to be agreed prior to the commencement of development.

I'm not an expert on surface and foul water drainage so am slightly unsure whether the proposed policy is reasonable and proportionate. However, in Herefordshire there is a similar policy in the made Clifford Neighbourhood Plan where the objectives of the policy seem to be similar, but the burden of proof seems to be less onerous:

Clifford Neighbourhood Plan

“Developers should show, through appropriate evidence, that foul and storm water drainage can be accommodated without causing pollution or flooding elsewhere, especially to other properties.

In addressing the management of drainage, developers should ensure any proposed scheme that meets the above requirement is fully implemented before development is brought into use.

Developers should utilise or contribute to sustainable drainage systems (SUDs) and wet systems where this is practicable, including measures to support biodiversity.

Where appropriate, new development shall be subject to the Flood Risk ‘sequential’ and ‘exception’ tests set out in the National

	<p><i>Planning Policy Framework, and housing development will not be permitted in areas identified as flood zone 3.”</i></p>
<p>Policy I4: Active Travel Corridor</p> <p>That area of the former Malvern to Upton-upon-Severn railway line that falls within the WNA will be safeguarded to form part of the Malvern to Upton-upon-Severn Active Travel Corridor, as shown on Figure 5.6. Proposals for the provision of a cycle and pedestrian route will be supported providing it does not unacceptably harm the nature conservation, biodiversity interest and landscape character along the corridor.</p>	<p>Policy I4 now helpfully makes clear that only that part of the former rail line which is within the Neighbourhood Area is to be safeguarded.</p>
<p>Policy D1: Design</p> <p>Proposals for new development or the redevelopment of existing buildings should contribute towards the local distinctiveness of the Welland Neighbourhood Area. To be supported development proposals must demonstrate that they achieve high quality, sustainable and inclusive design which are fully integrated into the village and parish by taking account of the Welland Design Guide and Code at Appendix 5.1 and relevant AONB Guidance. Proposals need to address the following design principles and guidance:</p> <ol style="list-style-type: none"> 1. Richness and variety of materials and details 2. Response to the landscape context and views to and from the AONB 3. Enhancing connectivity throughout the village and to future development 4. Knitting into the village’s fabric which should also include a consideration of the character, design and development patterns immediately around the site 5. Boundary treatments 6. Microgeneration and energy efficiency (see policy SD2 and SD3) 	<p>Amendments to Policy D1 noted.</p> <p>Criterion 6 – Whilst microgeneration (as defined in Policy SD2) is supported subject to specific criteria being met, it is not a requirement and therefore it is considered that it should not be listed as a design principle in Policy D1.</p> <p>Criterion 7 (and paragraph 5.9.11) – Policy D1 appears to relate to the development or redevelopment of buildings. Local biodiversity net gain is already covered by Policy B1 and duplication in Policy D1 is not considered necessary.</p>

<p>7. Habitat and Biodiversity protection and enhancement</p> <p>Modern design approaches which take an innovative approach, including to energy efficiency and sustainability, will be welcomed where they make a positive contribution to the character of the area and contribute to local distinctiveness.</p> <p>The design of proposals for the allocation at policy H4 will need to take account of the design code within the Welland Design Guide and Code and relevant AONB Guidance.</p>	
<p>Policy D2: Access, travel and connectivity associated with development proposals</p> <p>Proposals for all development, including change of use, must meet all of the following criteria:</p> <ol style="list-style-type: none"> 1. It has adequate vehicular access arrangements onto the highway; 2. It is appropriate in terms of its impact on the local highway network in terms of capacity and road safety; 3. It provides adequate vehicular and cycle parking in accordance with standards adopted by Worcestershire County Council; 4. It is, or can be, appropriately accessed by bus, or alternative non-car modes of travel such as walking and cycling; 5. The design of proposed roads, pavements and cycle routes create a safe and efficient layout for all users including the mobility impaired, pedestrians and cyclists and for emergency service and refuse vehicles; and 6. Where changes to the highway are proposed, it is informed by the need to minimise the impact on the landscape and street scene having regard to the AONB Partnership's guidance on Highway Design. 	<p>Amendments to Policy D2 noted.</p> <p>As commented previously, the relevance of criterion 6 (AONB Partnership guidance on Highway Design) to the above objectives is not obvious. Also, there appears to be some overlap between Policy D2 and Policy D1 (Design) which specifically includes guidance on connectivity.</p> <p>Nevertheless, it is considered that Policy D2 should meet the Basic Conditions.</p>

<p>Where necessary to assess the effect of development proposals, evidence, either in a Design and Access Statement or Transport Statement, which explains how the proposal meets the above criteria will be required.</p>	
<p>Policy HLP: Welland Housing Land Provision</p> <p>To meet the Indicative Housing Requirement of 25 dwellings for Welland between 2021-2041, the Plan makes provision for housing land to be met through the following sources:</p> <ul style="list-style-type: none"> • a residential allocation for 13 affordable dwellings on land north of Cornfield Close (see policy H4); and • a windfall development allowance of at least 12 dwellings. <p>Windfall development will be supported in principle in sustainable locations, primarily within the Welland Development Boundary, and providing it accords with relevant national and local policies and policies within the Plan.</p>	<p>PPG says that in order for a neighbourhood plan to meet the criteria set in paragraph 14b of the Framework, the ‘policies and allocations’ in the Plan should meet the identified housing requirement in full. PPG then goes on to say that <i>“For example, a neighbourhood housing requirement of 50 units could be met through 2 sites allocated for 20 housing units each and a policy for a windfall allowance of 10 units. However, a policy on a windfall allowance alone would not be sufficient.”</i></p> <p>Whilst the example provided in PPG is one where the allocations meet the majority of the identified housing requirement, neither the Framework nor PPG explicitly say that the majority of need must be met by allocations. The inference may be that there is an expectation that the majority should be met from allocations, but it does not appear to be an explicit requirement.</p> <p>It is considered that a windfall allowance of “at least 12 dwellings” lacks precision. Based on the evidence, it is suggested that a conservative and cautious projection of 1 dwelling per year, giving some 20 additional dwellings between 2021 and 2041 would not be inappropriate. This would provide some flexibility in the event that the housing requirement increased slightly. At examination, an Examiner may question the proposed level of the windfall, but would hopefully not question the principle of including a windfall allowance. If the Examiner questioned a windfall of 20 there would be room for manoeuvre if the number had to be reduced slightly.</p> <p>In relation to the evidence supporting the windfall allowance:</p>

	<ul style="list-style-type: none"> • The Windfall Delivery Evidence references the data being from the Housing Delivery Test – this is incorrect and needs to be changed. As background, the data is from MHDC’s annual monitoring, which has then been pulled through specifically for Welland since 2016. The Housing Delivery Test is a calculation central Government publishes which sets out how well each LPA is doing in meeting its housing requirement. MHDC is tested with WDC and WCC as it has a joint Local Plan and it is currently at 155%, meaning that we can use 5% buffer in our five year housing land supply rather than needing to use a higher percentage. • It is considered that the ‘potential windfall sites within the proposed development boundary’ should not be included in the Background Report. Having a map with these areas may cause concern to neighbours. Simply stating that there may be locations within the development boundary which may be suitable windfall sites, and that there are a number of these sites which have had historic planning permissions which are no longer extant will suffice. Windfall sites, by definition, are sites which are not specifically defined in a development plan.
<p>Policy H1: Market Housing Type and Size</p> <p>To be supported all new market housing development proposals of 5 dwellings or more must demonstrate, subject to viability considerations, that they provide the type and size of market housing to meet local housing need.</p> <p>Within the WNA, there is a more demonstrable need for two and three bed properties than other sized homes and therefore the market housing mix for residential housing proposals should be:</p> <ul style="list-style-type: none"> • 10% one bedroom; • 45% two bedroom; 	<p>Policy H1 is prescriptive in terms of the proportions of market housing that should be 1, 2, 3 etc bedroom dwellings. However, this appears to be based on evidence from the March 2021 Housing Needs Assessment (HNA). Also, the Policy provides flexibility to provide an alternative mix based on an applicant’s own HNA.</p> <p>Paragraph 5.10.8 refers to the March 2021 as a “previous” HNA. Is there a more recent HNA?</p> <p>Paragraph 5.10.12 says that in the first instance applicants should “robustly demonstrate” a local need arising within the Welland settlement. It is considered that this is unnecessary because the</p>

<ul style="list-style-type: none"> • 40% three bedroom, and • 0% four bedroom, and • 5% five plus bedroom <p>Proposals should provide a larger share semi-detached, terraced houses and cottage style flats within their development as compared with detached houses to provide a greater mix of property type in the Parish. Smaller bungalows, including semi-detached bungalows, would also be supported.</p> <p>Applicants should take account of the evidence and findings of the Housing Evidence Paper (June 2022). If applicants put forward a different housing mix to the above this will need to be justified through evidence of their own housing needs assessment which demonstrates how their proposals meet local housing need.</p>	<p>Policy says that there is a “demonstrable need for 2 and 3 bed properties” and would conflict with the Government’s objective of significantly boosting the supply of homes (NPPF, paragraph 60). It is considered that paragraph 5.10.12 should be deleted.</p>
<p>Policy H2: Affordable Housing Provision</p> <p>A. New housing development will be supported if:</p> <ul style="list-style-type: none"> (i) 40% of housing on all new residential ‘windfall’ development, (i.e., not an allocated site or a Rural Exception Site), is affordable and provided on site unless the proposed development comprises of a single dwelling where a commuted sum in lieu of provision will be accepted. (ii) 100% of the housing on the allocation at policy H4 is affordable and provided on site. (iii) 100% of the housing on a Rural Exception Site is affordable and provided on site. In exceptional circumstances with demonstrable evidence, some market housing may be permissible, but an absolute maximum of 20% market homes would be allowable in such cases. 	<p>As commented previously, Policy WH2 is very prescriptive and the differences in tenure splits between windfall sites, site allocations and Rural Exception Sites seems unclear without sight of the Housing Evidence Paper (June 2022). For example, given the likely small numbers involved, it is not clear why on windfall sites 75% should be socially rented, whereas on the proposed site allocation and Rural Exceptions sites there should be 70% social rented, 5% shared ownership.</p> <p>Generally, the tenure splits appear to be in general conformity with those being proposed in the emerging draft SWDPR 18 (Meeting Affordable Housing Needs). The emerging SWDPR 18 proposes 25% of affordable housing to be First Homes, 69% social rented and 6% other forms of affordable home ownership.</p> <p>Criterion C - The Written Ministerial Statement makes clear that the minimum First Homes discount can only be increased from 30% to 40% or 50% where there is evidence to justify it. A 50% discount would therefore need to be a maximum (not minimum) and would</p>

<p>B. Of the affordable housing provision, the tenure split should be as follows:</p> <ul style="list-style-type: none"> (i) on windfall developments of 5 dwellings or more, allocations (except policy H4) and Rural Exception Sites that include an element of market housing: 75% should be social rental properties (in perpetuity) and 25% 'First Homes' (discounted market houses). (ii) on the development delivered by policy H4 and Rural Exception Sites where 100% of the homes are affordable: 70% should be social rental, 5% shared ownership and 25% 'First Homes' (discounted market houses). (iii) on windfall developments of 4 or less dwellings: the tenure split requirement could be flexible to enable delivery of affordable homes on such sites. <p>C. 'First Homes' should be discounted at a minimum of 50% of the market sale price in order that these homes can be affordable to households within the local area on average incomes.</p> <p>D. The mix of new affordable homes delivered through new development should be reflective of the following split:</p> <ul style="list-style-type: none"> • 45% one bedroom, • 25% two bedroom and • 30% three bedroom properties. <p>Evidence shows there is no requirement for affordable housing larger than three bedrooms in size.</p> <p>E. New affordable housing development should provide a larger share of semi-detached and terraced houses and cottage style flats as compared with detached houses to provide a greater mix of property type in the Parish. Smaller bungalows, including semi-detached bungalows, will also be supported.</p>	<p>need to be supported by local evidence. Is there any evidence that a 50% discount would still be viable?</p> <p>Criterion F – It is not clear why development proposals must be supported by evidence of local need. The detailed nature of Policy H2 indicates that there is a need for affordable housing. Paragraph 5.10.16 seems to indicate that the Housing Evidence Paper identifies a need for 12 -14 affordable homes. It is not clear how this compares with the need identified in the March 2021 HNA. Paragraph 5.10.24 says that applicants must robustly demonstrate that there is a local need for affordable housing within the Welland Neighbourhood Area or neighbouring settlements within the Malvern Hills AONB. Surely, it should be assumed that there is a need for affordable housing unless there is robust evidence to indicate otherwise?</p> <p>Reference is made in paragraphs 5.10.15 and 5.10.20 to the limited capacity for further development in the Welland Neighbourhood Area. Care needs to be taken to ensure that this statement does not conflict with the proposed windfall policy.</p> <p>Para 5.10.15 says that affordable rent is not MHDC Housing and Development office's preferred tenure type. I'm not sure that the MHDC / Wychavon Housing Team would express a preference. Rather, it would be more appropriate to simply say that social rent is generally lower than affordable rent and so is affordable to more people who cannot afford market rent or 80% market rent – thus, the proposed greater policy emphasis on social rented affordable housing.</p> <p>It is suggested that the Policy includes provision for off-site contributions being accepted in lieu of on-site provision where robust justification exists. Exceptionally, where it has been demonstrated that the proportion of affordable housing sought by Policy H2 would not be viable, the maximum proportion of affordable housing should be sought that does not undermine the developments viability.</p>
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<p>F. All proposals must be supported by evidence of local need. Applicants should take account of the evidence presented in the Housing Evidence Paper (June 2022) and any subsequent revisions to that paper. If applicants put forward a different affordable housing tenure split, or alternative sizes of properties, to the above this will need to be justified through evidence of their own affordable housing needs assessment which demonstrates how their proposals meet local housing need.</p> <p>G. Proposals for a lower provision and/or different mix of affordable housing on viability grounds will need to be justified through evidence of a development appraisal to demonstrate the impact of the policy requirements on the viability and delivery of development. The financial viability assessments must conform to an agreed methodology and, where necessary, the LPA will arrange for them to be independently appraised at the expense of the applicant.</p> <p>H. Secure arrangements will need to be put in place to ensure that the affordable housing provided in accordance with this policy will remain affordable in perpetuity (with the exception of First Homes for which this is not possible) and available to meet the needs of local people.</p>	
<p>Policy H3: Home Standards</p> <p>To ensure homes are suitable for all occupiers, all new dwellings (regardless of size, type or tenure) should achieve M4(2) 'Accessible and adaptable dwellings' of the Building Regulations 2010 (as amended).</p> <p>In addition, 20% of dwellings within a development of 5 or more dwellings should achieve Part M4(3) 'Wheelchair user dwellings' of Building Regulations.</p>	<p>Requirements M4(2) and M4(3) are "optional requirements" as defined in the Building Regulations.</p> <p>It is considered that making optional requirements mandatory would require robust, proportionate evidence. The evidence in paragraph 5.10.29 clearly indicates that there is a need for specialist accommodation in Welland, but would this justify every new dwelling achieving M4(2) compliance?</p> <p>The emerging (and yet untested) SWDPR 16 (Housing Mix and Standards) proposes that all new dwellings should be M4(2)</p>

<p>This requirement will be secured, where appropriate, by a condition attached to the granting of a planning permission.</p>	<p>compliant and 5% of dwellings on sites of 20+ should be M4(3)(2)(a) compliant. Whilst a draft neighbourhood plan is not tested against policies in an emerging local plan, PPG says that the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.</p>
<p>Policy H4: Land north of Cornfield Close</p> <p>The 1.06ha (gross) site at land north of Cornfield Close, as identified at Figure 5.7, is proposed as an allocation for residential development and Green Infrastructure comprising:</p> <ul style="list-style-type: none"> (i) a maximum of 0.64ha (gross) of the site is allocated for development of 13 affordable dwellings with the tenure, type and size complying with policy H2 ‘Affordable Housing Provision’ and of a standard complying with policy H3 ‘Accessible and adaptable dwellings’, and (ii) a minimum of 0.42ha (gross) of the site is allocated as Green Infrastructure. <p>Development on the site will also need to address all of the following issues:</p> <ol style="list-style-type: none"> 1. Provide 0.41ha of Green Infrastructure in the location as shown at Figure 5.7 and at least 0.01ha within the residential allocation site to facilitate the integration of the development within the AONB, provide landscape enhancement and biodiversity net gain, connect with existing open spaces and the wider countryside to provide environmental, social and economic benefits including a sustainable drainage system to manage fluvial flood risk and surface water discharge. 2. Demonstrate through a landscape and visual impact assessment that adverse impacts are addressed 	<p>The Framework enables Plans to allocate sites with AONB’s. The scale and extent of development within AONB’s should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.</p> <p>Figure 5.7 helpfully shows the boundaries of the site and location of green space. Paragraph 10.43 indicates that Appendix 5.8 includes an illustrative Concept Plan. It would have been helpful if this had been included in the Plan to provide greater clarity.</p> <p>Criterion 1 – The requirement for 0.01ha within the residential allocation site for green infrastructure seems very prescriptive. Is it really necessary?</p> <p>Criterion 2 - Given that Policy H4 proposes 13 affordable dwelling, is it necessary for the applicant to demonstrate that the scale, height, distribution and massing is appropriate to the AONB? If it is not appropriate, then it should not be proposed in the Plan. Presumably, the Landscape Sensitivity and Capacity Assessment (April 2022), referenced in paragraph 5.10.35, has already indicated that the site could be suitable in terms of landscape character?</p> <p>Criterion 5 – What is “natural capital asset protection”? Shouldn’t the criterion simply be to deliver measurable net gain in biodiversity?</p> <p>Criterion 6 – Is the required GI strip adjacent to the ditch and landscape buffer adjacent to the existing dwelling shown on Figure</p>

<p>satisfactorily, including landscape and visual impacts (when considered in the context of other built form in the local area), and that the scale, height, distribution and massing of the proposed development is appropriate to:</p> <ol style="list-style-type: none"> a) its local landscape and townscape character and form of development, b) its AONB location and protects views to and from the Malvern Hills having regard to the Malvern Hills AONB Management Plan and guidance documents, including 'Guidance on Building Design'; 'Guidance on Identifying and Grading Views and Viewpoints' and Guidance on how Development can Respect Landscape in Views' and its 'Guidance on Lighting'. <p>3. Accord with policy D1 and have regard to the Welland Design Guide and Code at Appendix (5.1)</p> <p>4. The colour of materials for buildings, boundary treatments, roads and pathways and other structures associated with the proposed development should have regard to all Malvern Hills AONB guidance including its Guidance on the Selection and Use of Colour in Development.</p> <p>5. Accord with policy B1 and demonstrate that has regard to natural capital asset protection and enhancement provisions including those produced by the Malvern Hills AONB such as the Malvern Hill's AONB Nature Recovery Plan.</p> <p>6. Access for pedestrians, cyclists and vehicles to the site will be off Cornfield Close as shown on Figure 5.7. The creation of the access road should retain a Green Infrastructure strip adjacent to the ditch and must not have a harmful impact on its existing landscape and biodiversity features nor surface water flood risk. The design of the proposed access road must also provide a landscape buffer adjacent to the existing dwelling on Cornfield Close</p>	<p>5.7? If not, it is considered that they could helpfully be shown for clarity.</p> <p>Criterion 7 - It is not clear why an applicant would have to demonstrate that the development provides safe walking, cycling and vehicle access to key local facilities. Paragraph 5.10.42 indicates that this has already been established as part of the site assessment process.</p>
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<p>7. Demonstrate through a transport statement that the proposed development complies with Worcestershire County Council's Streetscape Design Guide and the principles set out in Manual for Streets (Part 1 and 2), and that it provides safe pedestrian, cycle and vehicular access from the site to key local facilities and services. It should also have regard to any relevant Malvern Hills AONB highway design and its lighting guidance and demonstrate that the development will not adversely impact the tranquillity and enjoyment of the AONB.</p>	
<p>Policy LE1: New micro and small business development within the Welland Development Boundary</p> <p>Development proposals for new small-scale office, studio or light industrial space and small-scale shops and service outlets (Use Class E: Commercial, Business and Service) within the Welland Development Boundary will be supported provided they:</p> <ol style="list-style-type: none"> 1. Can be accommodated through the sympathetic conversion of an existing outbuilding without the need for sizeable extensions or in a new building of an appropriate scale, size, mass and height and of a design which respects its local context and its location in the AONB or its setting; 2. Can be operated without having an unacceptable harm to the amenity of local residents; 3. Have satisfactory access and off-street parking without unacceptably harming existing residential or other uses; and 4. Support sustainable economic development. <p>Where practical and viable, use should be made of existing buildings and previously developed land in preference to new development on greenfield sites.</p>	<p>Policy LE1 supports the development of micro (0 - 9 employees) and small (10 – 49 employees?) businesses within the Welland Development Boundary subject to 4 criteria being met. It should be made clear that all of the criteria should be met.</p> <p>Business development outside the development boundary would be assessed against SWDP 12.</p> <p>The RJ sets out the definition of micro-businesses. For clarity, the definition of small businesses would be helpful.</p> <p>Criterion 3 – it is suggested that reference to off-street parking could be more precise, perhaps with reference to <i>adequate off-street parking provided for staff, delivery vehicles and visitors</i>.</p> <p>Criterion 4 – Is this criterion necessary – would any new micro or small businesses not support sustainable economic development?</p> <p>The final 2 paragraphs of Policy LE1 duplicate each other and are not strictly accurate because Policy SWDP 12 does not specifically relate to Use Classes B2, B8 or E. It is suggested the final 2 paragraphs are replaced with wording along the lines of <i>“Proposals for business development beyond the Welland development boundary will be assessed against SWDP 12 (Employment in Rural</i></p>

Proposals for Use Class B2 (Industrial) and B8 (Storage and Distribution) within the Neighbourhood Area will also be assessed against Policy SWDP12: Employment in Rural Areas.

Development proposals for new small-scale office, studio or light industrial space and small-scale shops and service outlets (Use Class E: Commercial, Business and Service) outwith the Development Boundary will be assessed against SWDP12: Employment in Rural Areas, and any successor policy in the SWDPR.

Areas) and any successor policy in the SWDPR.” Paragraph 5.11.6 would also need to be amended accordingly.