

## 6. COMMUNITY NEEDS

### 6.1 Introduction

- 6.1.1 The success of the Local Plan will be measured not so much by the amount of development it enables as the extent to which it contributes to the achievement of community aspirations. It is important that development is managed in a way which delivers sustainable change in social, economic and environmental terms. It is also important that new development is supported by necessary improvements to related infrastructure and services.
- 6.1.2 Local Planning Authorities, in preparing their Local Plans, should consider the relationship of planning policies and proposals to social needs and problems, including their likely impact on different groups in the population.
- 6.1.3 The availability of shops, services, leisure and recreation facilities all make an important contribution to the quality of life experienced by local people.
- 6.1.4 The District Council has prepared a Community Strategy which aims to enhance the quality of life of local communities and contribute to the achievement of sustainable development. The Community Strategy has a much wider focus than the land use-based Local Plan. However, the Local Plan has a major role in taking forward elements of the District Council's Vision and priorities, which concern the physical development and use of land within the District.
- 6.1.5 The policies within this section are intended to ensure that new development brings with it appropriate social and community infrastructure, including affordable housing and open space. They also seek to protect, retain and where possible enhance existing services and facilities which are considered important to the quality of life of the communities.

### Local Plan Strategy

- 6.1.6 The Local Plan objectives which apply to the policies contained within this section of the Plan form part of 24 Local Plan objectives, listed in paragraph 1.4.4:

- Work towards a better balance between housing, employment, social and community facilities within settlements.
- Resist the loss of community, social and leisure facilities and of open space unless there are proposals for appropriate alternative provision.
- Meet the needs of the local community and pay regard to the needs of specialist groups such as the elderly and the disabled, measures for crime prevention and ancillary requirements such as parking provision and open space.
- Seek to reduce crime, the fear of crime and anti-social behaviour by introducing crime prevention as a material consideration into the land-use and development planning process.
- Ensure that appropriate community infrastructure is secured with new developments.

## 6.2 Affordable Housing

### Dwelling Mix

#### Policy CN1 - Dwelling Mix and Size

**(1) Proposals for 5 or more dwellings will only be permitted where they provide a mix of dwelling types and sizes that address the housing needs of the district.**

**Proposals should:**

- a) take account of local housing needs, site constraints, the street scene and existing development patterns, and character of the area; and
- b) identify any affordable housing requirements in accordance with Policy CN2.

**(2) Exceptions will only apply where there is proven evidence of a genuine local need for specific forms of accommodation or a mix of dwellings would be inappropriate due to the character of the site or location.**

**(3) Proposals involving the demolition of existing residential accommodation will need to demonstrate that any new dwellings proposed make efficient use of the site and will be sympathetic to the pattern and form of development in the area and the contribution of the replaced dwelling to the character of the area.**

#### Reasoned Justification

- 6.2.1 PPG3 – Housing states that local authorities should provide wider housing opportunity than is currently available and seek to create mixed communities. They should “secure an appropriate mix of dwelling size, type and affordability in both new developments and conversions to meet the changing composition of households in their area in the light of likely assessed need”. (paragraph 11)
- 6.2.2 By Design Better Places to Live forms a companion guide to PPG 3 and was produced by DTLR/CABE in September 2001. It provides further support on the benefits of creating mixed communities. They can:
- lead to a better balance of demand for community services and facilities such as schools, recreation facilities and care for elderly people;
  - provide opportunities for ‘lifetime communities’ where people can move home without leaving a neighbourhood;
  - make neighbourhoods more robust by avoiding large concentrations of housing of the same type;
  - enable community self-help;
  - assist community surveillance with people coming and going throughout the day and evening; and
  - create more attractive residential environments by enabling greater diversity of building forms and scales.
- 6.2.3 Policy CN.1 will encourage greater variety in dwelling types on all larger redevelopment sites within the district. This will increase the range of choice with respect to new dwelling provision within the district as whole and not solely within the affordable sector.
- 6.2.4 In assessing applications, the types of dwellings required and their proportions will be determined using the Council’s Housing Needs Survey, the Council’s Housing Strategy, Parish Surveys, the findings of an adopted Parish Plan (or equivalent) and any other relevant housing information. There may however, be circumstances where the local need identifies a requirement for specialist accommodation or the mix of dwellings would be inappropriate due to the location of the site or limitations of the site itself.

- 6.2.5 The Council's Housing Needs Survey currently identifies a high need for one and two bedroom accommodation suitable to meet the needs of single person households across the District. Ideally, an appropriate mix of house types would include the widest range of type and size of dwelling rather than blocks of single type accommodation which is different to what exists.
- 6.2.6 Policy CN.1 requires that regard is given to the specific characteristics of the site and the area with respect to ensuring that new residential development makes efficient uses of development land in accordance with Policy CN6 and yet respects the character and pattern of development in the area. It is evident that in some areas the market demand for larger dwellings in relatively smaller plots can, over time, significantly change the character and feel of an area. This process is particularly significant in sensitive village locations where the historic pattern of development can be eroded by insensitive infill and redevelopment. Care will therefore be required to ensure that intensification of development through redevelopment in appropriate locations does not lead to over development and erode local distinctiveness.
- 6.2.7 Policy CN6 Efficient Use of Land for Residential Development, highlights that the development potential of sites will be assessed against as a whole where incremental development is proposed, in order to determine whether thresholds identified in this Plan (such as 5 dwellings under Policy CN1) should apply.

### Affordable Housing

#### **Policy CN2 – Providing affordable housing in residential development**

- (1) In order to address identified local housing needs within the District, the Council will require (and negotiate with landowners and developers) the inclusion of affordable housing in most proposals for the residential development of allocated and other housing sites. For unallocated sites, negotiations will be based on the local housing needs of the area, the physical suitability of such sites for affordable housing, together with all other spatial planning or commercial marketing considerations. Affordable housing will be sought in the following circumstances:**
- a) within the Malvern settlement area, an affordable component of up to 50% of all dwellings on sites in excess of 5000 sq m (net site area) or 15 dwellings (whichever is the lower limit) will be sought; or,**
  - b) within defined settlements in the rest of the District, an affordable component of up to 50% of all dwellings on sites in excess of 2000 sq m (net site area) or 5 dwellings (whichever is the lower limit) will be sought; and,**
- in all such cases, there should exist:**
- c) an identified local need for affordable housing; and,**
  - d) evidence of the continued viability of the housing development in question; and,**
  - e) an indication that collateral planning advantages or other associated benefits will not be prejudiced; and,**
  - f) evidence of an appropriate mix of housing types will be provided in relation to the identified needs of the local area.**
- (2) Planning permission (including the approval of reserved matters) will not be granted by the District Council unless and until the applicant has offered an undertaking or entered into an agreement to provide the requisite housing (or serviced housing land) in accordance with an Affordable Housing Scheme.**
- (3) The extent and detailed location of identified housing need for the purposes of this Policy will be regularly monitored and measured against the recorded delivery of affordable housing as evidenced by periodic surveys and analyses to be carried out by the Council and against which the necessary Supplementary Planning Guidance (SPG) or Supplementary Planning Documents (SPD) will be duly revised and adopted.**

Reasoned Justification

- 6.2.8 The provision of affordable housing is one of the District Council's priorities, highlighted not only within the responses to the Key Issues Report on the review of the Malvern Hills District Local Plan but also in the responses to the Vision 21 consultation on the Community Strategy 2002-2006.
- 6.2.9 The District Council's objectives for meeting this need are set out in the Malvern Hills District Council Housing Strategy 2002-2007 and focus, inter alia, on enabling adequate provision of good quality affordable housing for rent and low cost shared ownership and the promotion of low cost market housing where this is not being provided by the market.
- 6.2.10 The District Council's priority is for the affordable housing to be in the form of serviced land and buildings, at an Affordable Cost to the occupier or owner as defined in Supplementary Planning Guidance on Affordable Housing in Malvern Hills District. Off-site provision or financial contributions towards the cost of off-site provision will only be considered in exceptional circumstances. Such circumstances, together with the means by which the amount of off-site provision or financial contribution is to be calculated is set out in Supplementary Planning Guidance on Affordable Housing in Malvern Hills District.
- 6.2.11 Applications for residential development above the thresholds established by this policy will not be considered by the District Council unless they are accompanied by either of the following, as set out in Supplementary Planning Guidance on Affordable Housing in Malvern Hills District:
1. Details of the Affordable Housing Proposal, or
  2. Justification for the Omission of an Affordable Housing Proposal,
- 6.2.12 Permission for residential development will not be granted by the District Council until the applicant has entered into an agreement for delivering the Affordable Housing Scheme, as set out in Supplementary Planning Guidance on Affordable Housing in Malvern Hills District.
- 6.2.13 Permitted development rights may be withdrawn on dwellings provided under the terms of the policy either by planning condition or by legal agreement so that control may be exercised over the enlargement or alteration of the dwellings in ways which would affect their affordability for future occupiers.
- 6.2.14 Notwithstanding the provision of affordable housing in rural areas under Policy CN3 Rural Exception Sites, the need for affordable housing will not be treated as an over-riding factor to justify the release of otherwise unacceptable development sites which do not comply with the policy framework established by this Plan.

Definition of Affordable Housing

- 6.2.15 For the purposes of the Local Plan the West Midlands Local Government Association definition of affordable housing has been adopted and is categorised into two types :-
- 6.2.16 *Housing provided by an organisation* – such as a registered social landlord or local authority allocating on the basis of need. While such dwellings will normally be made available for rent, they may also include subsidised home ownership, such as shared ownership, where a registered social landlord or local authority retains a continuing interest ; and
- 6.2.17 *Low cost market housing*, helping to meet the needs of first time buyers, single people, the elderly and other low income households, who cannot afford to rent or buy houses generally available on the open market
- 6.2.18 However, in the light of the findings of the Housing Need Assessment, referred to below, it is unlikely that low cost market housing in any part of the District will be within the reach of those households referred to in the definition. There is a wide gap between the income levels of

those who are allocated rented housing by a social landlord, and the income level required for purchase of any type of property at market value. This means that a range of forms of subsidised home ownership will be required to meet the housing needs of those households whose incomes are between the top and bottom quartiles.

- 6.2.19 The actual level of these incomes, and the prices at which they allow for home ownership will be set out in Supplementary Planning Guidance on Affordable housing in Malvern Hills District and kept under review and adjusted as necessary through the annual Housing Strategy.

*The District-Wide Housing Needs Assessment 2002*

- 6.2.20 In October 2001 the District Council commissioned a district-wide Housing Needs Assessment to be carried out in accordance with advice contained in the DETR publication "Local Housing Needs Assessment: A Guide to Good Practice" (July 2000).

- 6.2.21 In commissioning the Assessment the District Council recognised that whilst the existing Local Plans for the District contained affordable housing policies the extent to which these policies had delivered affordable housing throughout the District was very limited. The primary reason for this is the low incidence of development sites coming forward which meet the current thresholds contained in the existing Local Plans for the negotiation for affordable housing units.

- 6.2.22 The Assessment drew upon a wide range of local and national data including the results of Parish Housing Needs Surveys which are being carried out on an on-going basis throughout the District, a postal survey carried out in Malvern town in Spring 2002 by the District Council and an analysis of housing completions in the district since 1996.

- 6.2.23 Some of the main findings of the Housing Needs Assessment which was published in July 2002 are:

- Average earnings in Worcestershire are 10% below the regional and 12% below the national averages, and almost 3/4 of occupations in Malvern Hills District are in categories for which average earnings do not exceed £18,638, which suggests that for most households the maximum mortgage that could be obtained with one full time and one part time income would be between £60,000 and £70,000.
- House prices throughout the District are well above regional and national averages.
- The number of family homes which are affordable for the majority of households is diminishing.
- Private rented accommodation is scarce and expensive, especially for family homes.
- Housing completions district-wide show a predominance of small sites.
- The supply of affordable housing delivered by use of Section 106 agreements has been very limited, and the opportunities for affordable housing to be supplied by other means have been diminishing.
- There is a need for 1,400 additional affordable dwellings over the Local Plan period to 2011, of which only about 200 can be expected from exception sites and other measures, leaving a shortfall of 1,200.

- 6.2.24 The District Council acknowledges that the planning system is only one of a number of initiatives which can be employed to deliver local affordable housing, but in the light of the findings of the Assessment, it is likely to be the only one which can make a significant contribution.

*Lower Thresholds*

- 6.2.25 Policy CN2 adopts lower thresholds than those recommended in Circular 6/98. However the Circular states that lower thresholds can be used but justification for them should be provided through the Local Plan process.

- 6.2.26 The principal justification for lower thresholds is based on an analysis of the size and type of housing site which has been achieved within the district over the period 1996-2003 as shown in the Council's Housing Land Availability Report April 2003. The thresholds represent larger sites in both Malvern (which includes Malvern Town, West Malvern, Malvern Wells and Little Malvern) and the rural area. The Worcestershire Structure Plan acknowledges that many sites in the District are very small and that 5 dwellings represents an appropriate threshold for the identification of large sites.
- 6.2.27 Over this period 2526 new units (i.e. completions & outstanding commitments) were provided throughout the district, of which 1043 (41%) were in Malvern town and 1483 (59%) within the rural area. Table 1 below analyses the number of units provided by site size over the period 1996-2003 for both Malvern town and the rural area.

**Table 1: Dwelling Completions and Outstanding Commitments 1996-2003**

	<b>Total</b>	<b>Sites 25+ units</b>	<b>Sites 15+ units</b>	<b>Sites 5+ units</b>	<b>Sites &lt;5 units</b>
<b>Malvern</b> (inc. Malvern Town, West Malvern, Malvern Wells & Little Malvern)	1043 (41%)	301 (49%)	477 (57%)	764 (53%)	279 (26%)
<b>Rural Area</b>	1483 (59%)	318 (51%)	367 (43%)	671 (47%)	812 (74%)
<b>Total</b>	2526 (100%)	619 (25%)	844 (33%)	1435 (57%)	1091 (43%)

Note: Completion figures are gross

- 6.2.28 On the basis of existing adopted Local Plan policies 77 affordable dwellings were provided by Section 106 agreements in Malvern and 34 in rural areas over a five year period. This amounts to 22 p.a. compared with the identified need for 156 p.a.

#### Amount of affordable housing

- 6.2.29 Policy CN2, together with any dwellings which could come forward through exception schemes and other measures, can be expected to deliver approximately 550 additional affordable dwellings, or 39% of the identified shortfall. The District Council is keeping the delivery of affordable housing under regular review including the monitoring of supply and need. If local circumstances are such as to justify the provision of additional affordable housing by the use of lower thresholds or a higher percentage of dwellings on eligible sites, or both, an appropriate amendment will be made to the Local Plan and to the District Council's Housing Strategy to facilitate this process.

#### Supplementary Planning Guidance

- 6.2.30 In order to support the above policy and assist in its implementation the District Council has published Supplementary Planning Guidance on Affordable Housing in Malvern Hills District. It explains how the policies will be implemented, the process and procedures which need to be followed both by the landowner/developer and the District Council in submitting and considering a planning application, and how the affordable housing should be delivered.

#### **Monitoring and Review**

- 6.2.31 The District Council is keeping the delivery of affordable housing under regular review including the monitoring of supply and need and is aware of possible changes to PPG3: Housing, regarding the identification and implementation of lower thresholds. Through its monitoring of local housing land supply characteristics the District Council believes that local

circumstances are likely to justify the provision of additional affordable housing by the use of lower thresholds and/or a higher percentage of dwellings on eligible sites. If these approaches are supported by changes to Government advice the District Council will urgently seek an appropriate amendment to its Local Plan policy, related Supplementary Planning Guidance and to the District Council's Housing Strategy to facilitate this process.

## Rural Exception Sites

### Policy CN3 – Rural Exception Sites

**In exceptional cases, affordable housing development will be permitted on small sites which otherwise would not be released for such development provided that:**

- a) local need has been proven; and,**
- b) the proposed development is either within or adjacent to a settlement as defined within Categories 1-3 by Policies DS11 and DS12 or is in a location which satisfies the special circumstances referred to in Policy DS12(4) in respect of Category 4 settlements and all other rural locations; and,**
- c) secure arrangements are made to ensure that the housing will remain affordable, suitably sized and otherwise permanently available to meet the continuing needs of local people.**

#### Reasoned Justification

- 6.2.32 Circular 6/98 and Annex B to PPG3 Housing 2000 recognises the difficulties in securing an adequate supply land for affordable housing in rural areas for local needs particularly where there are no new housing allocations.
- 6.2.33 This policy is intended to supplement Policy CN2 and provide additional opportunity for affordable housing to be provided in the rural area, particularly those parts of the District where opportunities for the implementation of Policy CN2 will be limited by virtue of the likely size of the housing sites which will come forward during the plan period.
- 6.2.34 In order to qualify as an exception scheme proposals need to demonstrate that a need for affordable housing exists in the parish. Reference will need to be made to the District Councils Housing Needs Assessment which may need to be locally verified by an up-to-date parish survey.
- 6.2.35 For the purposes of this policy the term "adjacent to the settlement" normally refers to a site immediately adjacent to the settlement boundary for those settlements listed in Categories 1, 2 and 3 within Policies DS11 and DS12. However there may be circumstances where, in the opinion of the District Council, the proposed site is in a sensitive location which, if developed, would be detrimental to the setting of a listed building, the character of a Conservation Area or the general character and landscape setting of the settlement. In these instances the site should be located close to the settlement boundary and comply in all other respects with Policy DS3.
- 6.2.36 The settlements listed in Policies DS11 and DS12 (1)-(3) enable affordable housing schemes to come forward in many rural settlements. However the District Council recognises that a need for such schemes may exist in locations other than Category 1, 2 and 3 settlements listed in policies DS11 and DS12. In order to address such needs, in exceptional circumstances where a proven need exists which cannot be met in one of the settlements listed in Category 1,2 and 3 settlements within Policies DS11 and DS12, consideration may be given to Category 4 settlements listed in Policy DS12 and other rural locations. Such consideration will have regard to the District Housing Needs Assessment, a Parish Housing Needs survey and reasons why the identified need cannot be met in either a Category 1, 2 or 3 settlement. Other issues that will be taken into account include sustainability, economic and social isolation, site viability and the need for the site to be environmentally acceptable without creating any amenity or highway problems.

- 6.2.37 Where exceptional local housing need is to be met within or adjacent to a Category 4 settlement or another appropriate rural location, proposals will be carefully considered against policies for development in the open countryside. Proposals will need to demonstrate that they are clearly related and sympathetic to the existing settlement pattern be very small scale and expected to be associated with existing residential development or groups of buildings in the landscape, with adequate road access and services.
- 6.2.38 For reasons of social isolation the District Council does not consider that it would be appropriate to extend this approach to the consideration of OAP and special needs accommodation which it is considered should be located in more sustainable locations.
- 6.2.39 In the absence of a settlement boundary defined on the Proposals Map it is essential that any housing provided under the terms of Policy DS12 pays particular regard to the appropriateness of the proposal in the landscape and the objectives of the Landscape Character Assessment undertaken for Worcestershire.
- 6.2.40 Exception schemes need to take full account of environmental considerations, including design, siting and materials. Similarly a site's location should not place additional financial burdens on households occupying the scheme through isolation or increased costs in gaining access to local services and facilities such as schools and employment.
- 6.2.41 Permitted development rights may be withdrawn on dwellings provided under the terms of the policy either by planning condition or by legal agreement so that control may be exercised over the enlargement or alteration of the dwellings in ways which would affect their affordability for future occupiers.
- 6.2.42 Housing provided as exception schemes under the terms of this policy is additional to the provision of housing to meet the requirements of the Worcestershire Structure Plan though the number of units built will be taken into account in monitoring the Plan and calculating the housing need which remains to be met. Reference to "small sites" in Policy CN3 is included in the interests of consistency with PPG3: Housing (Annex B paragraph 2) but is not intended to limit exception schemes to less than 5 dwellings if a greater level of need exists.

### 6.3 Rural Workers

#### Dwellings for Rural Workers

##### **Policy CN4 - Rural Workers Dwellings**

**Proposals for agricultural, forestry and rural enterprise-related dwellings will be permitted where:**

- a) the enterprise is proven to be economically viable and has clear prospects of remaining so;**
- b) a functional need is clearly established for a full-time worker employed in the rural enterprise to live on site;**
- c) the functional need could not be fulfilled by an existing dwelling located on or in the immediate locality of the holding or enterprise or through the re-use of an existing building which is suitable for residential conversion;**
- d) no dwelling serving or closely associated with the holding has recently been sold or separated from the holding;**
- e) the proposed dwelling is of a size commensurate with the functional requirements of the enterprise and is of a scale, design and layout appropriate to its surroundings; and**
- f) the proposal is located so as to minimise its impact and where proven management needs could be most effectively administered. Where possible it should be located close to an existing group of buildings or dwellings.**

---

### Reasoned Justification

- 6.3.1 Development in the countryside is strictly controlled and new dwellings in open countryside are only allowed in exceptional circumstances. Exceptionally, the provision of rural workers' dwellings will be permitted where it can be proven that it is essential for the long-term operation of the enterprise for a full-time worker to live on site. Proposals for such development will be carefully scrutinised and required to provide an independently prepared appraisal based on fulfilling the functional and financial requirements set out in Planning Policy Guidance Note 7 - Annex I.
- 6.3.2 If a new dwelling is required to support a new rural enterprise, temporary accommodation should be provided for the first three years during which the viability of the enterprise can be justified to support the need for a permanent dwelling. The location of the temporary accommodation will be considered against the provisions of the above policy. Applications for renewal of temporary permissions will not be permitted and the District Council will require the removal of the accommodation and the reinstatement of the site after the permission expires if planning consent has not been granted for a permanent dwelling.
- 6.3.3 Where other farm buildings are proposed which require planning permission, the submission of a comprehensive or composite proposal may strengthen the agricultural need and will enable full consideration to be given to the environmental impacts and the effect on the countryside. Applicants are strongly advised not to commit themselves to development works (whether planning permission is needed or not), or the purchase of land, before planning permission for any dwelling is granted.
- 6.3.4 In assessing proposals, the District Council will need to be convinced that no suitable accommodation is available locally or on the holding or within existing settlements in the immediate locality. The District Council may in appropriate circumstances have regard to the history of the holding or enterprise to establish the recent pattern of use of land and buildings and whether any buildings have been sold off separately from the farmland concerned, or are occupied by persons without an essential need to live on the holding. Such a sale or occupation may constitute evidence of a lack of need for a new dwelling.
- 6.3.5 Any new dwellings must be carefully sited to minimise their impact on the landscape and their surroundings and should wherever possible, be located close to existing buildings or other dwellings. All dwellings should be of a size commensurate with the functional requirement of the enterprise and generally should not exceed 140 sq m in area (i.e. habitable accommodation and office space but excluding garaging). Proposals which are unusually large or expensive to construct in relation to the size and needs of the unit or the income it can provide in the long term will not be permitted. It is the needs of the enterprise rather than the owner or occupier that is relevant to determining the size of a dwelling.
- 6.3.6 Meeting the needs of retired rural workers or proposals based solely on security will not justify the provision of new dwellings in the countryside.

Where planning permission is subsequently granted:

- i) the occupancy of the proposed dwelling, and in certain instances that of the existing dwellings will be limited to a person solely or mainly working, or last working in agricultural or in forestry, or a widow or widower of such a person and to any resident dependants or in the case of other rural enterprises, the occupancy of the proposed dwelling will be tied to the business;
- ii) in the case of a new enterprise, occupation of the proposed dwelling will only be permitted following completion of all associated development necessary to establish the enterprise;
- iii) where appropriate, the proposal to have been implemented within a specified period from the granting of planning permission which may be less than five years;
- iv) the applicant may be required to enter into a Section 106 agreement to tie the proposal and any other dwellings to the holding which originally justified its existence to prevent them from being sold off separately. Such an agreement would also be used to provide

- the opportunity for an registered social landlord to acquire the dwelling in the event of it being no longer required for its original purpose;
- v) permitted development rights normally available to extend dwelling houses may be removed by condition to prevent agricultural dwellings being extended disproportionately in relation to the productivity of the enterprise.

## Removal of Rural Workers Occupancy Conditions

### Policy CN5 – Removal of Rural Workers Occupancy Conditions

- (1) Proposals to remove agricultural, forestry or rural enterprise-related occupancy conditions will only be permitted where the District Council is satisfied that:**
- a) the original condition is no longer relevant or that the long term need for the dwelling on the holding or in the locality has ceased; and,**
  - b) there is no identified (or identifiable) local housing need for which the dwelling could be used to meet and for which a registered social landlord could be found; and,**
  - c) reasonable efforts have been made to sell or to lease the dwelling at a price or rental which reflects its market value with the condition in place; and,**
  - d) the application for removal of the condition is made after at least 10 years from the dwelling's initial occupation in accordance with the condition.**
- (2) Where the removal of the original restrictive condition is justified in accordance with the above criteria but it has been demonstrated that there is a local housing need which is unrelated to occupation or employment, the original condition may be varied to limit occupancy of the dwelling to meet such continued local housing needs.**

#### Reasoned Justification

- 6.3.7 The District Council recognises that the needs of agriculture, horticulture and forestry are continually changing and that there will be occasions when permission is sought to remove an occupancy condition. Although, it is not appropriate for dwellings to remain vacant, it is important that the original basis for allowing the dwelling is not exploited by the disposal of the property on the open market. This would undermine well-established policies relating to the location of development which seek to protect the countryside and would reduce the stock of lower priced accommodation available to rural workers.
- 6.3.8 To justify the removal of an agricultural occupancy condition, the District Council will require applicants to submit an independently prepared appraisal which demonstrates:
- i) that the dwelling is no longer required to meet the needs of agriculture, forestry or a rural enterprise in the locality (not just on the particular premises);
  - ii) that the dwelling has been genuinely and widely marketed for a period of not less than 18 months at a realistic price having regard to the occupancy conditions attached.
- 6.3.9 Efforts to market the dwelling could be affected by a variety of factors such as its price, the state of the local housing market, general economic conditions and its location, size and state of repair. The District Council will have regard to these factors and in addition will take into account the availability of, or any current planning applications for, new dwellings associated with agriculture, forestry or rural enterprises in the locality.
- 6.3.10 While a dwelling may no longer be required to meet the needs of rural workers, it still remains an important local housing resource within the countryside. The District Council therefore considers that where there is an identified local housing need, such dwellings should not be sold in the general housing market but could be sold, let or licensed to a registered social landlord to contribute to the District's affordable housing stock. The reference within paragraph (2) of the policy to "occupation or employment" relates to housing needs associated with agriculture, forestry or rural enterprise.

## 6.4 Residential Accommodation

### Efficient Use of Land

#### Policy CN6 - Efficient Use of Land for Residential Development

- (1) Residential development will be permitted where a density between 30 and 50 dwellings to the hectare is achieved within the net developable area. Net densities below 30 dwellings per hectare will only be permitted in exceptional circumstances where development at a higher density would adversely affect the character and quality of the site or surrounding area.**
- (2) Where a residential development is proposed in, or within walking distance of a Town or District Centre, or on corridors well served by public transport, proposals for higher density development will be permitted.**
- (3) Where a site or land with development potential is developed incrementally or at a density less than the recommended range above, proposals will be assessed against recommended densities in order to determine whether appropriate thresholds for residential development requirements and community infrastructure identified by this Plan should be applied.**

#### Reasoned Justification

- 6.4.1 It is important that all developments make efficient use of sites. Appropriately located residential development within settlement boundaries is recognised as having the effect of reducing the need to travel, contributing to the revitalisation and regeneration of those areas and helping to reduce pressure for the development of the countryside.
- 6.4.2 The majority of new development over the plan period will be for residential development and it is important that the layout, design and density of residential developments achieve effective use of this valuable resource, whilst respecting the character of the area. The areas on which development occurs need to be developed at higher densities, whilst ensuring a high standard of built environment is provided through the adequate provision of recreation spaces, wildlife habitats and landscaping.
- 6.4.3 Locations close to local facilities and accessible by a choice of means of travel offer the greatest potential to reduce the use of the private car and should achieve the highest densities. Indicative development capacities have been set for the housing allocations (Policy DS5) using recommended densities where appropriate. Policy CN6 applies density standards to all residential development which may come forward during the Plan period. A lower density development can be appropriate in some circumstances, such as where a significant impact of a physical, topographical, landscape, townscape, ecological, access or traffic nature would result. Similarly, care will be required to ensure that increasing density of development due to redevelopment in sustainable locations does not undermine key local plan objectives relating to maintaining the character and local distinctiveness of settlements and villages in accordance with Policy QL1.
- 6.4.4 Where a site or land is developed incrementally, the capacity of the wider site will be assessed in accordance with this policy for the purposes of judging whether Local Plan thresholds for various development requirements and community infrastructure should be applied. The District Council is aware that some sites are brought forward on a piecemeal basis, which results, over time, in a gradual yet significant growth in demand for services and infrastructure within settlements and may also influence the overall character of an area. Consequently, Policy CN1 will ensure that key Local Plan policies such as those seeking a mix of dwellings on large sites and community infrastructure will be considered.
- 6.4.5 With regard to the application of Policy CN6, net developable area will be applied in accordance with advice provided by PPG.3: Housing.

## Sub-division of existing dwellings

### Policy CN7 - Sub-division of existing dwellings

Proposals for the sub-division of a single dwelling house into two or more residential units will be permitted provided that:

- a) the scale and intensity of use will not cause significant detriment to the character of the building and its curtilage;
- b) the dwelling is capable of sub-division without significant alteration;
- c) there would be no adverse impact on neighbouring properties and gardens or on the character of the area due to noise or disturbance, loss of amenity or privacy;
- d) a satisfactory living environment for occupants can be achieved; and
- e) the proposal does not result in a loss of existing accommodation which either by itself or together with other existing or proposed dwellings in the locality, would have a detrimental effect on the mix, size, type and affordability of accommodation in the area.

### Reasoned Justification

- 6.4.6 The subdivision of a larger dwelling into multiple dwellings is an important mechanism for maximising the use of existing stock through the provision of smaller, low cost dwellings for sale or rent. These can help to meet local needs and increase housing mix while providing the opportunity to reuse an existing dwelling which may otherwise fall into disuse due to lack of demand or the costs associated with maintenance.
- 6.4.7 Applications for subdivision will be supported provided that the building's character and its curtilage is not adversely affected and that a satisfactory living environment can be created having regard to such factors as outlook, light, privacy and impact on neighbouring properties. The types of problems that can occur include increased noise levels and disturbance, increased demand for car parking and an over intensification of use. The impact of individual proposals and their cumulative effect will therefore, be carefully assessed when considering the impact on adjoining occupiers.
- 6.4.8 Generally, adequate provision for parking and open space should be made within the dwelling curtilage. However, in town centre locations, well served by public transport and close to local amenities, the District Council will, where appropriate consider relaxing the required parking and open space standards.

## Replacement Dwellings

### Policy CN8 - Replacement dwellings in the open countryside

The replacement of an existing dwelling in open countryside with another single dwelling will be permitted where:

- a) the existing dwelling is not a caravan or a mobile home or subject to a temporary planning permission;
- b) the existing dwelling has not been abandoned;
- c) it can be demonstrated to the satisfaction of the District Council that suitable accommodation needs cannot be met through the alteration or extension and/or refurbishment of the original dwelling;
- d) the replacement does not result in the loss of a small dwelling and is commensurate in size with the existing dwelling (excluding separate outbuildings);
- e) the proposed dwelling is positioned on the footprint of the existing dwelling, unless it can be demonstrated to the satisfaction of the District Council that there are visual, landscape, highway safety or other environmental grounds which would justify an alternative location within the established curtilage;
- f) the curtilage of the replacement dwelling is no greater than the curtilage of the existing dwelling; and
- g) the proposal includes the demolition of the dwelling to be replaced.

#### Reasoned Justification

- 6.4.9 Replacement dwellings can contribute to the overall housing provision by ensuring that the level of housing stock is maintained. The replacement of existing dwellings by considerably larger buildings can over time have a significant effect upon the character of an area and can lead to a loss in the range of smaller sized accommodation and therefore “choice” with respect to housing needs.
- 6.4.10 Government guidance emphasises the need to work towards sustainable development and to make the best use of existing housing stock. Applicants will therefore, need to demonstrate why the original dwelling cannot provide a satisfactory living environment either through alteration, extension or refurbishment in order to support the case for a replacement dwelling.
- 6.4.11 Policy CN8 seeks to prevent small dwellings (up to 100sqm) being replaced by larger dwellings. The replacement of larger dwellings (those which are already over 100sqm) will be considered where they do not form an increase of more than 15% in the floorspace of the original dwelling. Where permission is granted for a replacement dwelling, permitted development rights normally available to extend dwelling houses will be removed by conditions attached to the permission in order to retain control over the size and impact of the new dwelling.
- 6.4.12 Proposals for replacement dwellings should occupy the same footprint as the original dwelling. It is however, recognised that there may be instances where some positive environmental benefit can be achieved by relocation to an adjacent or nearby position. To avoid the proliferation of ancillary buildings, garages should, if possible, be accommodated in existing buildings or where there is an existing but intrusive separate garage that serves the dwelling there may be advantages of incorporating the use within the replacement dwelling. The design of the replacement dwelling should also be appropriate to its setting and not more intrusive in the landscape by virtue of its siting, scale, height, character and use of materials than the original dwelling. This is particularly important in considering proposals within the Area of Outstanding Natural Beauty.
- 6.4.13 Proposals for replacement dwellings in the floodplain will need to have regard to Policy DS16 of the Plan. In such cases, the onus will be on the applicant to investigate and evaluate the impact of the proposal, and details of the measures to minimise flood risk should be submitted as part of the application.

6.4.14 Proposals for the replacement of temporary accommodation in connection with a rural enterprise will be considered under Policy CN4 - Rural Worker's Dwellings.

### **Extensions and Alterations to Dwellings**

#### **Policy CN9 Extensions and Alterations to Dwellings and the Erection of Outbuildings within the Domestic Curtilage**

**Proposals for the extension or alteration of an existing dwelling and the erection of outbuildings within the domestic curtilage will be permitted where:**

- a) the proposal is subordinate in height and size to the original dwelling and does not substantially alter the character of the original dwelling; and**
- b) the design of the extension or outbuilding is in keeping with the scale, mass, height, width, materials, position and architectural character of the dwelling to be extended and its wider setting and can be adequately accommodated within the curtilage without resulting in harm to the character and appearance of the area by reason of over development; and**
- c) the proposal does not result in an unacceptable loss of private amenity space or impact unacceptably on the amenity of neighbouring properties; and**
- d) the proposal would not, by virtue of its scale, layout and internal arrangements result in a building capable of independent habitation.**

#### Reasoned Justification

6.4.15 The District Council recognises the desire of many householders to increase the size of their dwellings through extensions and alterations. Many extensions and curtilage buildings may not require planning permission as they represent "permitted development" rights. Some dwellings are subject to size restrictions imposed at the time permission was originally granted for the dwellings (or subsequently imposed). Therefore in all instances advice should be obtained from the District Council at the earliest opportunity as to requirements for planning permission.

6.4.16 Poorly designed extensions or outbuildings have the potential to cause harm to the character and appearance of both the dwelling itself and the wider area and the residential amenity of adjacent occupiers. Proposals should ensure that they are subordinate to the existing dwelling in terms of scale, mass, height, width and position. It is also important to ensure that careful attention is paid to the scale and design of proposals and the impact on residential amenity by virtue of factors such as overlooking, overbearance or loss of light. The original dwelling is defined as the building as originally erected or as existed in 1948, whichever is the later.

6.4.17 The design of planned extensions and alterations should reflect local distinctiveness, incorporating windows, architectural details and materials that compliment the original building. In the case of outbuildings, these should be designed and constructed to ensure that they appear ancillary to and do not compete visually with the main dwelling or create the feeling of over-development. Where the cumulative impact of a proposal and earlier extension(s) or outbuildings are likely to have an adverse impact on the character and appearance of an area particularly in Conservation Areas or the AONB, then permission will not be permitted.

6.4.18 The erection of substantial curtilage structures which by reason of their design, siting and scale could become independently occupied in the future will not be permitted.

6.4.19 Detailed design guidance on residential extensions will be prepared by the District Council as a Supplementary Planning Document for the types of residential development covered by this policy.

- 6.4.20 The District Council is also concerned that the pressure to extend properties, particularly in the countryside has resulted in a loss of smaller properties available to meet local affordable housing needs. Evidence to support this can be found in the Council's Housing Needs Assessment (July 2002). The Council will therefore seek to maintain the District's stock of smaller dwellings in order to provide opportunities for individuals to access affordable or relatively affordable accommodation. This approach will support the Council's policies on housing mix. It will also carry forward the Malvern Community Strategy 2003-2006 which proposes to put in place mechanisms to limit extensions to existing properties, particularly in rural areas, in the interests of providing housing to suit everyone's needs.
- 6.4.21 The policy is not intended to deny provision for reasonable living accommodation and provision of essential facilities to support residential occupation. However the implementation of the policy will have particular regard to the desirability of protecting the district's stock of small dwellings in the interests of providing housing choice and promoting local distinctiveness. It should be noted that for the purposes of Policy CN8 - Replacement dwellings in the countryside a small dwelling is defined as a dwelling providing up to 100 sq. m floor area. Proposals involving substantial demolition but not complete demolition will not be treated as replacement dwellings, but will still be considered as an extension or alteration under the terms of Policy CN9.
- 6.4.22 Proposals for the replacement of or extensions to existing residential caravans or mobile home parks are subject to the same locational requirements as permanent residential development and will only be permitted within settlement boundaries. This will allow development in areas where services can be made readily available and avoids sporadic development in the countryside. Proposals for new residential caravans or mobile homes will only be considered for a temporary use.

### **Dependant Relatives Accommodation**

#### **Policy CN10 - Dependant Relatives Accommodation**

**Proposals for the provision of dependant relative's accommodation will be permitted where:**

- a) it forms an extension to an existing dwelling which is physically linked by one or more internal functional doors; or**
- b) it relates to the conversion of an outbuilding within the curtilage of a dwelling which is of an appropriate design; or**
- c) there are shared services, vehicular and pedestrian access and parking arrangements; and**
- d) it does not result in a loss of amenity to adjoining occupiers.**

#### Reasoned Justification

- 6.4.23 There is a continuing demand for the provision of additional residential accommodation in connection with existing dwellings for use by elderly or infirm relatives and this is likely to remain with greater emphasis on care in the community. The provision of annexe accommodation can provide a useful means of meeting this need and should be provided through an extension to a main dwelling or through the conversion of a suitable outbuilding. Exceptionally, where this is not possible, the District Council will consider the temporary use of a mobile home to provide for the accommodation requirements. In such cases, the permission will restrict occupancy to a named occupant(s) and at such time as the accommodation is no longer required, the District Council will seek its removal from the site.
- 6.4.24 The erection of substantial curtilage structures which by reason of their design, siting and scale could become independently occupied in the future will not be permitted. Conditions or Section 106 agreements will also be used to ensure that the dependant relatives accommodation is not separated from the main dwelling to form an independent unit.

## Gypsy Sites

### Policy CN11 - Gypsy Sites

**(1) Proposals for sites for gypsies will be permitted provided that:**

- a) demonstrable local need exists for the site and the number of pitches proposed;
- b) the site is reasonably close to or easily accessible from a main traffic route;
- c) the site is within reasonable distance of a settlement;
- d) in the case of long-term sites, the site is reasonably well related in terms of its location and size to schools and community facilities;
- e) the site is visually unobtrusive and well screened from important vantage points, public footpaths and roads;
- f) all facilities for the site are of a scale directly related to its essential requirements; and
- g) the site includes the following facilities:
  - i) a refuse collection point;
  - ii) access to drinking water supply;
  - iii) a satisfactory means of sewage disposal / management

**(2) Proposals to remove gypsy related occupancy conditions will only be permitted where the District Council is satisfied that:**

- a) the original condition is no longer relevant or that the long term need for the gypsy site has ceased; and
- b) reasonable efforts have been made to sell or lease the site at a price which reflects its true market value.

### Reasoned Justification

6.4.25 The Criminal Justice and Public Order Act 1994 defines gypsies as “*persons of nomadic habit or life whatever their race or origin.....*” The 1994 Act repealed the duty of local authorities to provide and manage gypsy sites. This change reflects recognition by Government that many gypsies would prefer to find and buy their own sites to develop and manage. However authorities still have discretionary powers to provide sites and have the role of assessing where they should be located.

6.4.26 The majority of gypsies that come to the District are in transit and their arrival is often work related and seasonal. At present there are several authorised sites which are owned either privately or by Worcestershire County Council which provided a total of 21 pitches in July 2001. A small number of unauthorised sites are also ‘tolerated’ by local farmers.

6.4.27 Proposals for new gypsy sites will also be assessed against the other policies of the plan particularly Policy DS3 – General Development Requirements. It is important that all sites have reasonable access to public transport, which would enable trips to be made to schools, community facilities and the services offered at nearby settlements. The impact upon the landscape and residential amenity will be important considerations in assessing any proposals. It is therefore important that sites have appropriate facilities, although these need to be of a scale which is directly related to the sites size and suitable for its location.

6.4.28 When assessing the need for additional gypsy sites, regard will be given to the results of past counts, the number of vacant pitches on existing sites and the incidence of unauthorised encampments.

6.4.29 When permission is granted, appropriate conditions or planning obligations will be imposed to ensure occupation of the site is restricted to those persons genuinely falling within the appropriate definition of gypsies.

6.4.30 To justify the removal of a gypsy related occupancy condition, the District Council will require applicants to submit an independently prepared appraisal which demonstrates:

- i) that the gypsy site is no longer required to meet the needs of gypsies in the locality;
- ii) that the gypsy site has been genuinely and widely marketed for a period of not less than 12 months at a realistic price having regard to the occupancy conditions attached.

6.4.31 Proposals for sites for travelling people, such as showmen, are subject to the same locational requirements as permanent residential development and will only be permitted within settlement boundaries.

## 6.5 Recreation

### Public Open Space

#### Policy CN12 - Provision of Public Open Space

- (1) Proposals for new residential development of 5 dwellings or more will be required to provide public open space based on a standard of not less than 2.4 hectares (6 acres) per 1000 people subdivided into the following types of open space:**
  - a) children's equipped play space, a minimum of 0.2 hectares (0.5 acre) per 1000;
  - b) children's informal play areas, a minimum of 0.4 hectares (1 acre) per 1000; and
  - c) playing fields/sports grounds for youth and adult use, a minimum of 1.6 hectares (4 acres) per 1000 people of which 1.2 hectares should be for sports pitches.
- (2) Provision will be made on site. Where this is inappropriate provision should be made off site appropriately located to serve the new development, or a financial contribution will be sought to enable new provision or to improve existing provision elsewhere in the locality.**
- (3) In addition to the provision of public open space, the District Council will require an appropriate amount of informal amenity open space to be incorporated into new residential development. The amount and nature of such provision will depend on the location and form of the proposed development. Such an assessment will be based on the contribution informal amenity open space would make to the appearance, enjoyment of the development and contribution towards landscape and quality of life considerations.**
- (4) Developers are required to make suitable arrangements for the maintenance of public open space and any associated equipment.**

#### Reasoned Justification

6.5.1 Open space forms an important resource in both urban and rural areas providing residents and visitors with an opportunity to take part in a range of sporting and recreational activities. Open space also contributes to the quality of life for people living and working in an area, but more importantly, it creates a sense of identity and contributes to the character of the area.

6.5.2 PPG3 'Housing' clearly underlies the importance of greening residential environments and the protection and creation of open space and playing fields. In addition, PPG17 'Planning for Open Space, Sport and Recreation' promotes the development of sports and recreational facilities and open informal space to meet a diverse range of recreational needs, from formal, organised sport through to enjoyment of local open spaces and the countryside.

6.5.3 PPG17 also advocates the undertaking of local assessments of need for open space, sport and recreation facilities together with an audit of existing provision. Furthermore it states that the information gained from assessments should be used to set local standards for open space, sports and recreational facilities.

- 6.5.4 The District Council has not yet undertaken a local assessment and audit for the whole of the District. It has however undertaken open space studies for Malvern, Tenbury and Upton, assessing open space provision against the National Playing Fields Association (NPFA) 'Six Acre Standard – Minimum Standards for Outdoor Playing Space'. Pending the undertaking of a district wide assessment and audit as advocated in PPG17 the District Council will continue to use the NPFA Six Acre Standard for the basis of determining the appropriate amount and type of open space to be provided as part of new housing development.
- 6.5.5 The NPFA Six Acre Standard recommends a minimum standard of 2.43 hectares (6 acres) per 1000 population of outdoor playing space to be provided in new development and is subdivided into different types of open space as shown in Table 1 below. The standard provides a framework for considering both existing provision and future proposals.

Table 1: Open Space Standards

---

Youth and Adult use	1.6 – 1.8 hectares	(4.0 – 4.5 acres)
Children's Use		
Outdoor Equipped Play grounds	0.2 – 0.3 hectares	(0.5 – 0.75 acres)
Casual or Informal Playspace	0.4 – 0.5 hectares	(1.0 – 1.25 acres)

- 6.5.6 The NPFA standards are minimum standards and relate to space which is available for sport, active/casual recreation and for children's play which is of a suitable size and nature for its intended purpose, safely accessible and available to the general public. These standards exclude woodland areas, private golf courses, cemeteries and small areas of amenity open space.
- 6.5.7 It is recognised that all new development creates a need for new public open space or puts pressure on existing provision. Individually, very small developments are unlikely to have major implications in terms of demand for open space. Cumulatively however, smaller developments will increase such demand. The District Council considers that developments above a threshold of five dwellings or more should make a contribution to public open space in accordance with the standards outlined in Policy CN12. Where a site is developed incrementally for less than five dwellings, but the wider site is considered capable of accommodating five dwellings or more based on the standards set by Policy CN6, this policy will still apply.
- 6.5.8 All new forms of residential development should provide sufficient informal amenity open space for their users to enjoy. The location and design of such spaces can make an important contribution to the appearance and character of a development and should, in all cases, be an integral part of the overall design and, where appropriate, be of wildlife benefit. Currently no defined standards are prepared as to the amount of informal amenity open space which should be provided. However, the District Council will keep these requirements under review. Policy CN12 aims to encourage negotiation with developers on an individual basis to secure provision, having regard to the character and location of the proposed development. Development should also ensure that the recreation potential of river corridors is fully realised.
- 6.5.9 Children's play space should be provided where possible within easy and safe walking distance from the related housing areas and located to avoid the need for children to cross busy roads. A buffer zone should be provided between older children's play space and residential properties to reduce disturbance to residential properties.
- 6.5.10 There may be circumstances when it is not realistic or appropriate to accommodate the required outdoor playing space on the development itself. In such cases, the developer will be required to provide or contribute towards new facilities or improvements to existing facilities which are within the locality.

6.5.11 Developers will be required to provide for the future maintenance requirements of open space and any associated equipment provided on residential developments. Such arrangements might include:

- the levying of a service charge on occupants to provide for the upkeep, to be administered by a resident's association or management agents; or
- donating the open space to the Parish or District Council, with a commuted sum to cover maintenance costs for a period of twenty-five years.

6.5.12 Policy DS18 Planning Obligations makes reference to developer contributions towards open space provision and maintenance. These will be explained more fully in a Supplementary Planning Document to be published by the District Council.

### **Policy CN13 - Protection of Open Space, Sport and Recreational Facilities**

**Areas identified as open space on the Proposals Map will be safeguarded. Proposals which would result in the loss of open space with sport, recreation or amenity value, or facilities which meet the recreational needs of the community will only be permitted where:**

- a) **an assessment of community need has been undertaken which clearly demonstrates that the open space, building or land is surplus to requirements; or**
- b) **alternative provision of an equivalent community benefit can be provided in a convenient and accessible location in addition to any further requirements for open space arising from the proposal; or**
- c) **the existing open space, sports or recreational facility can be enhanced through the development of a small part of the site; and**
- d) **the development is for recreational and/or community purposes related to the use of the space, building or land; and**
- e) **the proposal is sited so as not to compromise the essential character of the space, building or land.**

#### Reasoned Justification

6.5.13 PPG 17 Planning for Open Space, Sport and Recreation places considerable emphasis on the protection of existing open space, sports and recreational buildings and land. Such open space includes parks and gardens, playing fields, allotments, village greens, informal recreation areas, children's play areas and other land of amenity value.

6.5.14 Consideration will only be given to their loss where the reasons for the development outweigh the value of the space. A prerequisite to the consideration of any potential loss will be the undertaking by the developer of an assessment of need and audit of open space which clearly illustrates that the open space, land or buildings is "surplus to requirements" and that the development proposals are widely supported by the local community. In order for open space, buildings and land to be considered surplus to requirements, it should be demonstrated that consideration has been given to all functions that the open space, buildings and land could perform in order to meet the needs of the community.

6.5.15 The District Council has currently undertaken audits of useable open space for the urban areas of Malvern, Tenbury and Upton which reveal an under provision of open space when compared to National Playing Fields Association standards, particularly in Malvern. A district-wide assessment as advocated in PPG17 has not yet been undertaken. In the interim, the District Council will continue to apply the National Playing Fields Association standards in conjunction with any up to date local assessments which may be undertaken in connection with any development proposals in order to ensure sufficient open space and recreational facilities are available to meet the needs of the community.

6.5.16 In dealing with proposals involving the loss of open space or buildings, the long term needs of the community will be considered. There may be proposals which come forward for community uses which properly relate to the current use of the land or buildings. In addition

there may be circumstances where the development of a small part of the site will lead to enhanced provision, or an alternative site can be identified of equal benefit to the community. Providing such proposals do not compromise the character and role of the open space within the locality they may be considered favourably.

- 6.5.17 PPG17 stresses that parks, recreation grounds, playing fields and allotments must not be regarded as previously developed land as defined in Annex C of PPG3. If other sport or recreational land or buildings do fall within the definition of previously developed land, their existing and potential community value should be properly addressed before development is considered.
- 6.5.18 Allotments are protected under this policy and are a valuable resource for both the allotment holder and the wider community. They provide opportunities for healthy recreation through the cultivation of food while providing valuable open spaces which enhance the visual amenity of the area. At present, demand for allotments remains high. Any reduction in the allotment land or their relocation will not be supported unless the applicant can demonstrate previous, present and likely future use of the site. Where it can be demonstrated that there is no longer a demand in a particular locality, the District Council's priority will be to re-use the land for other forms of outdoor recreational space and to protect visual amenity.
- 6.5.19 The Proposals Map identifies open spaces which are considered to be of value to the community and which should be afforded protection. The completion of the assessment and audit as required by PPG17 will provide further information to support the inclusion of these areas and may in addition highlight other important open space or sport and recreational facilities worthy of protection. In addition, there are numerous areas of incidental open space which contribute to the quality and character of housing areas and provide amenity value. These areas are too small to be included on the Proposals Map but are regarded as being of equal value and will therefore be protected from development.
- 6.5.20 Although residential development within Categories 3 & 4 settlements is restricted in accordance with Policy DS12 some of them have open spaces and recreation grounds which are important to the needs of the community and contribute to the character and visual appearance of the area. Such areas are identified on the Proposals Map.

## Recreation, Sports and Leisure Facilities

### Policy CN14 - Recreation, Sports and Leisure Facilities

- (1) Proposals for new, or the alteration or expansion of existing, recreation, sports and leisure facilities within settlement boundaries will be permitted provided that:**
- a) the proposal is of a design, scale and form which is in keeping with the character of the area, is of a scale appropriate to the range of services and facilities within the settlement and complements, wherever feasible and appropriate, any existing recreation, tourism or sports usage; and
  - b) the proposal can be accessed by a choice of transport modes appropriate to the location and the use proposed.
- (2) Outside settlement boundaries proposals will only be permitted where they meet the above criteria and where:**
- a) the applicant can demonstrate that the proposal cannot be accommodated within settlement boundaries; and
  - b) there is a proven need or demand for the proposal; and
  - c) existing buildings are used where possible to reduce the need for new built development; and
  - d) where new building is proposed, it is kept to a minimum in line with the essential operational requirements of the activity, located so as to minimise its impact on the landscape; and
  - e) the proposal will not lead to the urbanisation of a natural landscape by virtue of buildings and structures, land contouring and land management; and
  - f) the proposal does not cause unacceptable nuisance or noise that would be detrimental to other users of the countryside or residential amenity and the quiet enjoyment of the countryside.

### Reasoned Justification

- 6.5.21 Recreation, sport and leisure facilities can make an important contribution to the well-being, vitality and attractiveness of an area particularly in town centre locations. However, the Worcestershire County Structure Plan reiterates the need to balance the promotion of recreation, sport and leisure against the need to ensure that “unacceptable damage is not caused to the County’s natural and built assets.” It further states that facilities should be accessible, as far as possible, by means other than the car. Proposals should therefore, wherever possible be located within settlement boundaries in accordance with the above policy.
- 6.5.22 Where this is not possible, proposals should be located as close as possible to a settlement boundary, in areas where there is good access to other amenities and facilities and regular public transport in order to reduce trip generation and minimise the impact on the countryside.
- 6.5.23 This Policy is applicable to a range of recreation, sports and outdoor leisure facilities including playing pitches, water related recreation, motorised or noisy sports, horse riding and golf courses. Proposals must be of a design and size which is in keeping with the community in which it is situated and should not cause unacceptable levels of noise, loss of amenity or traffic generation. Commercial leisure developments such as cinemas which are likely to generate significant numbers of visitors will be subject to Policy EP9 - Town and District Centres.
- 6.5.24 The emphasis of planning policy guidance is on encouraging proposals which meet recognised need, where they are environmentally sustainable and which ensure good accessibility by all modes of transport. Where the applicant can demonstrate to the satisfaction of the District Council that there is a demand for a recreation, sports or leisure facility and that it cannot be accommodated within a settlement boundary, the proposal will be assessed against the above criteria.

- 6.5.25 In all cases, the scale of the proposed development and any ancillary facilities will be carefully assessed in relation to its location and the impact on adjoining land uses and residential amenity. In the open countryside, proposals will only be permitted where the countryside is the primary resource for the proposal and the rural landscape is conserved or enhanced.
- 6.5.26 The Countryside Access and Recreation Strategy, published by the County Council in March 2004 includes a range of policies relating to countryside recreation and the provision of facilities and opportunities in the countryside. The Strategy will be a material consideration when assessing development proposals.
- 6.5.27 The Council will not permit proposals which would have an adverse impact on the landscape character, nature conservation, agricultural, historic and archaeological interests. Proposals within the AONB will only be permitted where it conserves or enhances the character, appearance and special qualities of the area. Major developments in the AONB will however, not be permitted in accordance with Worcestershire County Structure Plan Policy RST7.
- 6.5.28 Proposals that would require the provision or modification of vehicular access, servicing and parking facilities, will need to demonstrate that no significant adverse impact will occur and any traffic generated should not have a detrimental effect on the safety of the local road system or necessitate the widening of lanes. In addition, proposals which would result in the loss of existing hedging or other boundary treatments, or would require extensive levelling or surfacing work to be undertaken, are unlikely to be acceptable.
- 6.5.29 Where ancillary facilities such as changing rooms, clubhouses, toilet facilities, ticket/permit office etc. are proposed, these should, wherever possible, utilise existing buildings. Where this is not possible, the Council will expect all justified new build development to be of a suitably functional design, to be limited to the minimum size necessary to provide essential facilities, and to make use of materials appropriate to the location and proposed use of the development. The individual and cumulative impact of the development with adjoining or nearby buildings will also be taken into consideration. The expectations for high design standards will be no less than for other types of development.
- 6.5.30 Proposals for new or extensions to existing facilities will not justify the provision of other developments such as hotels or housing, which will be determined on their own merits. The development of visitor accommodation will need to comply with Policy EP14 - Visitor Accommodation. Applications for living accommodation often relate to the need for supervisory/security purposes in conjunction with a development. It is therefore, essential that developments which are likely to generate pressure for accompanying accommodation either at the outset or through later expansion, are initially sited where suitable accommodation already exists or can be provided in accordance with Policy EP6 - Reuse of Rural Buildings.
- 6.5.31 In considering all proposals, the potential for nuisance to be caused to local residents and the effect on the tranquillity of the area will be carefully assessed. Examples of potentially noisy or intrusive activities may include clay pigeon shooting, war games, motor car/cycle events and airborne sports. The District Council will require proposals to be in keeping with their surroundings and designed and implemented in a way which minimises conflict and disruption. Proposals which have an adverse impact on the character, peace and tranquillity of the AONB will not be permitted.
- 6.5.32 In some cases, a temporary permission may be granted so that issues relating to noise and disturbance can be assessed. If it is proven that there is no unreasonable conflict with adjacent land users or other unacceptable environmental impacts, the permission may be renewed having regard to other policies in the Plan. Additionally, conditions may be attached to a permission which limit the times and frequency of activities.
- 6.5.33 Floodlighting can considerably increase opportunities for sport, but can be intrusive in the wrong location. It will only be permitted in appropriate locations and if significant increase in opportunities for sport, particularly for the wider community, can be demonstrated.

6.5.34 Any traffic generated from the proposal should be accommodated safely on the local road network in accordance with Policy DS3 General Development Requirements without the need for widening lanes or the loss of hedgerows.

## 6.6 Community Facilities

### Provision of New Local Shopping Facilities

#### **Policy CN15 - Provision of New Local Shopping Facilities**

**The provision of small scale convenience shops, or small scale extensions to shops, of an appropriate scale and type to improve viability and to provide for the daily needs of the local community will be permitted within settlement boundaries provided:**

- a) the site is readily accessible by bicycle and on foot and public transport where possible;**
- b) they are conveniently located to serve the needs of the local community; and**
- c) the proposal would not harm the vitality and viability of an existing town or village centre.**

**Preference will be given to locating proposals within or adjacent to local centres.**

#### Reasoned Justification

- 6.6.1 Local shopping facilities in the form of individual shops or small groups of shops are available throughout the urban and rural area and complement the retail provision in town centres. They can play an important role in meeting the day to day needs of local communities and tend to be more accessible to the less mobile sectors of the population who cannot always conveniently reach the town or district centre. The need for local shops is as important within the towns as it is in rural areas for reducing dependence on the car.
- 6.6.2 Proposals for local shops within towns and villages will be supported providing they are small-scale, individual shops primarily selling convenience goods. As an indication of scale, bearing in mind the sizes of the District's settlements, shops in excess of 250 sq.m are unlikely to be permitted under this policy.
- 6.6.3 Careful consideration must be given to the siting of new shops because of the likely increase in activity which will be generated by the development and the possible effects on residential and highway amenity. Issues such as the location of the facility in relation to towns and villages, accessibility by all modes of travel, servicing requirements and the overall size and scale of the development will be taken into account. Where appropriate new facilities should be provided within existing local centres or in close proximity to existing facilities. In the rural areas combining shops with existing community facilities will be supported where appropriate, such as the provision of a shop or post office within an existing public house.
- 6.6.4 There is an established trend of A1 shopping units being located on petrol filling station forecourts. Very often these retail facilities are ancillary to the use of the site as a petrol filling station and therefore do not require permission. However where larger shops are proposed which require planning permission, they should meet the provisions of the above policy.

## Provision of New Community Facilities

### Policy CN16 - Provision of New Community Facilities

- (1) Proposals for new, or extensions or improvements to existing community facilities will be permitted provided that they are:-**
  - a) of a scale to meet the needs of the local community and in keeping with the character of the area;**
  - b) provided with adequate parking and operational space; and**
  - c) accessible by walking or cycling.**
- (2) Within the rural areas proposals located within or adjoining the settlement it is intended to serve will be permitted. Within Malvern proposals will only be permitted within the settlement boundary and will need to be accessible by public transport.**

#### Reasoned Justification

- 6.6.5 Community facilities such as youth centres, doctors surgeries, places of worship, community centres, village halls and meeting rooms can contribute to the social and economic well being of communities. The provision of new facilities is also important in terms of promoting sustainable development as it can reduce the need to travel and provide a service for those who do not have access to transport. Planning Policy Guidance Note 7 – The Countryside – Environmental Quality and Economic and Social Development supports the need for community facilities and recognises the role they have in developing sustainable and living communities within the rural area.
- 6.6.6 The most appropriate location for the provision of community facilities is within or adjacent to a settlement where they are readily accessible by the populations they are to serve and the impact on the open countryside is minimised.

## Retention of Local Facilities

### Policy CN17- Retention of Local Facilities

- (1) Proposals which would result in the loss of a village or local shop or post office, community facility such as a community hall, or community service such as a public house will not be permitted unless:**
  - a) it can be demonstrated the existing use is no longer viable or could not be made viable; or**
  - b) there is alternative local provision which is accessible to the local community by walking or cycling.**
- (2) Where it has been demonstrated that the premises are no longer viable or can be made viable, it must be demonstrated that every reasonable attempt has been made to secure an alternative community facility before non-community uses will be permitted.**

#### Reasoned Justification

- 6.6.7 Local shops, community facilities and services play a vital economic and social role in both urban and rural areas and their retention can assist in meeting the needs of the local community and reducing the need to travel. The District Council considers that for the benefit of the community, the loss of such facilities should be resisted. Community facilities and services could also include theatre venues for arts or entertainment activities.
- 6.6.8 The number of local shops particularly in the District's rural communities has steadily declined over the years. Such facilities often fulfil a social role in rural settlements and the loss of

these facilities can weaken the community and severely limit access to shopping facilities for people without access to a car.

- 6.6.9 Facilities important to the local community should be retained in the community unless genuine but unsuccessful attempts have been made to retain the premises in a community use and there is no likelihood of a community use. Where a proposal can demonstrate that the use is not viable (i.e. no longer capable of being kept open either economically/commercially or through social enterprise), or where the settlement would still retain a range of facilities accessible to most of its population, a change of use may be appropriate provided the new use does not conflict with other policies in the plan. Before considering a residential re-use, the District Council will wish to be satisfied that other uses of greater benefit to the rural community such as a community or employment use are not viable.
- 6.6.10 To assess applications for the change of use or redevelopment of existing community facilities, the District Council will require a thorough analysis of the existing operation and the attempts taken to secure the future and viability of the business. In all cases, the applicant must demonstrate:
- that the site has been actively marketed for its existing use at a realistic price for a period of at least 18 months;
  - that the need for an alternative community facility has been researched and that there has been no, or insufficient, demand;
  - that opportunities to support the facility by the introduction of other services have been explored. The dual use of premises for a number of community functions may help support the viability of facilities which may be experiencing financial difficulties;
  - that efforts have been undertaken to secure the viability of the facility through applications for grant aid, business advice and discussions with community groups, parish councils, the Council, the County Council and other national or local bodies with a direct interest in rural service provision such as the Countryside Agency. These bodies can also help to identify the need for alternative community facilities.