

Malvern Hills District Council



Hanley Castle Neighbourhood Plan Decision Statement

Hanley Castle Neighbourhood Plan

I confirm that the Hanley Castle Neighbourhood Plan, as revised by the modifications set out in Table 1 below, complies with the legal requirements and Basic Conditions set out in the Localism Act 2012, and can therefore proceed to Referendum, which will be held on Thursday 29th November 2018.

I also declare that I have no disclosable personal or disclosable prejudicial interest in respect of this decision.

Signed

A handwritten signature in black ink, appearing to read 'G. Williams', with a stylized flourish at the end.

Gary Williams
Head of Housing and Planning Services, Malvern Hills District Council

Summary

Following an independent examination, Malvern Hills District Council now confirms that the Hanley Castle Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum on Thursday 29th November 2018.

Background

On 21 July 2014, Malvern Hills District Council designated the Parish of Hanley Castle as a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan.

Extensive community consultation culminated in the draft Hanley Castle Neighbourhood Plan Regulation 14 consultation which took place from 28 April to 12 June 2017. The consultation responses fed into the final version of the Hanley Castle Neighbourhood Plan which was submitted to Malvern Hills District Council in January 2018, along with the associated Basic Conditions Statement, Consultation Statement and Strategic Environmental Assessment Screening Opinion.

The Hanley Castle Neighbourhood Plan and associated documentation was then publicised and representations were invited. The publicity period ran from 16 February to 6 April 2018.

Malvern Hills District Council appointed an independent Examiner, Ann Skippers of Ann Skippers Planning, to review whether the Plan should proceed to referendum in May 2018.

Having considered each of the recommendations made by the Examiner's report and the reasons for them, in consultation with the Parish Council, Malvern Hills District Council has decided to make the modifications to the draft Hanley Castle Neighbourhood Plan as detailed in Table 1 below in order to ensure the Plan meets the Basic Conditions as set out in the legislation.

Decisions and Reasons

Malvern Hills District Council will make the following modifications, as proposed by the Examiner and agreed by the Parish Council, to ensure that the Hanley Castle Neighbourhood Plan meets the Basic Conditions.

Table 1 – Schedule of Examiner’s Recommended Modifications and Malvern Hills District Council’s response

Part of Document	Examiner’s Recommended Modification(s)	MHDC Response
Land-Use Policies	Move the word “Policy” that appears before each ‘orange box’ to within the ‘orange box’ on each policy in the Plan so that it appears “ <i>Policy</i> [XXXX]”	Agreed, word “Policy” moved to within orange boxes to read “Policy XXX” as recommended.
Parish Council Responsibilities	Delete the word “Policy” from before the ‘green boxes’ on page 64 of the Plan	Agreed, word “Policy” deleted from before green box as recommended.
Section 4: Aims & Objectives	Amend the reference to “settlement boundaries” in objective 3. of Aim 1 to “ <i>development</i> boundaries” on page 18 of the Plan	Agreed, reference to “settlement boundaries” replaced with “development boundaries” as recommended.
Policy MnGr 1: Housing Mix	Remove the grey colour block from paragraphs 2 and 3 on page 23 of the Plan Delete the reference to “...(see Appendix E)...” from paragraph 13 on page 24 of the Plan	Agreed, grey box removed as recommended. Agreed, reference to Appendix E deleted as recommended.
Policy MnGr 2: Affordable Housing	Delete paragraph 22 on page 28 of the Plan Consequential renumbering will be needed	Agreed, paragraph 22 deleted and subsequent paragraphs renumbered as recommended.
Policy MnGr 3: Allocation of	Change paragraph 6 on page 29 of the Plan to read:	Agreed, paragraph re-worded

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Affordable Housing	"SWDP 15 Meeting Affordable Housing Needs. <i>Local connections for villages in the rural areas in Malvern Hills are defined in the Malvern Hills Rural Lettings Policy.</i> "	as recommended.
Policy MnGr 4: Infill / Backland Housing in the Parish	Change criterion iv. and v. by amalgamating them together so that it reads: <i>"iv. provides homes to a maximum size of three bedrooms or provides plots for self-build homes to a maximum size of three bedrooms."</i>	Agreed, criteria iv amended as recommended.
Policy MnGr 6: Incremental Growth	Reword the policy to read: <i>"The development of approximately 50 new dwellings is supported over the Plan period. It is expected that the provision of infrastructure required to support the development proposed will be provided in a timely manner and no later than the appropriate phase of development for which it is required."</i>	Agreed, policy amended as recommended.
Policy MnGr 7: Preferred Site Allocations	Delete the word "Preferred" from the title of the policy and the heading on page 35 of the Plan Renumber Sites 1, 2, 3 and 4 as "A, B, C and D" Revise paragraph 16 on page 42 of the Plan so that it reads: <i>"This site is not included in the SWDP as it is indicated on the SHLAA list as 'availability unknown', however contact has been made with the owner's agent. The site's size, at a density of 30 dwellings to the hectare would allow a development of about 9 properties of mixed property sizes</i>	Agreed, the word "Preferred" deleted from the title of Policy MnGr 7 as recommended. Agreed, sites renumbered as recommended. Agreed, paragraph revised as recommended.

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	<p><i>and types. The community's preference is for the site to be developed for affordable housing and therefore the site is allocated for affordable housing."</i></p> <p>Incorporate [existing] Sites 2, 3 and 4 into the Hanley Swan Development Boundary shown on page 37 of the Plan updating Map 4 to include Sites 2, 3 and 4 making sure that the Sites 2 and 4 are clearly indicated as "<i>allocations for housing development</i>" and that Site 3 is clearly indicated as "<i>allocation for affordable housing</i>" on the revised Map 4</p> <p>Delete the last paragraph of the policy that begins "The boundary to sites allocated..."</p> <p>Add a new paragraph to the supporting text after paragraph 5 on page 35 of the Plan which reads:</p> <p><i>"The boundary to sites allocated for development outside and adjoin the existing development boundary will form the basis of an extension to the existing development boundary. The revised development boundaries for Hanley Castle and Hanley Swan are shown on Maps 4 and 5 respectively."</i></p>	<p>Agreed, map showing Hanley Swan Development Boundary (Map 5) amended as recommended. Map 6 (site Allocations) amended to show Site C allocated for affordable housing.</p> <p>Agreed, last paragraph of policy deleted as recommended.</p> <p>Agreed, new paragraph added as recommended.</p>

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	<p>Change the last sentences of paragraph 10 on page 40, paragraph 14 on page 42 and paragraph 17 on page 44 of the Plan to read:</p> <p>“This site is outside of but adjacent to the <i>current</i> development boundary of Hanley Swan <i>which is revised by this Plan.</i>”</p> <p>Delete Site 7 from the policy and remove any references to it including the map from the Plan.</p> <p>Add a sentence to the start of the policy which reads:</p> <p><i>“The following sites, identified on Maps [insert numbers] are allocated for housing development:”</i></p> <p>Add to the policy after each site that is retained the following information: Site 1 “<i>approximately 16 units</i>”; Site 2 “<i>approximately 10 units</i>”; Site 3 “<i>approximately 9 units</i>”; Site 4 “<i>approximately 3 units</i>”</p> <p>Title all the maps that accompany each [retained] site and add a key to each</p> <p>Delete the “n.b.” from underneath Policy MnGr 7 in its entirety</p>	<p>Agreed, paragraph 10 amended as recommended.</p> <p>Agreed, Site 7 (and references to it) deleted from the policy and map as recommended.</p> <p>Agreed, Policy amended as recommended.</p> <p>Agreed, number of units added to each site retained.</p> <p>Agreed, site allocations map titled and key added as recommended.</p> <p>Agreed, “n.b.” deleted as</p>

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		recommended.
<p>Policy MnGr 8: Siting of Local Businesses</p>	<p>Renumber each of the sites clearly and sequentially (some consequential amendments may be required as a result)</p> <p>Improve the quality of Maps 6 and 7 and clearly identify each of the sites by their new number/name</p> <p>Amend the policy to read:</p> <p>“Other than home based businesses, new business premises should <i>normally</i> only be developed within the boundaries of the existing business centres <i>shown on Maps [insert map numbers]</i> which are:</p> <ul style="list-style-type: none"> • Hanley Workshops • Merebrook Industrial Estate • Willow End Park • Acorn Business Centre • Cygnet Business Centre • Walnut Trading Estate (opposite incinerator) <p>Intensification within the boundaries of these sites <i>will be preferred. The expansion of these sites into the open countryside will only be permitted if it can be demonstrated intensification is not viable or practical and</i></p>	<p>Agreed, sites renumbered and consequential amendments made as recommended.</p> <p>Agreed, each of the sites on the map showing the location of employment sites (now Map 7) identified by their new number / name.</p> <p>Agreed, policy amended as recommended.</p> <p>Consequential deletion of third sentence of paragraph 21 and first bullet point of paragraph 21 required to provide consistency with revised policy.</p>

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	<p><i>where the effects of any such expansion would be acceptable.</i></p> <p>The Parish Council supports the further development of the Blackmore Park site (as per SWDP 54) as this is a brownfield development offering considerable space to expand employment opportunities.</p> <p>Additionally proposals for the industrial / commercial development (Use classes B1 or B8) of the old incinerator site in Hayler's End will be supported provided they are limited to within the original boundaries of the site when it was operational (<i>See Map [insert Map number]</i>)</p> <p>Proposals for a change of use of existing premises to business purposes will not be approved if they will result in a detrimental impact upon local residents."</p> <p>Change paragraph 1 on page 49 to read:</p> <p>"The parish currently has six existing industrial / business centres, plus a disused incinerator site and the SWDP 54 site at Blackmore Park. These are all situated outside the 30 mph. zone of Hanley Swan and away from the main residential settlement areas of Hanley Swan and Hanley Castle. The centres are either built on old wartime hospital sites, other brownfield sites or redundant farm buildings. They are all located in open countryside and outward expansion of these sites would be <i>likely to be</i> detrimental to that countryside, which is why with the exception of Blackmore Park, intensification of existing sites is <i>preferred</i>. <i>Additionally</i> there are many small businesses operating from a home base within the parish, including bed and breakfast accommodation for the tourism industry. The derelict incinerator site,</p>	<p>Agreed, paragraph 1 amended as recommended.</p>

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	<p>having previously had planning permission for housing refused, has in 2016 obtained a certificate of lawful use pertaining to incineration.”</p> <p>Amend the fifth sentence in paragraph 7 on page 53 of the Plan to read:</p> <p><i>“SWDP 54 allocates 5.1 ha of land for B1, B2 and B8 employment uses.”</i></p> <p>Delete the fourth bullet point of paragraph 21 which appears on page 55 of the Plan</p>	<p>Agreed, paragraph 7 amended as recommended.</p> <p>Agreed, fourth bullet point deleted as recommended.</p>
<p>Policy MnGr 9: Heavy Goods Traffic</p>	<p>Delete the references to Policies SWDP 53 and 55 on page 57 of the Plan</p>	<p>Agreed, references to SWDP 53 and 55 deleted as recommended.</p>
<p>Policy MnGr 10: Disused or Redundant Buildings</p>	<p>Change the word “may” in the first sentence of the policy to “<i>will be</i>”</p>	<p>Agreed, policy amended as recommended.</p>
<p>Policy MnGr 11: Assets of Community Value</p>	<p>Add the proposed list of potential assets of community value as a community action point</p>	<p>Noted that the proposed list of potential assets of community value are listed under paragraph 3 and a community action to progress assets of community value is listed in the Implementation Plan (Section</p>

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	<p>Add at the end of the first paragraph of the policy “<i>provided that the effects on the local road network, residential amenity and the character and appearance of the locality are acceptable.</i>”</p> <p>Reword the second paragraph of the policy to read:</p> <p><i>“The loss of an asset will only be permitted where it can be demonstrated that:</i></p> <ul style="list-style-type: none"> i. <i>the use no longer serves the needs of the community in which it is located; or</i> ii. <i>alternative provision of an equivalent or better nature is provided in an equally or more accessible location; or</i> iii. <i>in the case of commercial based community facilities it can be demonstrated that the use is no longer viable as evidenced by appropriate marketing of the property for a minimum of 12 months; and</i> iv. <i>the proposed use would be compatible with adjacent land uses.”</i> 	<p>10).</p> <p>Agreed, policy amended as recommended.</p> <p>Agreed, Policy reworded as recommended.</p>
<p>Policy MnGr 12: Developer Contribution Policy</p>	<p>Insert the words “<i>by the Local Planning Authority</i>” after “...off-site infrastructure and facilities as required...” in the first sentence of the policy</p> <p>Delete the sentence which begins “In particular...” and replace it with “<i>Development proposals will also be expected to contribute as appropriate to the priorities of the Parish Council as initially noted below, but subject to subsequent revision by the Parish Council.</i>” [Retain existing four bullet points]</p>	<p>Agreed, policy amended as recommended.</p> <p>Agreed, policy amended as recommended.</p>

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<p>Policy RE 2: Settlement Identity</p>	<p>Add at the end of the penultimate paragraph in the policy "<i>Disused or redundant buildings are subject to Policy MnGr 10.</i>"</p> <p>Delete the last paragraph of the policy in its entirety</p>	<p>Agreed, paragraph amended as recommended.</p> <p>Agreed, last paragraph deleted as recommended.</p>
<p>Policy RE 3: Replacing Natural Features Lost Through Development</p>	<p>Reword Policy RE 3 to read:</p> <p><i>"New development should avoid the loss of or substantial harm to, important trees, orchards, hedgerows and other natural features such as ponds. Where such losses or harm are unavoidable, suitable mitigation measures that may include equivalent or better replacement of the lost features will be required. It is expected that any such mitigation will form an integral part of the design concept and layout of any development scheme and that development will be landscape-led and be appropriate in relation to its setting and context and ongoing management."</i></p> <p>Delete the "Nb. 'Significant' does not equate to ancient or veteran trees." On page 69 of the Plan</p>	<p>Agreed, policy reworded as recommended.</p> <p>Agreed, the "Nb" at the end of paragraph 1 deleted.</p>
<p>Policy BHN 1: Protection of Buildings or Structures on the Local List of Heritage Assets</p>	<p>Add the words "<i>The proposed list is included as Appendix B.</i>" at the end of paragraph 1 on page 72 of the Plan</p> <p>Change the first paragraph of the policy to read:</p> <p><i>"Local heritage assets identified on the Local List should be protected or enhanced. In reaching a balanced judgment on the effect of a non-designated heritage asset, the significance of the heritage asset will be taken into account together with the scale of any harm to, or loss of, the heritage asset."</i></p>	<p>Agreed, sentence added to paragraph 1 as recommended.</p> <p>Agreed, policy amended as recommended.</p>

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	<p>Change the first sentence of the third paragraph in the policy to read:</p> <p><i>“Development that involves the demolition or part demolition of buildings or structures on the Local List will be resisted.”</i></p> <p>Change the third sentence in the third paragraph of the policy to read:</p> <p><i>“In cases where demolition is unavoidable, provision will be made for any archaeological or historical interest to be appropriately recorded prior to any demolition or at an otherwise suitable stage in the works.”</i></p>	<p>Agreed, policy amended as recommended.</p> <p>Agreed, policy amended as recommended.</p>
<p>Policy BHN 2: The Environs of Heritage Assets</p>	<p>Delete Policy BHN 2 in its entirety and its supporting text</p>	<p>Agreed, policy and supporting text deleted as recommended.</p> <p>Consequential renumbering of policies required.</p>
<p>Policy BHN 4: Preserving Ancient Trees, Woodland, Trees and Hedges</p>	<p>Add at the end of the first sentence in the policy <i>“unless the need for, and benefits of, the development in that location clearly outweigh any loss.”</i></p> <p>In paragraph one on page 80 of the Plan change the sentence that begins “This is an instance where local input...” to <i>“It will be useful for the development industry and decision takers to engage with the Parish Council who have detailed local knowledge of ancient trees, woodlands and hedges in the Parish at an early stage to ensure that such trees, woodlands and hedges are appropriately identified and to enable discussion about protection and retention and if appropriate, mitigation measures.”</i></p>	<p>Agreed, policy amended as recommended.</p> <p>Agreed, paragraph amended as recommended.</p>

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<p>Policy BHN 5: Protected Local Green Spaces</p>	<p>Include Ewe and Lamb Green on Map 10</p> <p>Delete the word "Protected" from the title of the policy, the heading on page 83 and Map 10 on page 85 of the Plan</p> <p>Change the first paragraph of the policy to read:</p> <p><i>"Inappropriate development on the Local Green Spaces shown on Map 10 will not be permitted except in very special circumstances. The character and appearance of these Local Green Spaces, their contribution to the village townscape and their recreational value are of particular importance to the community."</i></p>	<p>Agreed, Ewe and Lamb Green included on Map as recommended.</p> <p>Agreed, word "Protected" deleted from the policy title and map as recommended.</p> <p>Agreed, policy amended as recommended.</p>
<p>Policy BHN 6: Sites of Biological Interest</p>	<p>Change the last sentence in paragraph one on page 87 of the Plan to: <i>"This policy identifies the sites of biological interest to which this policy relates and these sites are shown on Map 11."</i></p> <p>Delete paragraph 14 on page 90 of the Plan in its entirety</p> <p>Consequential paragraph renumbering will be necessary</p>	<p>Agreed, paragraph amended as recommended.</p> <p>Agreed, paragraph deleted as recommended and subsequent paragraphs renumbered as recommended.</p>
<p>Policy Des 1: General Building</p>	<p>Change the word "removed" in criterion vi. to <i>"minimised"</i></p>	<p>Agreed, word "removed" in criteria replaced by "minimised"</p>

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Design Principles	<p>Change the word “supplementary” in paragraph 9 on page 93 of the Plan to “<i>complementary</i>”</p> <p>Delete paragraph 13 on page 93 of the Plan</p> <p>Consequential renumbering of paragraphs will be needed</p>	<p>as recommended.</p> <p>Agreed, word “supplementary” in paragraph replaced by “complementary” as recommended.</p> <p>Agreed, paragraph deleted as recommended and subsequent paragraphs renumbered.</p>
Policy Des 3: Integrating New Developments with the Existing Community	<p>Amend Policy Des 3 to read:</p> <p><i>“The design and layout of all new housing developments in excess of five properties must take every available opportunity to provide safe and convenient access for cyclists, pedestrians, the disabled and other users to village facilities including bus stops, schools and services and improve connections to other residential areas.”</i></p>	<p>Agreed, policy amended as recommended.</p>
Policy Trf 2: Footpaths / Bridleways / Cycleways	<p>Change the first sentence of the policy to read:</p> <p><i>“New development is required to take every available opportunity to improve footpath, bridleway and cycle path provision and connections within the parish.”</i></p> <p>Delete the last paragraph of the policy which begins “The Parish Council...”</p>	<p>Agreed, policy amended as recommended.</p> <p>Agreed, last paragraph of policy deleted as recommended.</p>

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	<p>Delete paragraph 18 on page 104 of the Plan</p> <p>Consequential renumbering of paragraphs will be needed</p>	<p>Agreed, paragraph deleted as recommended and subsequent paragraphs renumbered.</p>
<p>Parish Council Responsibilities 2 - 7</p>	<p>In PCR 2 change the second paragraph to read “The Parish Council <i>will seek to work closely with District and County Councillors and the Highways Authority...</i>” [retain remainder of PCR as is]</p> <p>In PCR 3 change the last sentence to read “The Parish Council <i>will seek to work in conjunction...</i>” [retain remainder of PCR as is]</p> <p>In PCR 5 change the first sentence to read “The Parish Council will also make representations to MHDC that <i>developer contributions should also be applied to developments outside the NDP area, but which would affect the Parish. This could apply...</i>[retain remainder of PCR as is]</p>	<p>Agreed, second paragraph amended as recommended.</p> <p>Agreed, last sentence in PCR 3 amended as recommended.</p> <p>Agreed, first sentence in PCR 5 amended as recommended.</p>
<p>Glossary</p>	<p>Change the definition of “Backland” to “<i>Backland Development: Development of 'landlocked' sites behind existing buildings, such as rear gardens and private open space, usually within predominantly residential areas. Such sites often have no street frontages.</i>”</p> <p>Add at the start of the definition of “Green Infrastructure”: “<i>A network of multi-functional green space that could include...</i>” [retain as existing]</p> <p>Change the definition of “Infill” to “<i>Infill Development: the development of a usually small plot or parcel of land or a gap within an otherwise built up</i></p>	<p>Agreed, definition of Backland Development changed as recommended.</p> <p>Agreed, definition of Green Infrastructure changed as recommended.</p> <p>Agreed, definition of Infill Development changed as</p>

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	<p><i>frontage or sites within the built-up area of the village where the site is closely surrounded by buildings."</i></p> <p>Change the definition of "Planning Obligation" to "<i>A legally enforceable obligation entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal. Sometimes called "Section 106" agreements.</i>"</p> <p>Delete the entry for "Curtilage"</p>	<p>recommended.</p> <p>Agreed, definition of Planning Obligation changed as recommended.</p> <p>Agreed, definition of Curtilage deleted as recommended.</p>
Appendices	<p>Add to Appendix A a sentence that reads: "<i>The information in this appendix reflects information and is correct at the time of writing the Plan. Up to date information should be sought from the local planning authority, the Parish Council or Historic England.</i>"</p> <p>Add at the start of Appendix B a sentence that reads: "<i>This is the proposed list of heritage assets that the Parish Council intend to put forward to MHDC for consideration on inclusion in the Local List. Policy BHN 1 would then apply to any heritage asset included on that Local List.</i>"</p>	<p>Agreed, sentence added as recommended.</p> <p>Agreed, sentence added as recommended.</p>