

Regulation 16 Consultation on the Submitted Abberley Neighbourhood Plan RESPONSE FORM

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

This consultation runs for seven weeks from Friday 4th December to 5:00pm on Friday 22nd January 2021.

If you wish to comment on the draft Abberley Neighbourhood Plan **please complete and return this form no later than 5:00 pm on Friday, 22nd January 2021 to:**

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

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

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

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 Any other details, including signatures, private telephone numbers and email addresses will not be published on the Council's website, but the original representations with personal details redacted will be published.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

Please fill in your details in the boxes below:

Full Name: DARREN CUTLER

Organisation (if applicable): EDEN HOMES

Address (including postcode): [REDACTED]

Telephone number: [REDACTED]

Email address: [REDACTED]

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

Policy ABY3: Criteria for development of Land at The Orchard

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

As background we are the new owners of the allocated housing site known as The Orchard. We purchased the site in October 2020. However, we have had an interest in the site since 2018 when we originally agreed to buy it from the then owners on a 'subject to planning permission' basis.

Since our involvement we have been working on how to bring the site forward for development. We submitted a formal application for 'pre-application advice' back in February 2019 and received guidance back from planning officers in stages between June and August of that year. That advice fed into the preparation of a planning application submitted in February 2020. During the early consideration of that application it became apparent that there were issues that might lead to an objection and so we took the decision to withdraw the application (July 2020). Since that time we have spent a significant amount of time investigating how this site can be developed successfully; balancing the desire to address concerns raised during the consideration of the first planning application, with the need to accommodate a sensible level of development (on what is a very steeply sloping site) and still make such development viable.

The site's topography has been a massive issue and since July 2020 we have sought advice from engineers and designers and drawn up scheme after scheme for the site, some of which have been discussed with the planning department to ensure we were heading in the right direction. It is hoped that we are now nearing the end of that process and it is our intention to make public the outcome of our work within the next few weeks, with a view to submitting a fresh planning application within a month.

With that background in mind, I turn now to the content of the latest draft of the Abberley Neighbourhood Development Plan (NDP) which we have only just been made aware of.

On the whole, the document appears to represent a sensible vision for the village and we support the overall aspirations and principles set out within it. However, in so far as it relates specifically to the allocated site (Policy ABY3) we must raise objection.

The policy is too prescriptive in two very specific ways:

Limiting house numbers to 6:

This number has been guided by the SWDP site allocation number of 6 units. At paragraph 5.8 the NDP states that

"the SWDP's site assessment concludes that the site's characteristics and access requirements limit the capacity to a maximum of 6 dwellings".

However, this fails to take into account the more specific reason why the SWDP came to that conclusion. When putting forward the site for allocation the Council made the following comments in its 2012 Background Paper that justified the chosen allocations. For this site the following comments were made:

"Sloping site but well related to village and lends itself to modest form of development on part of site fronting Clows Top Road. Site adj to Special Wildlife Site. Reduced site density required due to extreme topography of site on lower section fronting The Common and tapering of site to south. Highway requirements to serve only private drive would severely restrict density to serve a maximum of 6 dwellings subject to achieving the required gradient, visibility splays and storm water disposal arrangements." (my underlining)

It is clear from the above that when allocating the site, topography was a concern and so a decision to play safe on numbers was taken. The principal reason, however, for indicating only 6 units appears to be the limitation imposed by highway requirements. There was clearly an assumption back in 2012 that the site would be served by a private drive and, in line with WCC guidance, a private drive shall not serve more than 6 dwellings and so, accordingly, the allocation was indicated for only 6. That advice regarding private drives remains in place today but what has changed is that a design solution now exists such that this site is now capable of being served off a 'Pedestrian Prioritised Street' (where vehicle movements do not exceed 100 per hour) and so more than 6 units would and could be permitted. If this was known back in 2012 there would have been no need to indicate the 6 unit limit. At this point it is also worth noting that the County Highway Authority raised no objection to a higher number of units on the site when consulted back in 2020.

In addition, to further reinforce this point, prior to first looking at development options for the site, consultation with the Council's planning policy team was undertaken. We asked specifically about the number of units identified in the allocation, especially taking into account the fact that planning permissions had recently been granted for the two other allocated sites in Abberley for a greater number of units than suggested in their respective allocations. An extract from the policy officer's response (dated 10/09/18) is set out below:

"As officers we have always taken the view that the housing numbers in the allocations are indicative. So they may be higher or lower eventually, although there (.sic) are based on a clear understanding of the site's opportunities / constraints at the time of allocation.....So, if numbers are higher, but justified in terms of design / landscape etc, then that isn't necessarily going to be an issue with officers....."

In addition to the above, in respect of our application for Pre Application Advice (19/00318/PA) submitted in February 2019, the following response from the case officer was received on 4th June 2019:

*"Principle of Development
.....Although this pre-application request is seeking advice on the development of 10 dwellings (9 net) which exceeds the indicative allocation of 6, should all other detailed SWDP policies be adhered to then the proposed development could be supported."*

The NDP needs to continue to follow this advice. The SWDP allocation gives an 'indicative' figure of 6 units but from the above it is evident that an additional number can be considered acceptable in principle, subject to site specific considerations. We therefore propose that the reference to a specific number of units is removed from Policy ABY3.

Retention of the existing dwelling:

At no point during discussions with planning officers since our involvement in 2018 has the need to retain the existing house on the site been raised and to set it out in the NDP as a necessary requirement effectively makes the site undevelopable. The house is not a listed building or even locally listed. It is also in a state of significant disrepair and any attempt to retain it would almost certainly require significant demolition, rebuilding and renovation.

This site already has a significant number of constraints, most notably its topography, which severely inhibit its development potential and serves to significantly restrict options for the siting of units throughout the site. Any requirement to retain the existing dwelling within what is a relatively central position within the site further constrains the very limited scope that already exists.

Reference to the retention of the existing house should, therefore, be removed.

On site provision of affordable housing:

There is no evidence submitted to justify a step away from the adopted policy of the Council in respect of affordable housing provision in this location. Our negotiations on the development of the site have assumed no 'on-site' provision for schemes of less than 10 units (being as the site is in a Designated rural Area) and this has been backed up by planning officers. The policy therefore needs to be amended to make it consistent with national and local plan policy advice.

Policy ABY2 is relevant to the consideration of the above points. It sets out a desire for more bungalow development to meet the needs of the elderly in the village. We concur with that view and the scheme that is currently being finalised is a scheme entirely of bungalows and predominantly of 2 and 3 bedroom units too. However, bungalows take up a greater area of ground than the same sized two storey dwelling, which means that a larger footprint is required within the site to accommodate a viable number of units. The illustrative approach set out in the concept plan in the NDP would make the provision of any bungalows impossible. The developable area of the site as drawn on that concept plan appears to be less than a quarter of the whole allocated site, which would make it impossible to provide a viable development and would completely rule out any scope for bungalows because they are so land hungry.

We have mentioned viability throughout this submission. That is because it is a very critical factor in considering how the site can be developed. Site levels and overall topography have proved to be extremely restrictive, hence the reason it has taken so long, working behind the scenes with consultants, to arrive at a form of development that is achievable both in terms of satisfying planning considerations and making the development financially viable. The constraints set out in the NDP, if required to be followed, would completely remove any chance of the site being developed in an economically viable way.

Please use a separate form for each representation.

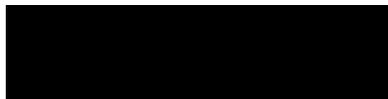
Future Notification

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

Yes

No

Signature



Date



Thank you for completing this form.