

Malvern Town Neighbourhood Plan Regulation 16 Consultation Version December 2018

Schedule of Malvern Hills District Council Officer Comments

General Comments

As a context for our comments, the National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so, it sets out requirements for the preparation of neighbourhood plans and the role these should take in setting out policies for the local area. The requirements set out in the Framework have been supplemented by guidance contained in DCLG's Planning Practice Guidance (PPG) on Neighbourhood Planning.

The Framework was revised in July 2018. Paragraph 214 of the Framework says that policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. The Malvern Neighbourhood Plan was submitted to Malvern Hills District Council on 31 October 2018.

Paragraph 184 of the Framework (paragraph 29 of the revised Framework) states that neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies.

The strategic planning policy framework for the Malvern Town Neighbourhood Area is provided by the South Worcestershire Development Plan (SWDP) which was adopted in February 2016. The Objectively Assessed Housing Need (OAHN) to 2030 in south Worcestershire is 28,370 dwellings. The SWDP makes provision for around 28,400 dwellings to meet this need, including 1,594 in Malvern¹. In light of this, it is considered that there is no evidence of an immediate unmet housing need that must be accommodated within the Neighbourhood Plan to 2030. It should be noted that the South Worcestershire Councils have commenced a revision of the South Worcestershire Development Plan. The latest evidence of housing need is indicating that the revised SWDP will need to plan for approximately an additional 14,000 dwellings

¹ Some of the SWDP56 allocation for 800 dwellings is within the neighbouring parish of Newland, but the allocation is largely to meet the needs of Malvern town

across south Worcestershire in the period 2031 to 2041, but this will be outside the period covered by the Malvern Town Neighbourhood Plan.

PPG on Neighbourhood Planning includes the following guidance on what evidence is needed to support a neighbourhood plan and how neighbourhood plan policies should be drafted:

- “Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.
- “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared”.

It is considered that some policies in the Malvern Neighbourhood Plan cut across, and conflict with, strategic policies in the SWDP. For example:

- Policy MV1 (Key Views) seeks to protect and enhance 70 exceptional key views. The location, direction and extent of these key views is not clear in Figure 5.3 so it is not possible to determine the extent to which Policy MV1 might undermine and jeopardise the delivery of strategic allocations in the SWDP (or potentially the SWDP Review).
- Policy ME1 (Protecting Employment Allocations) not only supports proposals for B1, B2 and B8 employment uses on the QinetiQ site allocation but would also potentially support non B1, B2 and B8 employment uses. This would be contrary to SWDP 53, a strategic policy, which allocates at least 4.5 hectares for B1(b) (or associated uses) specifically for high technology businesses. Policy ME1 provides no evidence to justify consideration of wider employment uses.
- Policy MD4 (Microgeneration) does not relate to the generation of energy from renewable or low carbon sources. Rather, Policy MD4 relates solely to the visual impact of microgeneration schemes. Policy MD4 potentially conflicts with SWDP 27 (Renewable & Low Carbon Energy) and ignores the fact that most microgeneration schemes would be permitted development unless on a Listed Building or in a Conservation Area.

As currently drafted, it is considered that some policies do not provide a practical framework within which decisions on planning applications could be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework (paragraph 16 of the revised Framework). In particular, Policy MV1 (Key Views) lacks clarity on which views the policy relates to and the direction or extent of the views. It is also considered that parts of Policies MC1A (Community Infrastructure), MC2 part 2 (Healthy Communities), MD1 part 1 (Building Design and Accessibility), MD2 (Landscaping and Public Realm) and MD3 (Promoting Sustainable Design) could be clearer.

It is considered that the extent of duplication or partial duplication / overlap with strategic policies in the SWDP will lead to an unduly complex process of applying Neighbourhood Plan and SWDP policies to proposals by decision takers. In light of this it is suggested that consideration is given to whether all aspects of some policies are necessary or appropriate. Related to this, it is considered that the level of prescription in some policies may not be appropriate.

A number of policies in the Malvern Town Neighbourhood Plan relate to major development proposals. The definition of “major”, however, is often not specified or differs for different policies and differs from that in the Framework. For example, the first part of Policy MC2 (Healthy Communities) relates to “major residential development”, whilst the second part of Policy MC2 relates to “major development” – both without specifying a threshold. Policy MD1 also refers to “major development” but defines this as 100+ dwellings &/or >5,000 sq m no-residential development. Policy MI1 refers to “small scale major developments” (10 – 199 dwellings, 1,000 – 9,999 sq m or non-residential floor space or sites between 0.5 – 3.99 hectares) and “large scale major developments” (200+ dwellings, non-residential development 1,000+ sq. m or 4+ hectares). It is considered that a consistent definition of major development must be used in the Plan based on that used in the Framework unless there is a justification for why the definition and thresholds should differ.

It is noted that a number of policies use double negatives. For example, Policy MD1(4) uses the term “detrimentally negative”, Policy MI1 uses the term “unacceptable adverse” and Policies MH2 and MH3 use the term “adversely harmful”. It is suggested that these double negatives are not necessary or helpful.

It is noted that the Plan is titled “Malvern Neighbourhood Plan”. It is suggested that it may be helpful if the Plan was titled “Malvern Town Neighbourhood Plan” to be consistent with the neighbourhood area designation and to avoid possible confusion with neighbouring parishes which also include the Malvern name, including Malvern Wells who are also preparing a neighbourhood plan

Draft Neighbourhood Plan Policy	MHDC Officer Comments
Forward	Para 1 – Sentence 2 implies that the South Worcestershire Development Plan is not appropriate for Malvern Town. It is suggested that the word “appropriate” is replaced by “locally distinctive”.
1. Introduction	<p>Para 1.6 – it is suggested that the word “checked” be replaced by “considered”.</p> <p>Para 1.23, bullet points 4 and 5 – if successful at Examination, it is anticipated that a Referendum could be held in May 2019, with the</p>

	making of the Plan in May / June 219.
2. The Planning Policy Context	<p>Para 2.8, bullet 10 – “Table X” should be replaced by “Table 5”.</p> <p>Para 2.10 – For accuracy, it is suggested that the second sentence is replaced by the following text – “Non-strategic policies in the Neighbourhood Plan would take precedence over existing non-strategic policies in the SWDP where they are in conflict unless they are superseded by strategic or non-strategic policies that are adopted subsequently.”</p>
3. Vision and Objectives	Objective 1 refers to retaining the character of Malvern. This implies that there should be no change. It is considered that it may be appropriate to replace “retain” with “protect and enhance”.
4. Strategy	<p>Para 4.5, sentence 2 – “sustainably” should be replaced with “sustainability”. Sentence 3 refers to future housing provision meeting local needs. It needs to be recognised that housing provision in Malvern is not just to meet the needs of the Malvern Neighbourhood Area. As a main town, Malvern is the focus for growth to meet a significant element of the housing and employment needs of the district.</p> <p>Para 4.16 refers to the Key Diagram “which is on a separate document”. The key diagram is included in the supporting documents for the Regulation 16 consultation. To provide clarity for decision makers and planning applicants the Key Diagram should be included in the final version of Neighbourhood Plan or a weblink to where the diagram can be viewed should be provided.</p>
5. Policies	
5.1 Sustainable Development	It is noted that the 12 Objectives on pages 24 and 25 duplicate the 12 objectives on pages 19 and 20.

<p>Policy MSD1: Promoting and achieving sustainable development</p> <p>Proposals that promote and achieve sustainable development in accordance with the vision, objectives, strategy and policies set out in the MNP will be supported. Proposed development should in particular demonstrate how they address the objectives and policies within the MNP which are considered essential for maintaining Malvern as a sustainable environment with thriving communities.</p>	<p>Policy MSD1 supports proposals that accord with the policies in the Neighbourhood Plan.</p> <p>Policy MSD1 also proposes that development proposals should demonstrate how they address the objectives and policies within the Plan. It is not clear how proposals should demonstrate that they have addressed the objectives and policies and it is also considered that it may not be appropriate for all development proposals to do this. It is therefore suggested that the second sentence in Policy MSD1 could be deleted.</p>
<p>5.2 Green Infrastructure</p>	
<p>Policy MG1: Local Green Space</p> <p>Development on sites designated as Local Green Space (LGS) as listed below and shown on the Key Diagram and at figure 5.1 will not be permitted unless it is considered appropriate to its function as a special area of green space within the NPA or there are very special circumstances that demonstrate that the harm to the LGS is clearly outweighed by other considerations.</p> <p>Local Green Space Sites:</p> <ul style="list-style-type: none"> • Malvern Vale Community Centre playing fields, Swinyard Road • Lower Howsell Road playing fields, Lower Howsell Road • Victoria Park, Pickersleigh Avenue • Dukes Meadow, Pickersleigh Road • Hayslan Fields, Hayslan Road • Priory Park, Priory Road • Rosebank Gardens, Wells Road 	<p>Policy MG1A proposes the designation of 7 Local Green Spaces on which development will not be permitted unless it is considered appropriate to its function as a special area of green space or there are very special circumstances.</p> <p>The proposed Local Green Spaces are:</p> <ol style="list-style-type: none"> 1. Malvern Vale Community Centre playing fields 2. Lower Howsell Road playing fields 3. Victoria Park, Pickersleigh Avenue 4. Dukes Meadow, Pickersleigh Road 5. Hayslan Fields, Hayslan Road 6. Priory Park, Priory Road 7. Rosebank Gardens, Wells Road <p>Policy MG1 indicates that appropriate development on a Local Green Space could include:</p> <ol style="list-style-type: none"> 1. Provision of appropriate facilities for outdoor sport, recreation and for cemeteries; 2. Proportionate extension or alteration of an existing building; and

<p>Development considered appropriate on an LGS could include:</p> <ol style="list-style-type: none"> 1. Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries providing it preserves the function and value of the LGS; 2. The extension or alteration of an existing building providing it does not result in disproportionate additions over and above the size of the original building and does not have an unacceptable adverse impact on the function and value of the LGS; and, 3. The replacement of an existing building within an LGS, provided the new building is in the same use, is not materially larger than the one it replaces and does not have an unacceptable adverse impact on the function and value of the LGS. 	<ol style="list-style-type: none"> 3. Replacement of an existing building providing it is not materially larger than the one it replaces. <p>The Framework makes provision for a neighbourhood plan to identify Local Green Spaces of particular importance to the local community. Paragraph 76 of the Framework says that ‘by designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances’. Local Green Space is a restrictive and significant policy designation and policies for managing development within them should be consistent with those for Green Belts (paragraph 101 of the revised Framework).</p> <p>Paragraph 77 of the Framework (paragraph 100 of the revised Framework) says that Local Green Space should be in reasonably close proximity to the community it serves, demonstrably special to the local community and hold a particular local significance, and be local in character and not an extensive tract of land. The allocation of each Local Green Space within the policy therefore requires robust justification.</p> <p>Appendix 5.2 (on page 110) and the supporting document, “Proposed Local Green Space Sites”, set out how the proposed Local Green Spaces meet the criteria in the Framework.</p> <p>The proposed Local Green Spaces are shown in Figure 5 and more detailed maps, showing more clearly the boundaries of the Local Green Spaces, are shown on Figures 5.1.1 – 5.1.7 in Appendix 5.2. It is suggested that the word “Local” is inserted in the headings in Figures 5.1.1 – 5.1.7 on pages 111 – 117.</p> <p>Criterion 2 refers to “disproportionate additions”. It is considered that this is an ambiguous term and greater clarity in terms of whether it relates to size or numbers of buildings would be helpful.</p>
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	<p>Criterion 3 refers to “not materially larger”. It is not clear on what basis a decision maker would determine what is materially larger. For example, would it be 10%, 20%, 30%?</p>
<p>Policy MG2: Neighbourhood Open Space</p> <p>A. Proposals for development on Neighbourhood Open Space (NOS) sites as identified at Appendix 5.3 and shown on the Key Diagram and at Figure 5.2 will be supported provided the following criteria, where relevant, are met:</p> <ol style="list-style-type: none"> 1. It can be demonstrated by the applicant, through an objective assessment, there is a surplus of open space provision in the area; 2. The recreational function of the site is retained on site or provided off-site and is of an equivalent or better provision in terms of quantity and quality and is in an equivalent or better location relative to the existing site; 3. i) Improvements are made to the visual amenity and/or nature conservation value of any retained area of NOS following the development, or ii) In cases where the whole NOS is to be developed improvements to visual amenity and nature conservation should be made to a nearby NOS site which provides an overall benefit to the character of the local area which will be achieved through a legal agreement; and 4. They retain, where relevant, a physical or visual link with other NOS sites, Local Green Space sites or the wider countryside to ensure the integrity of the local network of Green Infrastructure. <p>B. The provision of NOS associated with new residential</p>	<p>Policy MG2 has 2 parts.</p> <p>Part A of Policy MG2 proposes 84 “Neighbourhood Open Spaces” (shown in Figure 5.2 and listed in Appendix 5.3).</p> <p>Policy MG2 proposes that development on Neighbourhood Open Spaces will be supported if 4 criteria, where relevant, are met:</p> <ol style="list-style-type: none"> 1. Can be demonstrated by the applicant there is a surplus of green space provision in that area; 2. Recreational function of the site is retained on site or provided off site to an equivalent or better standard or better location; 3. Improvements are made to the visual appearance and/or landscape value of any retained Neighbourhood Green Space or at a nearby Neighbourhood Green Space that provides an overall benefit to the character of the local area; and 4. Retains physical links with other Neighbourhood Green Space, Local Green Space and wider countryside sites. <p>The Framework glossary definition of Open Space is “all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.”</p> <p>The status of Neighbourhood Open Spaces, and their relationship between Open Space (as defined in the Framework) and Green Spaces (as identified in SWDP 38) is unclear.</p> <p>It is considered that the boundaries of the Neighbourhood Open Spaces</p>

<p>development should be in line with SWDP 39: Provision for Green Space and Outdoor Community Uses in New Development.</p>	<p>need to be more clearly mapped.</p> <p>The District Council has not assessed the 84 sites proposed as Neighbourhood Open Spaces but note that some sites are not public open space, for example, Malvern RUFC.</p> <p>It is considered that criteria 1 and 2 in Policy MG2 are consistent with the criteria in paragraph 74 of the Framework (paragraph 97 of the revised Framework).</p> <p>In relation to criterion 3, it is considered that the policy cannot require a visual improvement of a nearby Neighbourhood Open Space unless there is a planning obligation that links the sites and the improvement is required as a mitigation of the development.</p> <p>Criterion 3ii refers to providing an “overall benefit” to the character of the local area. It is not clear what kind of benefit the policy refers to. Presumably this is visual benefit rather than community benefit?</p> <p>It is considered that criteria 4 in MG2 is more onerous than the Framework and may not be achievable. Also, some of the Neighbourhood Open Spaces may not have links to other areas, in which case they cannot retain the link.</p> <p>Paragraph 5.2.5 says that a number of the larger Neighbourhood Open Spaces are designated as Green Space for the purposes of SWDP 38, but that Policy MG2 also captures smaller amenity spaces and play areas which are considered important locally and which are not protected by SWDP 38. It is not clear which Neighbourhood Open Spaces are designated as Green Spaces under SWDP 38 or which are additional open spaces. The relationship between Policy MG2 and SWDP 38 is therefore unclear.</p> <p>It is considered that Policy MG2A, which requires 4 criteria to be met</p>
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	<p>would be more onerous than SWDP 38B (Green Space) which requires criteria i, ii <u>or</u> iii to be met.</p> <p>Part B of Policy MG2 proposes that the provision of green space and outdoor community uses in new development should be in accordance with the standards set out in SWDP 39. It is questioned whether Part B of the policy is necessary.</p> <p>It is suggested that it would be helpful if the Reasoned Justification acknowledged the South Worcestershire Playing Pitch Strategy 2015 - 2030 (available at www.wychavon.gov.uk/documents/10586/8183916/South+Worcestershire+Playing+Pitch+Strategy+Strategy+Final+Sept+2015.pdf/e4706541-6ba0-4a9a-8b94-318ad3d34e45) and the emerging Public Open Space Assessment to 2041.</p>
<p>Policy MG3: Woodland, Trees and Hedgerows</p> <p>Developments which involve the loss of woodlands, trees of local significance or significant lengths of mature and biodiversity rich hedgerows will not be allowed unless the need for, and the benefits of, the development in that location clearly outweigh the loss. In these cases compensatory measures must be put in place which will result in a net gain to the overall quality of the environment.</p> <p>Appropriate arboricultural surveys must be provided to assess the value of the existing trees and hedgerows and the impact of the proposals on them. Trees and hedgerows not to be retained as a result of the development are to be replaced on a like-for-like basis. Additional new trees and hedgerows will be planted on the site as part of a wider planting scheme to help reflect and enhance the landscape character of the site.</p> <p>Where it is not possible or appropriate to secure this new or</p>	<p>Policy MG3 seeks to prevent developments which would involve the loss of woodlands, trees of local significance or significant lengths of hedgerows unless the benefits of development clearly outweigh the loss. In these cases, compensatory measures must be put in place which will result in a net gain to the environment.</p> <p>Policy MG3 proposes that adequate tree survey information be provided to assess the value of existing trees and hedgerows, and the impact proposals will have on them.</p> <p>Policy MG3 proposes that where trees and hedgerows are not to be retained they are to be replaced on a like-for-like basis, ideally on the site, but otherwise on other sites.</p> <p>Paragraph 109 of the Framework (paragraph 170 of the revised Framework) says that the planning system should minimise impacts on biodiversity and provide net gains in biodiversity where possible.</p>

<p>replacement tree planting on site, trees should be planted at a suitable location outside the site such as on LGS and NOS or other publicly owned land. Planning conditions or legal agreements will be used to secure this.</p>	<p>To provide some clarity about the trees and hedgerows that the policy applies to, the Reasoned Justifications makes specific reference to the hedgerows defined within the Hedgerows Regulation 1997 and trees covered by the TPO of the T &CP Act 1990 and the T&CP (Tree Preservation) (England) Regulations 2012.</p> <p>The Reasoned Justification helpfully makes the link between Policy MG3 and SWDP 22C and D.</p> <p>There are, however, aspects of Policy MG3 that require clarification if the policy is to be applied consistently and with confidence by decision makers.</p> <ul style="list-style-type: none"> • The first paragraph of the Policy MG3 refers to a “net gain to the overall quality of the environment”. How is “net gain” to be measured? Is it gain in terms of visual improvement or perhaps increased number of trees? • The second paragraph of Policy MG3 refers to replacement trees and hedgerows on a “like-for-like” basis. This would imply that leylandii be replaced by leylandii, 100 year old oaks should be replaced by 100 year old oaks etc. Presumably, this is not what is intended. • The third paragraph implies that where trees and hedgerows are not to be retained on site they should be replaced on another landowner’s site and that this be secured by planning condition or legal agreement. It is considered that this would be contrary to national planning policy and would not meet the tests associated with CIL compliance.
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<p>5.3 Visual Amenity</p>	
<p>Policy MV1: Key Views</p> <p>Development proposals should not adversely affect, and where possible, should enhance, the existing character, quality and value of the Exceptional Key Views identified on Figure 5.3 and described in the Visual Study Report.</p> <p>Development proposals are encouraged to consider other Key Views as described in the Visual Study Report, where relevant.</p>	<p>Policy MV1 proposes that development proposals should not adversely affect, and where possible should enhance, Exceptional Key Views (identified in Figure 5.3 and in the Visual Study Report supporting document).</p> <p>It is noted that the Visual Study Report identifies 70 Exceptional Key Views - 35 are described as “Key Viewpoints”, 18 are “Key Focal Points”, 12 are “Key View Routes”, 1 is a “Key View Zone” and 4 are “Key Gateways”.</p> <p>Additionally, Policy MV1 encourages development proposals to consider another 104 key views (64 Special and 40 Representative) identified in the Visual Study Report.</p> <p>Paragraph 109 of the Framework (paragraph 170 of the revised Framework) says that the planning system should protect and enhance valued landscapes.</p> <p>As background, Policy SWDP 25 requires development proposals to take account of the latest Landscape Character Assessment and requires a Landscape & Visual Impact Assessment (LVIA) or similar for major development proposals which are likely to have a detrimental impact on a significant landscape attribute or irreplaceable landscape feature.</p> <p>Planning policies can seek to protect specific views where this is justified in the wider public interest (for example from a public footpath, right of way, roadside, or other publically accessible land).</p> <p>It is considered that the Visual Study Report (September 2018) is a comprehensive and potentially helpful evidence source to underpin Policy MV1. However, it is considered that draft Policy MV1 (Key</p>

Views), in conjunction with the Visual Report Study, does not currently provide a practical framework which would enable decision makers to apply the policy consistently and with confidence as required by paragraph 16 of the Framework. The reasons for this are as follows:

- i. The Visual Study Report identifies 70 “exceptional” key viewpoints, key focal points, key view routes, key view zones and gateways. It is considered that the identification and protection of 70 key views would not be proportionate for a town the size of Malvern. Further, the designation of 70 key views would be an excessive constraint on development and has no regard for the strategic role Malvern plays as a main town in the SWDP.
- ii. To provide clarity for decision makers the proposals map should indicate the direction and, extent of any key views. If the direction and extent of views cannot be mapped spatially then it will not be possible for decision makers to apply the policy consistently and with confidence.
- iii. There is a lack of clarity on precisely which key views draft Policy MV1 would relate to. On the one hand, the policy title refers to “Key Views”. On the other hand, the Visual Study Report, refers to “key viewpoints”, “focal points”, “view routes”, “view zones” and “gateways”. Further, whilst the Visual Study Report categorises the view types according to whether they are “exceptional”, “special” or “representative”, the wording of Policy MV1 indicates that it would apply to “exceptional” views only.
- iv. It is not clear from the draft Policy how applicants should demonstrate that they have complied with the policy.

With the proposals map not showing the direction or extent of the key views it is not possible to determine the extent to which Policy MV1

	<p>might undermine and jeopardise the delivery of strategic allocations in the SWDP or where the Neighbourhood Plan might support sustainable development.</p> <p>In light of the above, it is considered that Policy MV1 does not currently provide a practical framework for decision makers and should be deleted unless the direction and extent of the proposed views are clearly mapped and the policy includes clear criteria setting out how it would be assessed whether a development proposal is likely to have an adverse impact.</p>
<p>5.4 Heritage</p>	
<p>Policy MHE1: Non-Designated Heritage Assets</p> <p>Proposals requiring consent which affect a non-designated heritage asset (including a building or structure on the Local List [following adoption by Malvern Hills District Council]) must demonstrate how they protect or enhance the heritage asset.</p> <p>The renovation or alteration of a non-designated heritage asset (building or structure) should be designed sensitively, and with careful regard to the heritage asset's historical and architectural interest and setting.</p> <p>Where a proposal would result in harm to the significance of an asset the extent of the harm and the significance of the asset should be balanced against the benefits of the proposal.</p>	<p>Policy MHE1 seeks to protect, and where possible, enhance, non-designated heritage assets on the Local List (following adoption by Malvern Hills District Council).</p> <p>Heritage assets are an irreplaceable resource and paragraph 17 of the Framework (paragraph 184 in the revised Framework) requires that historic assets should be conserved in a manner that is appropriate to their significance.</p> <p>Policy MHE1 helpfully distinguishes between designated heritage assets (such as listed buildings and conservation areas) and other heritage assets (identified by the local authority).</p> <p>Paragraph 5.4.3 of the Reasoned Justification makes it clear that the Local List will be designated and maintained by Malvern Hills District Council. It is considered appropriate for the Town Council to nominate non-designated heritage assets for consideration in the MHDC Local List SPD through the neighbourhood plan process.</p> <p>It is important when proposing local heritage assets to ensure that they meet the necessary criteria. The Local List SPD (May 2015) says that</p>

	<p>local heritage assets will need to be significant with regard to at least one of the following - a significant period in the District's history, the social history of the District or a notable example of planned or incidental planning, or associated with an individual of local importance. In addition, a nominated asset will need to be significant having regard to one or more of the following – age, rarity, aesthetic value, group value, evidential value, archaeological interest, designed landscape, landmark status and social / communal value.</p> <p>Paragraph 5.4.3 lists 6 proposed Non-Designated Assets outside Conservation Areas. However, there is no evidence provided in the Reasoned Justification or an Appendix to justify any of the proposed non-designated heritage assets. It is suggested that the list of 6 proposed non-designated assets in paragraph 5.4.3 is deleted because listing them potentially gives them a status they may not merit. Their inclusion also risks predetermining the Local Listing process.</p> <p>It is considered that it would be appropriate to list the proposed non-designated heritage assets in an Appendix. This would be helpful because it allows for the possibility that some nominated assets may not be adopted on the Local List and would allow for the possibility that additional assets may be listed by the District Council.</p> <p>Further, Policy MHE1 proposes that the policy applies to non-designated heritage assets (including those on the Local List). This would imply that Policy MHE1 would apply equally to non-designated heritage assets not on the Local List, but does not specify what these assets are or provide a justification for their protection under the policy.</p> <p>It is suggested that the word “consent” in the first paragraph of Policy MHE1 is replaced with “planning permission”.</p> <p>In light of the above, it is suggested that the first sentence of Policy MHE1 be amended to read: <i>“Proposals requiring planning permission</i></p>
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	<p><i>which affect a building or structure on the Local Heritage List (following adoption by Malvern Hills District Council) must demonstrate how they protect or enhance the heritage asset.”</i></p> <p>Since the renovation or alteration of some non-designated heritage assets may not require planning permission, it is suggested that the first sentence of the second paragraph of Policy MHE1 be amended to read <i>“Proposals requiring planning permission for the renovation or alteration of ...”</i></p> <p>Paragraph 3 of Policy MHE1 refers to “the benefits” of the proposal. It is not clear what kind of benefits are alluded to. Is the policy referring to public benefits?</p> <p>For clarity, it is suggested that the words “an asset” in paragraph 3 of Policy MHE1 be replaced with “a non-designated heritage asset”.</p> <p>It is also suggested that the proposed non-designated heritage assets listed in paragraph 5.4.3 are listed in an Appendix, together with a schedule seeking to justify each of the proposed non-designated heritage assets based on the Local List criteria.</p>
<p>Policy MHE2: Neighbourhood Heritage Areas</p> <p>The following areas reflect and retain the architectural vernacular of particular development periods in the evolution of Malvern and are designated as Neighbourhood Heritage Areas (NHA), shown at Figure 5.4.</p> <p>NHA01: Belmont Road</p> <p>NHA02: Howsell Road</p> <p>NHA03: Madresfield Road</p>	<p>Policy MHE2 proposes 5 “Neighbourhood Heritage Areas” beyond the Conservation Areas within which development proposals would be required to demonstrate how local architectural vernacular, historic interest and distinctiveness are taken into account.</p> <p>The location of the 5 proposed “Neighbourhood Heritage Areas” are shown on Figure 5.4 and the detailed boundaries of each area are shown in Appendix 5.4 (pages 122 to 126).</p> <p>The Government is seeking to support high quality design in all new development. Paragraph 58 of the Framework (paragraph 125 of the revised Framework) says that neighbourhood plans should develop</p>

<p>NHA04: Werstan Close</p> <p>NHA05: Newtown Road</p> <p>Proposals for development or change of use in an NHA must demonstrate how they recognise its special local architectural and historic interest and make a positive contribution to its local character and distinctiveness.</p>	<p>robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on an understanding and evaluation of its defining characteristics.</p> <p>Paragraph 5.4.7 of the Reasoned Justification helpfully summarises the key characteristics of the proposed Neighbourhood Heritage Areas and their historic significance.</p> <p>For accuracy, it is suggested that the words “reflect and retain the architectural vernacular” in the first sentence be replaced with “contain some important architectural features”</p>
<p>Community Infrastructure</p>	
<p>Policy MC1: Community Infrastructure</p> <p>A. Development proposals for new community and recreation facilities or extensions to or redevelopment of existing facilities will be supported provided that:</p> <ol style="list-style-type: none"> 1. The community facilities are of equivalent or better provision in terms of quantity, quality, accessibility and management; 2. 3. They satisfy, where relevant, the sequential test within NPPF; 4. The siting, scale and design respects the character of the surrounding area, including any historic and natural assets; 5. They are accessible to the community it is to serve; 6. The impact on the residential amenity is acceptable; and 7. There is no adverse impact on traffic generation, and adequate parking is provided on the site. <p>B. Development proposals, including changes of use, that will result in loss of all or part of a community facility identified at Appendix 5.5</p>	<p>Policy MC1 has 2 parts.</p> <p>Policy MC1A supports the development of new community and recreational facilities or extensions / redevelopment to existing facilities subject to 7 criteria being met. Policy MC1B resists the loss of all or any part of existing community and recreation facilities unless 2 criteria are met.</p> <p>Appendix 5.5 lists 86 existing community facilities to which Policy MC1 would apply – 10 health facilities, 5 emergency services, 11 education establishments, 6 community centres / village halls, 4 leisure and sports facilities, 18 public houses, 1 library, 3 cinemas / theatres, 24 places of worship and 5 post offices.</p> <p>Paragraph 70 of the Framework says planning policies should plan positively for community facilities and guard against the unnecessary loss of valued facilities and services.</p> <p>Part A of Policy MC1 supports new or expanded community and recreation facilities or extensions / redevelopment of existing facilities,</p>

and shown on Figure 5.5 will be resisted unless it can be demonstrated that the existing use is no longer economically viable or equivalent or better provision of the facility to be lost is made in an equally or more accessible location.

If the existing use is no longer economically viable, evidence should be provided to show that the site has been actively marketed, at the market rate current at the time, for at least 12 months and that no sale or let has been achieved during that period.

subject to 7 criteria being met.

In relation to criteria 1, 2, 3 and 5 we note:

1. If the development proposal is for a new type of community facility then it will not be possible to demonstrate that it is of equivalent or better quality than another facility because there is nothing to compare it with. Further, the “management” of a community facility is not a planning issue.
2. There is no criteria number 2 listed.
3. It is not clear what sequential test is being referred too.
5. Given that Malvern is a town, it is unlikely that a community facility would not be accessible to the community it serves.

As currently worded, Part A of the policy does not make clear what existing community facilities the policy would apply to.

In light of the above, it is suggested that Part A of Policy MC1 could be simplified to say *“The provision of new community and leisure facilities or the enhancement of existing facilities (identified on Figure 5.5 and listed in Appendix 5.5) is supported. Development proposals that provide community and leisure facilities will be required to demonstrate that:*

1. *The siting, scale and design respects the character of the surrounding area, including any historic and natural assets;*
2. *The impact on the residential amenity is acceptable;*
3. *There is no adverse impact on traffic generation; and*
4. *Adequate parking is provided on the site.”*

Part B of Policy MC1B resists the loss of all or any part of the 86 existing community and recreation facilities identified in Appendix 5.5 and shown on Figure 5.5 unless it can be demonstrated that the existing use is no longer economically viable or equivalent or better provision of the facility to be lost is made in an equally or more accessible location.

	<p>It should be noted that Policy MC1(B) would not be able to prevent the closure of the existing community and recreation facilities or moves within main use class orders.</p> <p>It is considered that the protection of all 86 community and recreation facilities may not be appropriate in a town the size of Malvern. For example, the loss of a public house in a small rural village may be considered to be a significant loss to the community, but in a town the size of Malvern there are often alternative facilities available to meet the needs of the community.</p> <p>It is considered that Part B of Policy MC1 is generally consistent with SWDP 37 (Built Community Facilities).</p>
<p>Policy MC2: Healthy Communities</p> <p>Proposals for new major residential development should demonstrate that there is sufficient capacity in the General Practices and Dental Practices within the Neighbourhood Plan Area to accommodate the resultant population from the development or make an appropriate contribution through a legal agreement or by a Community Infrastructure Levy payment to improve the capacity of NHS health facilities where necessary.</p> <p>Proposals for new major development, where appropriate, should demonstrate how it provides opportunities to deliver measures which will have positive benefits to the following health and well-being principles:</p> <ol style="list-style-type: none"> 1. Sustainable development 2. Urban form - design and the public realm 3. Housing and employment 4. Age-friendly environments for the elderly and those living with 	<p>Policy MC2 has 2 parts.</p> <p>The first part of Policy MC2 proposes that major residential development (without providing a definition of major) be required to demonstrate that there is sufficient capacity within General Practice and Dental Services within the Neighbourhood Area or make an appropriate contribution through a section 106 deed or by CIL payment.</p> <p>The second part of Policy MC2 proposes that proposals for major development demonstrate how the proposal provides opportunities to improve health and wellbeing, based on 10 principles.</p> <p>The Reasoned Justification for Policy MC2 highlights a number of health challenges in Malvern related in particular to a growing aged population. The Reasoned Justification indicates the list sizes for General Medical Practices and numbers of people treated at dental practices in Malvern but does not provide evidence that GP lists are oversubscribed. Further, if the Reasoned Justification is suggesting a lack of health facilities then the draft Neighbourhood Plan has not taken the opportunity to propose</p>

<p>dementia</p> <ol style="list-style-type: none"> 5. Community facilities 6. Green infrastructure and play spaces/recreation 2. Air quality, noise, light and water management 3. Active travel 4. Encouraging healthier food choices <p>Further information on these principles is available within the Planning for Health in South Worcestershire SPD (September 2017)18.</p>	<p>sites to accommodate an increase in facilities and services within the neighbourhood area.</p> <p>SWDP 7 (Infrastructure) requires development to provide or contribute towards the provision of infrastructure needed to support it. The SWDP Developer Contributions Supplementary Planning Document (SPD), adopted in July 2018, addresses health contributions. Policy MC2 does not refer to SWDP 7 or the Developer Contributions SPD and conflicts with the SPD.</p> <p>Paragraphs 2.6.11 to 2.6.13 of the SPD – available at http://www.swdevelopmentplan.org/wp-content/uploads/2018/08/Developer-Contributions-SPD-2018-Revision-Approved.pdf - say:</p> <p>Contributions for developments of 50 dwellings or less will only be sought where there is significant existing over subscription of GP lists, i.e. GPs with over 110% of the recommended maximum number of patients. The potential to increase capacity at the relevant health centres without breaching the pooling restrictions for developer contributions will be considered on a case by case basis.</p> <p>For developments of between 50 and 100 dwellings the Clinical Commissioning Group will consider the current surplus places, if any, at the relevant health centres and how this compares to the expected impact of the development.</p> <p>Developments of over 100 dwellings will normally be expected to contribute to the provision of additional primary healthcare infrastructure unless there is more than enough spare capacity at the nearest GP surgery to accommodate the additional number of residents likely to require primary healthcare registration arising as a result of the development.</p>
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	<p>It is considered that there would be insufficient grounds to refuse an application in a town on the grounds that there was insufficient health care.</p> <p>It is also considered that it would be more appropriate for the health authority to ask for contributions based on their specific information, rather than seeking developers to obtain such information.</p> <p>In relation to the second part of Policy MC2, it is considered that as currently worded it does not provide sufficient clarity that a decision maker could apply it consistently and with confidence when determining planning applications.</p> <p>It is also noted that the numbering of principles 7 – 9 need correcting (they are currently numbered 2 – 4).</p> <p>It is noted that the first part of the policy applies to major “residential” development whereas the second part of the policy relates to major development (ie. includes non-residential development). It is suggested that the Glossary includes the revised Framework definition for major development.</p> <p>It is noted that the 9 health and well-being principles replicate the principles outlined in the Planning for Health in South Worcestershire SPD but there is no mention of the SPD in the Reasoned Justification.</p> <p>Further, the Planning for Health in South Worcestershire SPD requires a Health Impact Assessment for residential and mixed use sites of 25+ dwellings, employment sites of 5+ ha and retail developments of 500+ square metres. Policy MC2 relates to major development (without specifying the threshold) and does not explain how applicants should demonstrate that proposed development would demonstrate benefits to the 9 principles.</p>
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	<p>In light of the above, it is suggested that Policy MC2 should be aligned to the Planning for Health in South Worcestershire SPD or deleted.</p>
<p>Design</p>	
<p>Policy MD1: Building Design and Accessibility</p> <p>A. Development proposals should demonstrate that they achieve high quality inclusive design and are fully integrated into the existing area in terms of design and accessibility by meeting, where relevant, the following criteria:</p> <ol style="list-style-type: none"> 1. The development responds to and reflects the local character, as set out in the Heritage Character Assessment, and integrates positive attributes within the area into their design; 2. Are of an appropriate scale and mass to their surroundings and makes efficient use of land whilst ensuring that the amenity of the area and neighbouring residents is not unacceptably adversely impacted; 3. Create a safe and accessible environment that integrates into the existing environment through the application of current national, Worcestershire County Council and Malvern Hills District Council guidance on highway design and layout and makes provision for: <ol style="list-style-type: none"> a) pavements with an appropriate width and surface treatment including tactile paving where necessary and dropped kerbs suitable for all pedestrian users including the mobility impaired; b) sufficient off-street car parking for the development to minimise on-street parking where it may cause a highway safety issue to other highway users; and 	<p>Policy MD1 has 2 parts.</p> <p>Policy MD1A proposes that all development proposals should integrate into the existing area by demonstrating that the following 4 “criteria”, where relevant, have been followed:</p> <ol style="list-style-type: none"> 1. Responds to, and reflects characteristics identified in the Heritage Character Assessment which have been prepared for 6 Local Character Areas; 2. Are of an appropriate scale and mass and do not adversely impact the amenity of neighbouring residents; 3. Provision is made for pavements, sufficient off-street car parking and safe movement of pedestrians and cyclists; and 4. Key components of the building design should not have a detrimental impact on the character of the area. <p>Policy MD1B proposes that there be masterplans and design codes for all major development proposals.</p> <p>In relation to Policy MD1A, paragraph 58 of the Framework (paragraph 127 in the revised Framework) stresses the importance of well designed places through planning policies which ensure that development responds to local character and creates safe and accessible environments.</p> <p>Criterion 1 seeks to ensure that development proposals reflect Heritage Character Assessments which have been prepared for 6 Local Character Areas. To provide sufficient clarity that a decision maker can</p>

<p>c) the safe and effective movement of pedestrians and cyclists whilst ensuring that motor vehicles are accommodated without conflicting with other road users; and</p> <p>4. Key components of the building design, which may have an effect on the aesthetic of the building, should be integrated into the overall design for the proposals to avoid the development having a detrimentally harmful impact on the character of the area.</p> <p>B. For major developments (i.e. over 100 dwellings and/or 5,000sq m of non-residential floor-space) masterplans and design codes should be used to help bring forward development that delivers high quality design and place-making based on the key attributes and characteristics of that area.</p>	<p>apply MD1A1 consistently and with confidence when determining planning applications it is considered that a clearer version of the map showing the location of the 6 Local Character Areas on page 144 should be included with the Policy (rather than included at the back of Appendix 5.6).</p> <p>To provide clarity for decision takers it is also considered that a summary of the key characteristics of the Local Character Areas would be helpful as part of the Reasoned Justification.</p> <p>It is considered that criteria 3 and 4 are vague and do not provide sufficient clarity that a decision maker could apply MD1A consistently and with confidence when determining planning applications.</p> <p>It is suggested that the Reasoned Justification could usefully include a link to SWDP 21 (Design) and the SWDP Design Guide SPD which was adopted in March 2018.</p> <p>In relation to Policy MD1B, it is noted that the definition of major development is developments over 100 dwellings and / or 5,000 sq m of non residential floor space. The proposed definition differs from the Framework definition and, presumably, that used in other policies such as Policy MC2. It is suggested that the term “major development” is applied consistently in the Plan or that variations from the Framework definition are explained in the Reasoned Justification.</p> <p>It is considered that the term “major development” should be deleted if the policy specifies that it only applies to proposed developments over 100 dwellings and / or 5,000 sq m of non residential floor space.</p> <p>It should be noted that masterplans would only be required for outline planning applications.</p> <p>Policy MD1(4) refers to key components of building design being</p>
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	<p>integrated into the overall design. Does this, for example, include things like pipework? It is considered that the policy lacks clarity.</p> <p>Paragraph 5.6.6 refers to detailed design elements that should be considered early in the design process. It is considered that some elements, for example, fire hydrants, would be covered by Building Regulations.</p> <p>Paragraph 5.6.6(11), second sentence – “Itis” to be replaced with “It is”.</p>
<p>Policy MD2: Landscaping and Public Realm</p> <p>Development proposals should demonstrate that they achieve high quality inclusive design and are fully integrated into the existing area in terms of landscape character and public realm by meeting where relevant the following criteria:</p> <ol style="list-style-type: none"> 1. They provide landscaping and public realm features that reinforces and promotes the Town’s aesthetic as detailed in the Heritage Character Assessment; 2. They take account of design guidance for and views to and from the Malvern Hills Area of Outstanding Natural Beauty and its setting and locally important key views within and adjacent to the Town; and 3. They take account and reinforce the existing landscape character and biodiversity assets of the site and its surroundings. 	<p>Policy MD2 proposes that all development proposals should integrate into the landscape and public realm by demonstrating that the following 3 criteria have been followed:</p> <ol style="list-style-type: none"> 1. Landscaping and public realm reinforces the Town’s aesthetic (as detailed in the Heritage Character Assessment); 2. Account is taken of design guidance issued by the AONB Partnership; and 3. Account is taken of the existing landscape character and biodiversity assets on the site and its surroundings. <p>The purpose of Policy MD2, and its distinction from Policy MD1, is unclear.</p> <p>It is also considered that Policy MD2 could not be applied consistently and with confidence by decision takers when determining planning applications.</p> <p>Criterion 1 of Policy MD2 appears to duplicate Policy MD1A1.</p> <p>Criterion 2 appears to propose that development proposals within and adjacent to the Malvern Hills AONB should have regard to design guidance prepared by the AONB Partnership but there is a lack of clarity.</p>

	<p>Criterion 3 proposes that development proposals demonstrate that they have taken account of, and will reinforce, not only the existing landscape character but also biodiversity assets on the site and surroundings. It is not clear how an applicant would achieve this.</p> <p>Generally, it is considered that Policy MD2 is not clear and unambiguous and could therefore be deleted.</p>
<p>Policy MD3: Promoting Sustainable Design</p> <p>Development proposals should demonstrate that they achieve high quality sustainable design by meeting, where relevant, the following criteria:</p> <ol style="list-style-type: none"> 1. They take account of the water environment by providing sustainable drainage schemes (SuDS) to help manage surface water run-off and reduce flood risk and incorporate measures to improve water efficiency; and 2. They make provision for sustainable design by incorporating energy efficiency features and renewable energy generation including the incorporation of renewable or low carbon energy to meet at least 10% of the developments predicted energy requirements. 	<p>Policy MD3 has 2 parts.</p> <p>Policy MD3(1) proposes that, where relevant, development proposals, should provide a sustainable drainage system (SuDS).</p> <p>Policy MD3(2) proposes that, where relevant, development proposals incorporate energy efficiency measures and incorporate renewable or low carbon energy to meet at least 10% of the developments predicted energy requirements.</p> <p>The intention of Policy MD3 is laudable. However, it is considered that the policy cuts across, and potentially conflicts, with SWDP 29 (Sustainable Drainage Systems) and SWDP 27 (Renewable and Low Carbon Energy).</p> <p>In relation to MD3(1), SWDP 29 requires all development (as appropriate to their nature and scale) to manage surface water through SuDS and secure long term maintenance of SuDS. The application of SWDP 29 is outlined in the SWDP Water Management and Flooding SPD, adopted in July 2018.</p> <p>In relation to MD3(2), all development proposals already have to incorporate energy efficiency measures to meet Building Regulations.</p> <p>The proposed requirement that new development incorporate renewable</p>

	<p>or low carbon energy to meet at least 10% of the developments predicted energy requirements is in general conformity with SWDP 27 which is a strategic policy. However, whilst SWDP 27 requires that the target be met unless it has been demonstrated that it would make the development unviable, Policy MD3(2) only requires it “where relevant”. Unlike SWDP 27, MD3(2) does not explain what applicants must do to demonstrate that the requirement will be met.</p> <p>Should there be a conflict between MD3(2) and SWDP 27, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. It is considered that Policy MD3(2) is weaker than SWDP 27 and may lead to less renewable or low carbon energy being installed which is presumably not the intention of the policy.</p> <p>It is considered that Policy MD3 is less precise than SWDP27 and SWDP 29 and potentially conflicts with the policies. It is suggested that the policy should be deleted.</p>
<p>Policy MD4: Microgeneration</p> <p>Proposals for microgeneration schemes including those on domestic and non-domestic buildings will be supported providing they meet the following criteria:</p> <ol style="list-style-type: none"> 1. They do not have an unacceptable adverse impact on the external appearance of the building; 2. They do not in itself or cumulatively have an unacceptable adverse impact on the character of the local area including the Malvern Hills Area of Outstanding Natural Beauty; and 3. They do not in themselves or cumulatively have an 	<p>Policy MD4 supports proposals for microgeneration energy schemes, subject to them not having an unacceptable adverse impact on:</p> <ol style="list-style-type: none"> 1. External appearance of the building; 2. Character of the local area, including Malvern Hills AONB; and 3. Amenity of neighbouring residents and occupiers. <p>The title of Policy MD2 is Microgeneration, but the policy does not relate to the generation of energy from renewable or low carbon sources. Rather, Policy MD4 relates solely to the visual impact of renewable and low carbon energy schemes which should already be covered by MD1.</p> <p>It is considered that Policy MD4 cuts across, and potentially conflicts with, both SWDP 27 and MD3 which require all new development over</p>

<p>unacceptable adverse impact on the amenity of neighbouring residents and occupiers.</p>	<p>100sq m to incorporate renewable or low carbon energy to meet at least 10% of the developments predicted energy requirements.</p> <p>In most cases, the installation of microgeneration schemes (such as solar panels and heat pumps) are permitted development, unless the installation is within the grounds of a Listed Building or is in a Conservation Area.</p> <p>Para 5.6.21 is very unclear. On the one hand, the paragraph acknowledges that many types of microgeneration are permitted development. On the other hand, it implies that Policy MD4 would apply where SWDP27 (and presumably MD3) is applied – which in most cases, permitted development will also apply.</p> <p>It is unclear what microgeneration schemes Policy MD4 would be applied to and how it would be determined whether it would have an unacceptable adverse impact. It is also considered that MD2 could conflict with SWDP27 and MD3.</p> <p>Further, it seems illogical that Policy MD4 would apply to microgeneration schemes but not to large stand-alone renewable and low carbon energy schemes (such as solar farms, CHP or wind turbines) where the visual impact would be far greater.</p> <p>In light of the above concerns it is considered that Policy MD4 should be deleted.</p>
<p>Transport</p>	
<p>Policy MT1: Transport and Development</p> <p>Proposals for all new major development, including change of use, must meet all of the following criteria:</p>	<p>Policy MT1 requires major development proposals to meet 5 transport and access criteria:</p> <ol style="list-style-type: none"> 1. Adequate vehicular access arrangements on to the highway; 2. Appropriate in terms of its impact on the local highway network

<ol style="list-style-type: none"> 1. There are adequate vehicular access arrangements onto the highway; 2. is the proposed development is appropriate in terms of its impact on the local highway network in terms of capacity and road safety; 3. There is adequate vehicular and cycle parking provision in accordance with standards adopted by Worcestershire County Council; 4. They are, or can be, appropriately accessed by public transport; and 5. The design of proposed roads, pavements and cycle routes create a safe and efficient layout for all users including the mobility impaired, pedestrians and cyclists and for emergency service and refuse vehicles. <p>Relevant planning applications will be supported by a statement, either within a Design and Access Statement or a Transport Statement, depending on the scale of development, which sets out how the proposal meets the above requirements.</p>	<ol style="list-style-type: none"> with regard to capacity and road safety; 3. Provide adequate parking (vehicle and cycle) in accordance with standards adopted by Worcestershire County Council; 4. Be (or can be) appropriately accessed by public transport; and 5. Include a safe and efficient layout of roads, pavements and cycle routes appropriate for all users. <p>Policy MT1 requires major development proposals to be supported by a Design and Access Statement or Transport Statement which details how the proposal meets the requirements of the policy.</p> <p>National Planning Practice Guidance (NPPG) says that the level of detail in a Design and Access Statement should be proportionate to the complexity of the application, but should not be long.</p> <p>Similar to a number of other policies, Policy MT1 does not define the thresholds for “major development”.</p> <p>Delete “is”, the first word in Policy MT1(1).</p> <p>Much of Policy MT1 is already covered by SWDP 4 (Managing Travel Demand) and therefore adds or no added value:</p> <ul style="list-style-type: none"> • MT1(1), MT1(2), MT1(3) and MT1(5) are covered by SWDP 4C and 4K. • MT1(4) is covered by SWDP 4B.
<p>Policy MT2: Town Centre and District Centres Car Parking</p> <p>A. Applications for development on land used for car parking within and adjacent to Malvern Town Centre and Malvern Link and Barnards Green District Centres as identified on Figure 5.6 and listed at Appendix 5.7 will be supported providing proposals include provision for replacement parking on an equivalent basis in terms of</p>	<p>Policy MT2 has 3 parts.</p> <p>Part A of Policy MT2 provides in-principle support for development on 13 car parks (listed in paragraph 5.7.4 and identified in Figure 5.6 and Appendix 5.7) providing proposals include provision for replacement car parking of an equal quantity, quality and accessibility.</p>

<p>quantity, quality and accessibility along with the required provision for the proposed development.</p> <p>B. Proposals to increase the amount of car parking within the Great Malvern Town Centre and Malvern Link and Barnards Green District Centres will be supported provided they meet all of the following criteria:</p> <ol style="list-style-type: none"> 1. They have adequate vehicular access arrangements onto the highway; 2. They are appropriate in terms of its impact on the local highway network in terms of capacity and road safety; 3. They include provision for sustainable transport measures such as links with the existing pedestrian routes such as 'Routes to the Hills' and provision for cycle parking; 4. They provide high quality planting and landscape appropriate to its surroundings and context; 5. They provides a safe and efficient layout for all car park users, including motorists, pedestrians, mobility impaired and cyclists; 6. They provide parking spaces (cycle, motor cycle and cycle) including disabled car park bays to meet the current parking standards; 7. 20% of car parking spaces should have an electric vehicle charging point in an active form (see policy MT4); and 8. They do not have an unacceptable adverse impact on the amenity of adjacent residents and occupiers. 	<p>Part B of Policy MT2 supports proposals to increase the amount of car parking within Great Malvern Town Centre, Malvern Link and Barnards Green providing the following 8 criteria are met:</p> <ol style="list-style-type: none"> 1. Adequate vehicular access to the highway; 2. Not have an unacceptable adverse impact on highway capacity or safety; 3. Include provision for "sustainable transport measures" (eg pedestrian routes to the Hills and cycle parking); 4. Provide appropriate and high quality landscaping; 5. Provide a safe layout for all car park users; 6. Provide parking for bicycles, motor cycles and disabled bays. 7. 20% of car parking spaces have an electric charging point; and 8. Not have an unacceptable adverse impact on the amenity of neighbouring properties <p>The third part of Policy MT2 encourages a proportion of parking spaces to be large enough to accommodate larger cars.</p> <p>Car parking in and around Malvern Town, Malvern Link and Barnards Green has been identified as a local concern. Policy MT2 seeks to protect the quantity and quality of parking in these centres. This has regard to paragraph 40 of the Framework (paragraph 106 in the revised Framework) which encourages improvements to the quality of parking in town centres.</p> <p>It is suggested that it would be helpful if the Reasoned Justification acknowledged the existing Malvern Hills Car Park Strategy 2017 – 2021 – available at https://www.malvernhills.gov.uk/documents/10558/125552/Car+Parking+Strategy+2017.pdf/1cc07f68-b481-9055-f8c3-b8d8e2e54288</p> <p>Whilst we support quality and accessible car parking in appropriate locations, the existing car parking provision is not used to its full</p>
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<p>In addition proposals for new car parking should be encouraged, where possible, to provide a proportion of parking spaces large enough to accommodate larger model of cars.</p>	<p>capacity and we would suggest that replacement parking should not automatically be a requirement if it could be demonstrated that the remaining provision would be sufficient.</p> <p>Paragraph 5.7.6 relates to the management and pricing structure of car parks which is not a land use planning issue and is not addressed in Policy MT2. It is therefore suggested that the paragraph is deleted.</p> <p>In MT2B(6) the second reference to “cycle” should be deleted.</p> <p>In relation to MT2B(7) it is considered that a 20% requirement for electric charging points may be too prescriptive, with the risk that there could often be unused car parking spaces. It is also considered that there is a lack of evidence to justify the 20% requirement.</p> <p>It is considered that the final paragraph of Policy MT2 relating to a proportion of parking spaces for larger cars is vague and could not be applied consistently and with confidence by decision makers. Also, if there were parking spaces for larger cars, how would it be possible to prevent smaller cars using those spaces?</p>
<p>Policy MT3: Malvern Link Railway Station Opportunity Area</p> <p>Proposals for a transport interchange including bus facilities and park and ride facilities with car, motorcycle and cycle parking at the Opportunity Area identified on the Key Diagram and at Figure 5.7 will be supported provided they meet all the following criteria:</p> <ol style="list-style-type: none"> 1. They have adequate vehicular access arrangements onto the highway; 2. They are appropriate in terms of its impact on the local highway network in terms of capacity and road safety; 	<p>Policy MT4 identifies land near Malvern Link Railway Station (shown in Figure 5.7) as an “opportunity area” for a transport interchange with bus and park ‘n’ ride facilities. Proposals would be supported subject to 7 criteria being met:</p> <ol style="list-style-type: none"> 1. Adequate vehicular access to the highway; 2. Not have an unacceptable adverse impact on highway capacity or safety; 3. Provides high quality and sustainable design, improves the public realm and is appropriate within and adjacent to two Conservation Areas; 4. Provides a safe layout for all car park users; 5. Provides parking for bicycles, motor cycles and disabled bays;

<p>3. They are of a high quality and sustainable design and it provides improvements to the public realm and townscape appropriate to its location within and adjacent to two Conservation Areas;</p> <p>4. They provide a safe and efficient layout for all car park users, including motorists, pedestrians, mobility impaired and cyclists, with a dedicated pedestrian route to the railway station and other facilities;</p> <p>5. They provide parking spaces (cycle, motor cycle and cycle) including disabled car park bays to meet the current parking standards;</p> <p>6. 20% of car parking spaces should have an electric vehicle charging point in an active form; (see policy MT4); and</p> <p>7. They do not have an unacceptable adverse impact on the amenity of adjacent residents and occupiers.</p>	<p>6. 20% of car parking spaces have an electric charging point; and</p> <p>7. Not have an unacceptable adverse impact on the amenity of neighbouring properties.</p> <p>The Reasoned Justification does not explain why the land is proposed as an “opportunity area” rather than a site allocation to prevent the land being used for other purposes.</p> <p>The policy provides no indication about whether the landowners would be willing to make the land available for car parking.</p> <p>Paragraph 5.7.15 says that proposals should not prejudice the operation of the adjacent Malvern Fire Station. It is suggested that this should be a required criteria.</p>
<p>Policy MT4: Electric Vehicle Charging Points</p> <p>Proposals for all new development, including change of use, should provide an electric vehicle charging point (EVCP), either in an active or passive form, with each car parking space to be provided in line with the adopted parking standards as a result of the development. The location and design of the EVCP should be appropriate to the character of the building and its surroundings.</p>	<p>Policy MT4 proposes that all new development should provide an electric vehicle charging point (EVCP). The policy proposes an EVCP for each car parking space.</p> <p>The principle of the policy seems to have regard to paragraph 35 of the Framework (paragraph 110 of the revised Framework).</p> <p>However, it is considered that an EVCP for each car parking space may not be proportionate or reasonable. For example, it may not be proportionate that a new dwelling with 3 car parking spaces be required to have 3 EVCP’s. Also, any car parking developed under Policies MT2 and MT3 would be required to provide 20% active and 80% passive spaces which could lead to an under utilisation of car parking spaces. It is considered that there is a lack of evidence to justify the 20% / 80%</p>

	<p>split.</p> <p>It is not clear that the potential technical and viability implications of Policy MT4 have been considered. It is therefore suggested that any policy requirement for electric vehicle charging points include the caveat “unless it has been demonstrated that it would not be technically feasible or would make the development unviable.</p> <p>It is also suggested that the policy should be more specific about what types of development proposals the policy would apply to.</p>
<p>Infrastructure Provision</p>	
<p>Policy MI1: Development and Infrastructure</p> <p>Development will be required to provide or contribute to the provision of infrastructure, as set out at paragraph 5.8.2, made necessary by that development or where it gives rise to the need for additional or improved infrastructure to mitigate its impact on existing provision.</p> <p>The required infrastructure should be provided at the appropriate time during the construction of the development. It should normally be provided prior to the development becoming fully operational or occupied unless it is demonstrated that its provision after this will not have an unacceptable adverse impact on the amenity of residents and occupiers within and adjacent to the development. Larger developments may need to be phased to ensure this requirement can be met.</p> <p>In order to ensure that infrastructure is being appropriately and adequately planned for, the following will be required to support planning applications for:</p>	<p>Policy MI1 requires proposals for all new development to provide or contribute to the provision of infrastructure (transport infrastructure, community infrastructure, green infrastructure, blue infrastructure and utilities) made necessary by that development, or mitigation, where necessary, to reduce any adverse impact on existing provision.</p> <p>Policy MI1 says that infrastructure should be provided at the appropriate time during construction of the development, and normally before the development becomes fully operational.</p> <p>To ensure that infrastructure is adequately planned for, Policy MI1 proposes that “small scale major developments” (10 – 199 dwellings, 1,000 – 9,999 sq m or non-residential floor space or sites between 0.5 – 3.99 hectares) should submit an Infrastructure Statement and that “large scale major developments” (200+ dwellings, non-residential floor space exceeding 1,000sq. m or site exceeding 4 hectares) to provide an Infrastructure Delivery Statement. It is suggested that an Infrastructure Delivery Statement is required for all major development.</p> <p>It is considered that the adequacy of infrastructure requirements, such as highways capacity, sewerage, drainage etc would be picked up by in</p>

<p>a. small scale major developments (between 10 and 199 houses; 1,000-9,999sqm of non-residential floor-space or a site measuring 0.5-3.99ha) - a statement outlining the infrastructure requirements, provision and delivery associated with that development including that which is being provided by the infrastructure provider;</p> <p>b. large scale major development (over 200 houses; 10,000sqm of non-residential floor-space or a site measuring over 4ha) – an Infrastructure Delivery Statement (IDS) as outlined in the Reasoned Justification.</p> <p>A proposal that demonstrates it can provide or contribute towards the provision of appropriate infrastructure to meet its needs will be supported.</p>	<p>consultation with service providers without the need for an Infrastructure Delivery Statement. The need to provide necessary infrastructure would form the basis of Section 106 agreements.</p> <p>The purpose of Policy MI1 appears to be the same as SWDP 7 (Infrastructure) which is to bring forward the appropriate and proportionate infrastructure that is required to support development in a timely manner.</p> <p>Paragraph 2 of Policy MI1 refers to the required infrastructure not having an adverse impact of the amenity of residents and occupiers adjacent to the development. It is considered that this is not the appropriate test.</p> <p>Paragraphs 5.8.4 - 5.8.5 indicate that a justification for Policy MI1 is community concern over site allocations in the SWDP, including SWDP 53 (QinetiQ), and SWDP 56 (North East Malvern). It should be noted that paragraph 184 of the Framework (paragraph 29 in the revised Framework) clearly states that Neighbourhood Plans should not promote less development than set out in the Local Plan or undermine its strategic policies.</p>
<p>Policy MI2: High Quality Communications Infrastructure</p> <p>Development of high speed broadband infrastructure to serve the NPA will be supported. Any new development within the NPA should be served by full fibre broadband connections unless it can be demonstrated through consultation with the NGA Network providers that this would not be possible, practical or commercially viable. In such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation.</p> <p>The area in which the works have been carried out should be, so far as necessarily practicable, reinstated to its condition before the</p>	<p>Policy MI2 has 2 parts.</p> <p>Part 1 of Policy MI2 proposes that new development be served by superfast broadband unless it can be demonstrated in consultation with the NGA Network provider that this would not be possible, practical or commercially viable. MI2 also proposes that the area in which work would be carried out is, as far as practicable, reinstated to its condition before the infrastructure was laid.</p> <p>Part 2 of Policy MI2 supports telecommunications installations subject to the following 5 criteria being met:</p>

<p>infrastructure was laid.</p> <p>Where planning permission is required, new infrastructure to support telecommunications installations will be supported provided that the proposal meets all of the following criteria:</p> <ol style="list-style-type: none"> 1. The siting and appearance of equipment does not have an unacceptable adverse impact on the character and appearance of the surrounding area including the Malvern Hills Area of Outstanding Natural Beauty and its setting; 2. The siting and appearance of equipment does not have an unacceptable adverse impact on the amenity of local residents; 3. Equipment sited on existing buildings and structures is sympathetically designed; 4. Where new masts are proposed, it is demonstrated that there are no viable options for siting the equipment on or in existing buildings or structures; and 5. The equipment meets International Commission Guidelines for public exposure. 	<ol style="list-style-type: none"> 1. Equipment does not have an unacceptable adverse impact on the character and appearance of the surrounding area, including Malvern Hills AONB and its setting; 2. Equipment does not have an unacceptable adverse impact on the amenity of local residents; 3. Equipment sited on existing buildings and structures is sympathetically designed; 4. Where new masts are proposed, it is demonstrated that there are no viable options for siting the equipment on or in existing buildings or structures; and 5. Equipment meets International Commission Guidelines for public exposure. <p>Policy MI2 supports the development high speed broadband and mobile telecommunication infrastructure providing that it is appropriately located and designed. The policy is considered to be consistent with SWDP 26.</p>
<p>Employment Land</p>	
<p>ME1: Protecting Employment Allocations</p> <p>The employment land allocations within the adopted South Worcestershire Development Plan at SWDP 56: North East Malvern (10 ha) and SWDP 53: Malvern Technology Centre (QinetiQ) (4.5 ha) are supported and will be protected for future employment development. Proposals for B1, B2 and B8 employment uses on</p>	<p>Policy ME1 has 2 parts.</p> <p>The first part of Policy ME1 seeks to protect the SWDP employment land allocations at QinetiQ (SWDP 53) and North-East Malvern (SWDP 56) for B1, B2 and B8 employment uses.</p> <p>The second part of Policy ME1 supports non-B1, B2 and B8</p>

<p>these employment land allocations will be supported subject to the proposed developments meeting the requirements of relevant policies within the statutory development plan.</p> <p>Proposals for non B1, B2 and B8 employment uses on the employment land allocated on these sites will not be supported unless it can be demonstrated that proposals for other uses meet, where appropriate, the following criteria:</p> <ol style="list-style-type: none"> 1. They generate local employment, apprenticeship and training opportunities; 2. They do not undermine the primary purpose of the employment allocation to meet the needs of businesses within South Worcestershire, the District and the NPA; 3. They satisfy, where relevant, the sequential test within NPPF; and 4. They are of a size and scale appropriate to its location and do not have a adversely harmful impact on the vitality and viability of the NPA's Town and District Centres and Neighbourhood Parades 	<p>employment uses on the employment land allocations on SWDP 53 and SWDP 56, subject to the following 4 criteria, where appropriate, being met:</p> <ol style="list-style-type: none"> 1. Generates local employment, apprenticeship and training opportunities; 2. Meets the needs of businesses; 3. Satisfies, where relevant, sequential test in the Framework (presumably paragraph 24 or paragraph 86 in the revised Framework); and 4. Size and scale is appropriate to the location and does not impact the vitality and viability of the Town and District Centres and Neighbourhood Parades. <p>Policy ME1 conflicts with SWDP 53 which is a strategic policy. SWDP 53 specifically allocates 4.5 hectares for B1(b) (or associated land uses) to promote high technology businesses that compliment the work of QinetiQ or the Science Park. Policy ME1 proposes to widen the range of employment uses to include not only B2 and B8 uses, but also potentially to non-B1, B2 and B8 uses. Wider employment uses would undermine the purpose of the SWDP 53 allocation.</p> <p>SWDP 56 (North East Malvern) allocates 10ha for “employment-generating uses. The first part of Policy ME1 is considered to be consistent with SWDP 56.</p> <p>We have significant concerns about the second part of Policy ME1. It is considered that some of the criteria in the second part of ME1 would not be appropriate. In relation to criterion 1, any employment land will generate employment opportunities, but the creation of apprenticeships and training are not land-use issues and could, in theory, be met by providing a single apprenticeship. In relation to criterion 2, it is considered that any use other than B1(b) (or associated uses) would undermine the purpose of SWDP 53. The “sequential test” referred to in</p>
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	<p>criterion 3 would appear to relate to paragraphs 24 – 27 of the Framework (paragraphs 86 – 90 of the revised Framework) which seeks to ensure the vitality of town centres. This would not be necessary or appropriate if the employment allocations were protected for B1, B2 or B8 uses. Similarly for criterion 4, the criterion would not be necessary or appropriate if the employment allocations were protected for B1, B2 or B8 uses.</p> <p>It is also considered that the second part of ME1 would be contrary to the evidence set out in paragraph 5.9.4.</p> <p>Paragraph 5.9.2 – it appears that there may be text missing at the end of the paragraph.</p> <p>Paragraph 5.9.3, third sentence – says the Town Council will work with landowners, developers etc to develop the employment land allocated at SWDP 53 and SWDP 56. Should this be the District Council / local planning authority?</p>
<p>ME2: Provision of Micro and Small Scale Employment Development</p> <p>Proposals for the expansion of an existing employment use, new employment development and the conversion of existing buildings for employment uses by micro and small sized enterprises outside of the existing employment sites as identified on the Key Diagram will be supported provided they meet, where relevant, the following criteria:</p> <ol style="list-style-type: none"> 1. It is demonstrated that they support a new business or a new enterprise and creates employment; 2. They are appropriate in scale and design to its surroundings and context; 	<p>Policy ME2 supports proposals for new build, conversions and extensions of existing employment premises uses by micro (less than 10 employees) and small (10 to 49 employees) sized enterprises outside existing employment sites subject to the following 6 criteria, where relevant, being met:</p> <ol style="list-style-type: none"> 1. It is a new business / enterprise that creates employment; 2. Scale and design of development is appropriate to its surroundings; 3. Impact on landscape character, biodiversity and key views is acceptable; 4. Is acceptable in terms of highway safety and capacity, car parking and delivery space; 5. Not have an unacceptable adverse impact on the amenity of neighbouring residents; and

<ol style="list-style-type: none"> 3. They are acceptable in terms of impact on landscape character and quality, biodiversity interest and key views; 4. They are acceptable in terms of highway safety and capacity, car parking and delivery space; 5. They do not have an unacceptable adverse impact on the amenity of neighbouring residents or occupiers; and 6. It is demonstrated, on sites within the open countryside, that intensification of the existing site is not viable or practical. 	<ol style="list-style-type: none"> 6. Intensification of the existing site is not viable or practical (if within the open countryside). <p>Generally, policy ME2 conforms with SWDP 8E which supports the provision of employment land and the conversion of existing buildings to support job creation providing it is of a scale appropriate to the location.</p> <p>The Regulation 14 version of the policy was considered to be more permissive than SWDP 8E because it supported extensions of existing buildings which could have led to applications for extensions under the justification of being for “home based working” space. The Regulation 16 version of the policy addresses this concern because expansions would be supported for existing employment uses.</p> <p>In the context of Malvern, it is suggested that businesses employing up to 49 employees are probably not particularly small.</p>
<p>Policy ME3: Employment Development Within Existing Industrial Estates and Business Parks</p> <p>Proposals for employment development and redevelopment and conversion to an employment use within the NPA’s existing Industrial Estates and Business Parks as shown on the Key Diagram and at Figure 5.8 will be supported provided that they meet, where appropriate, all of the following criteria:</p> <ol style="list-style-type: none"> 1. They are development within Use Class B1, B2 and B8 or defined as a County Matter; 2. They are of high quality sustainable design and of a scale compatible with the Industrial Estate or Business Park and adjacent uses; 3. They are appropriate in terms of its impact on the capacity 	<p>Policy ME3 seeks to ensure appropriate development on 9 existing industrial estates and business parks (shown on Figure 5.8 and listed in paragraph 5.9.14).</p> <p>Policy ME3 supports proposals for employment (B1, B2 and B8) development and redevelopment on the existing industrial estates and business parks subject to meeting, where appropriate, the following 6 criteria:</p> <ol style="list-style-type: none"> 1. Is for Use Classes B1, B2 and B8 or a “County Matter”; 2. High quality sustainable design of a compatible scale with the site and adjacent uses; 3. Appropriate in terms of road capacity / safety including the provision of sufficient car parking; 4. Not have an unacceptable adverse impact on the amenity of neighbours; 5. Major developments (>1,000 sq m floor space) provide

<p>and road safety of the local highway network including providing sufficient car parking and service and delivery areas;</p> <ol style="list-style-type: none"> 4. Do not have an unacceptable adverse impact on the amenity of neighbouring residents and occupiers; 5. For major developments (over 1,000sqm in floor-space) proposals provide opportunities to travel by non-car modes (bus, cycle and walking) for visitors and employees; and 6. For office developments a sequential test, in line with NPPF and, demonstrates that there are no preferable sites within the Centres within the NPA. 	<p>opportunities for employees and visitors to travel by bus, cycle and walking; and</p> <ol style="list-style-type: none"> 6. Office developments satisfy the sequential test in the Framework. <p>It is considered that Policy ME3 is in general conformity with SWDP 8 (Providing the Right Land and Buildings for Jobs) and SWDP 12 (Employment in Rural Areas). Criterion 6 is considered to be in general conformity with SWDP 8D.</p> <p>The “sequential test” referred to in criteria 6 would appear to relate to paragraphs 24 – 27 of the Framework (paragraphs 86 – 90 of the revised Framework) which seeks to ensure the vitality of town centres. It is suggested that this could be made clear in the Reasoned Justification.</p> <p>Paragraph 5.9.15, first sentence – reference to ME3A should be amended to ME3.</p>
<p>Policy ME4: Non-employment development within Existing Industrial Estates and Business Parks</p> <p>Development for non-B1, B2 and B8 use classes, including development of an existing non-B1, B2 and B8 established use, within the existing Industrial Estates and Business Parks as shown on the Key Diagram and at Figure 5.8 will only be allowed where it can be demonstrated that proposals meet , where relevant, all of the following criteria:</p> <ol style="list-style-type: none"> 1. The continued use of the premises or site for employment use is no longer commercially viable and that the site or premises has been marketed for at least 12 months for that or any other suitable employment use; 2. They would not limit the range, choice and quality of B1, B2 	<p>The purpose of Policy ME4 is to resist development of non-B1, B2 and B8 uses (including development of existing non-B1, B2 and B8 uses) on existing industrial estates and business parks (shown on Figure 5.8 and listed in paragraph 5.9.14).</p> <p>Policy ME4 supports proposals for non-B1, B2 and B8 uses on the existing industrial estates and business parks subject to meeting, where relevant, the following 9 criteria:</p> <ol style="list-style-type: none"> 1. Can be demonstrated that the continued use of the of the existing premises or site for employment use is no longer commercial viable and the premises have been marketed for at least 12 months for that or any suitable employment use; 2. Would not limit the range, choice or quality of B1, B2 and B8 employment land available; 3. Would be compatible with existing retained employment uses;

<p>and B8 employment land available to meet future employment needs;</p> <p>3. They would be compatible with existing retained employment uses;</p> <p>4. They would be considered an ancillary, complementary and supporting uses to the principal B1, B2 and B8 uses within the Industrial Estate or Business Park in which it is located;</p> <p>5. They should be of a scale and design compatible with the character of its surroundings;</p> <p>6. They should have sufficient parking and service/delivery provision and appropriate vehicular access arrangements;</p> <p>7. If for a main town centre use, a sequential test and, where appropriate, an impact assessment should demonstrate that the proposals will not have an adversely harmful impact on the vitality and viability of the Town and District Centres and Neighbourhood Parades within the NPA.</p> <p>8. If related to an existing non-B1, B2 and B8 established use the proposals should be for the same use class as that existing established use; and</p> <p>9. For major developments (over 1,000sqm in floor space) proposals provide opportunities to travel by non-car modes (bus, cycle and walking) for visitors and employees;</p>	<ol style="list-style-type: none"> 4. Would be considered ancillary, complementary and supporting to the principal B1, B2 and B8 uses within the site; 5. Are of a scale and design compatible with the character of its surroundings; 6. Provide sufficient parking and appropriate vehicular access; 7. Satisfy the sequential test in the Framework (if the proposal is for a “main town centre use”); 8. Be for the same use class as the established use (if the the existing use is non-B1, B2 and B8); and 9. Major developments (>1,000 sq m floor space) provide opportunities for employees and visitors to travel by bus, cycle and walking. <p>Generally, Policy ME4 is considered to be general conformity with SWDP 8 and SWDP 12. Criterion 1, for instance, is consistent with SWDP 8Fi and SWDP 12B. Criterion 5 is consistent with SWDP 8E. Criterion 7 is broadly consistent with SWDP10C.</p> <p>It is considered that there may be some overlap between criteria 3 and 4. Further, it may be difficult for proposed non-B1, B2 or B8 uses to demonstrate that they would be ancillary, complementary and supporting to principal B1, B2 and B8 uses unless they support existing businesses on the site.</p> <p>The “sequential test” referred to in criteria 7 would appear to relate to paragraphs 24 – 27 of the Framework (paragraphs 86 – 90 of the revised Framework) which seeks to ensure the vitality of town centres. It is suggested that this could be made clear in the Reasoned Justification. To provide clarity for decision makers it is also suggested that it is made clearer in the Reasoned Justification and/or Glossary what is meant by “main town centre use”. In effect, is the intention of the criterion to apply to proposed retail and leisure uses?</p> <p>It is suggested that criterion 8 would be unnecessary if other criteria are</p>
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	<p>met.</p> <p>It is suggested that paragraphs 5.9.21 – 5.9.23 require some editing. Reference is made in several places to “employment related uses” and “non-employment related uses”. For accuracy, the policy is seeking to protect land for “B1, B2 and B8 uses” and resist “non-B1, B2 and B8 uses”. The relevance of this is that non-B1, B2 or B8 uses are still employment uses. Reference is also made in the Reasoned Justification to ME3C and ME3A. Presumably, the references should relate to criteria in Policy ME4.</p>
<p>Retail Land</p>	
<p>Policy MR1: Town and District Centres</p> <p>Proposals for new town centre uses (Use Classes A1-A5) and social, cultural and leisure uses (Use Classes D1 and D2 Non-Residential Institutions and Assembly and Leisure Uses) within a single use or a mixed use development within the NPA’s town and district centres and neighbourhood parades as shown on the Key Diagram and at Figure 5.9 will be considered favourably provided they comply with relevant policies of the statutory development plan and meet, where relevant, all of the following criteria:</p> <ol style="list-style-type: none"> 1. are of an appropriate scale to that centre or parade; 2. are of high quality design providing active frontages to key pedestrian routes and, where possible, enhancements to the public realm; 3. provide appropriate vehicular and non-vehicular access, off-street servicing and delivery areas and parking provision; 4. are compatible with adjacent land uses and not prejudice the 	<p>Policy MR1 supports proposals for new town centre uses (A1-A5) and social, cultural and leisure uses (D1 and D2) within the Neighbourhood Area’s town and district centres and neighbourhood parades (shown on Figure 5.9), subject to complying with relevant SWDP policies and meeting, where relevant, the following 5 criteria:</p> <ol style="list-style-type: none"> 1. An appropriate scale to that centre or parade; 2. High quality design with active frontages to pedestrian routes (and enhancements to the public realm where possible); 3. Appropriate vehicular and non-vehicular access, off-street servicing / delivery areas and parking provision; 4. Compatible with adjacent land uses and not prejudice the amenity, lawful operation, viability or future development of existing businesses; and 5. Not have an unacceptable adverse impact on the amenity of neighbouring residents. <p>It should be noted that Figure 5.9 does not show the neighbourhood parades. The location of the neighbourhood parades are shown on Figure 5.10.</p>

<p>amenity, lawful operation, viability or future development of existing businesses; and</p> <p>5. do not have an unacceptable adverse impact on the amenities of residents living within or adjacent to the centre.</p>	<p>The intention of MR1 appears to be to encourage mixed use developments with elements of residential and commercial use as a part of a town centre. The intention of MR1 is laudable and reflects local priorities.</p>
<p>Policy MR2: Neighbourhood Parades</p> <p>Proposals for the change of use of units in Use Class A1 (shops) within the NPA's neighbourhood parades, as identified on the Key Diagram and at Figure 5.10 to non-A1 uses should meet the following criteria:</p> <ol style="list-style-type: none"> 1. (i) The shop use is no longer commercially viable and it has been demonstrated that the premises have been marketed for that or any other suitable retail use for at least 12 continuous months; or <li style="padding-left: 2em;">(ii) There is an alternative equivalent facility within safe walking distance to the local community; and 2. It will not have a detrimental impact on vitality and viability of the neighbourhood parade demonstrated through the proposal not resulting in: <ol style="list-style-type: none"> a. two or more non-A1 retail units in a row; or b. less than 50% of all units within the parade being in A1 use; or <p>All proposals should demonstrate that they will not have an unacceptable adverse impact on the amenities of residents living within or adjacent to the neighbourhood parade.</p>	<p>Policy MR2 proposes 6 Neighbourhood Parades (shown in Figure 5.10 and listed in paragraph 5.10.9) within which proposals for the change of use of units from A1 (shops) would be supported if 3 criteria are met:</p> <ol style="list-style-type: none"> 1. Is demonstrated that the existing shop is no longer commercial viable <u>or</u> there is an alternative equivalent facility within walking distance to the local community; 2. Will not have a detrimental impact on vitality or viability of the Neighbourhood Parade resulting from two or more non-A1 retail units in a row <u>or</u> less than 50% of all units within the parade being in A1 use. 3. Will not have an adverse impact on the amenities of residents living within or adjacent to the Neighbourhood Parade. <p>As currently worded, proposals for a change of use would be supported if they met criteria 1 and 2 or they could demonstrate that the proposal would not have an unacceptable adverse impact on the amenity of those living within or adjacent to the neighbourhood parade. It is suggested that this is an oversight and that the word “or” at the end of criterion 2 should be an “and”. This suggested change would be consistent with paragraph 5.10.13.</p> <p>For consistency with MR2(1), it is suggested that criteria MR2(2a) and MR2(2b) should be MR2(2i) and MR2(2ii) respectively.</p> <p>Policy MR2 is considered to be a local interpretation of SWDP 10 (Protection and Promotion of Centres and Local Shops). Criterion 1 is considered to be in general conformity with SWDP 10I. Criterion 2 is</p>

	<p>considered to be in general conformity with SWDP 10H.</p> <p>It is considered that paragraph 5.10.15 may be unnecessary.</p> <p>It is noted that Policy MR1 also applies to Neighbourhood Parades. It is considered that there could be a conflict between MR2 and MR1 if, for example, development proposals met the criteria in MR1, but not MR2. It is therefore suggested that Policy MR1 apply to town and district centres, but not neighbourhood parades.</p>
Housing Land	
<p>Policy MH1: Housing Mix</p> <p>All new housing development proposals over 5 units should, subject to viability considerations, provide a range of types, sizes and tenures of housing to meet local housing need. Within the NPA there is a particular need for:</p> <ul style="list-style-type: none"> • Affordable housing (particularly 1 bedroom social rented flats and affordable sheltered units) • 1-2 bedroom starter homes • Two, three and four bedroom family homes • Specialist housing for the elderly <p>Applicants should take account of the requirements of the most up-to-date local Housing Needs Assessment and/or Strategic Housing Market Assessment or provide their own assessment of how their proposals meet local housing needs. Applicants should demonstrate how their proposals meet local housing need, through the submission of a Local Housing Provision Statement.</p>	<p>Policy MH1 requires new residential development proposals of 5 or more units to submit a Local Housing Provision Statement. The Statement must demonstrate how it takes account of the most up-to-date local Housing Needs Assessment &/or Strategic Housing Market Assessment.</p> <p>Policy MH1 seeks to have regard to paragraph 50 of the Framework (paragraph 61 in the revised Framework).</p> <p>Policy MH1 is considered to be broadly consistent with SWDP 14 (Market Housing Mix) which seeks a mix of types and sizes in developments of 5+ units.</p> <p>Evidence in paragraph 5.11.4 supports the need for a mix of housing. The SHMA (2014) also supports the need for a mix of housing.</p> <p>It is considered that Policy MH1 provides flexibility but also provides a strong steer for decision makers when determining planning applications.</p>
Policy MH2: New Residential Development within the Development Boundary	<p>Policy MH2 supports new residential development within the development boundary for Malvern subject to it meeting the following 4</p>

Proposals for new residential development within the development boundary of the NPA will be supported provided it meets the following:

1. The proposed development effectively and efficiently uses or re-uses accessible and environmentally acceptable land ensuring that biodiversity interest and landscape character is protected ;
2. The proposed development includes the conversion, re-use or extension of an existing building and provides appropriate space standards for the occupiers;
3. They do not have an adversely harmful impact on the amenity of adjacent residents and occupiers; and
4. They accord with other relevant policies of the statutory development plan.

criteria:

1. Uses or re-uses land that is accessible and environmentally acceptable, ensuring that biodiversity interest and landscape character is protected;
2. Proposal includes conversion, re-use or extension of an existing building and conforms to appropriate space standards for occupiers;
3. Not have an adverse impact on the amenity of adjacent residents; and
4. Accords with other relevant policies in the development plan.

It is considered that the draft Policy MH2 would provide flexibility and support development within the development boundary, providing it accords with other policies in the Plan and SWDP. It is considered that the principle of Policy MH2 would be in general conformity with the strategic policy SWDP 2 (Development Strategy and Settlement Hierarchy). Malvern is identified as a main town in the hierarchy. In relation to main towns, SWDP 2B says infill development within the defined development boundaries is acceptable in principle.

However, to provide sufficient clarity that a decision maker could apply Policy MH2 consistently and with confidence when determining planning applications it is suggested that the Plan should include a map showing the location of the development boundary.

In relation to criterion 1, it is considered that it would be unreasonable to expect all development proposals to protect biodiversity interest and landscape character.

As currently worded, criterion 2 implies that to be supported development proposals should include the conversion, re-use or extension of an existing building which is clearly not what is intended.

	<p>It is suggested that Policy MH2 may be more appropriately worded along the following lines:</p> <p><i>“New infill housing development, and conversion, re-use or extension of an existing building for residential use, will be supported within the development boundary (shown on Figure X) provided it:</i></p> <ol style="list-style-type: none"> <i>1. Is land that is not of high environmental value;</i> <i>2. Does not have an adversely harmful impact on the amenity of adjacent residents and occupiers; and</i> <i>3. Accords with other relevant policies of the statutory development plan.”</i>
<p>Policy MH3: New Residential Development beyond the Development Boundary</p> <p>Housing development beyond the development boundary in the open countryside will be considered favourably if it is:</p> <ol style="list-style-type: none"> 1. A dwelling clearly necessary for use by rural workers including persons employed in agriculture, horticulture, forestry or a rural enterprise; or 2. Affordable housing on an exception site to meet identified local need; or 3. A replacement of an existing dwelling with established use rights and where the replacement dwelling does not exceed the original footprint by 30%; and 4. It accords with other relevant policies in the MNP and SWDP particularly in relation to the Malvern Hills Area of Outstanding Natural Beauty and the Leigh Sinton Significant Gap. 	<p>Policy P2 seeks to strictly control new housing development in the open countryside. The policy provides some flexibility for new development e.g. rural workers housing, rural exception sites, replacement dwellings, house extensions, conversions and subdivisions of existing residential dwellings.</p> <p>Paragraph 55 of the Framework (paragraph 79 of the revised Framework) says that local planning authorities (and this applies to neighbourhood plans) should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work.</p> <p>Policy MH3 provides a clear local interpretation of SWDP 2C as it relates to housing development in the open countryside.</p> <p>Reference is appropriately made in the supporting text to SWDP 16 (Rural Exception Sites), SWDP 18 (Replacement Dwellings in the Open Countryside), SWDP 19 (Dwellings for Rural Workers).</p> <p>In relation to criterion 4, it is suggested that the criterion is amended as</p>

<p>Extensions to existing dwellings will be supported providing that they are subordinate to, and do not dominate the character and appearance of the original dwelling.</p> <p>The subdivision of an existing residential dwelling will be supported providing that the development includes sufficient outdoor amenity and off-road car parking and does not have an adversely harmful impact on the area's visual amenity and landscape character.</p> <p>The conversion and re-use of redundant or disused buildings will be supported providing there is an enhancement to the building's immediate setting and there is no need for substantial reconstruction and large extensions.</p>	<p>follows to address the mass of the dwelling and to be consistent with SWDP18Aiii - A replacement of an existing dwelling with established use rights and where the replacement dwelling <i>is not disproportionately larger than the existing dwelling and does not exceed the original footprint by 30%</i>.</p> <p>In relation to criterion 4, it is not considered necessary to highlight specific NDP or SWDP policies that a proposal should accord with.</p> <p>In relation to the subdivision of an existing residential dwelling, it is considered that criteria related to outdoor amenity and impact on visual amenity and landscape character are not relevant because none of these factors should be affected by subdividing an existing residential dwelling.</p> <p>Paragraph 5.11.12 – It is suggested that the final sentence of the paragraph is deleted.</p> <p>Paragraphs 5.11.13 and 5.11.14 – Reference to extensions to existing dwellings not exceeding 30% of the original “volume” (should this be footprint?) is repeated. It is suggested that one of the references is deleted.</p>
<p>6. Plan Delivery and Implementation</p>	<p>Planning Practice Guidance says that wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex.</p> <p>In light of the above it is suggested that it may be more appropriate to include Chapter 6 as an Appendix titled Proposed Town Council Actions to Deliver and Implement the Neighbourhood Plan.</p> <p>Paragraph 6.1 rightly states that the neighbourhood plan will become</p>

	<p>part of the statutory development plan once it has been made (brought into legal force). Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.</p> <p>However, paragraph 6.3 then goes on to say that “there will be three principal sectors of activity which will direct the delivery of the MNP.” This is misleading because the principal way through which the Plan will be implemented is through the application of the land-use policies by the local planning authority to determine planning applications. It is suggested that paragraph 6.3 be deleted.</p> <p>The list of actions proposed by Malvern Town Council in paragraphs 6.4 to 6.59 is very ambitious. It is suggested that they are set out in an Appendix to the Neighbourhood Plan to clearly distinguish them from the land-use policies.</p>
<p>7. Plan Monitoring and Review</p>	<p>The Town Council’s detailed monitoring and review proposals are also very ambitious. It is considered that they may raise expectations that might be difficult to resource or achieve.</p> <p>Whilst paragraph 7.6 is factually correct, it is not relevant to monitoring and review and will be historic following the examination of the Neighbourhood Plan. It is therefore suggested that paragraph 7.6 is deleted.</p> <p>Paragraph 7.7 says that the Town Council will undertake a review of the Neighbourhood Plan policies against the revised Framework within 6 months of the Neighbourhood Plan being made. It is suggested that this may not be helpful. It should be noted that Planning Practice Guidance (PPG) says there is no requirement to review or update a neighbourhood plan. Policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a Local Plan that is adopted after the making of the neighbourhood plan. In such cases, the</p>

	<p>more recent plan policy takes precedence. In addition, where a policy has been in force for a period of time, other material considerations may be given greater weight in planning decisions as the evidence base for the plan policy becomes less robust. Communities in areas where policies in a neighbourhood plan that is in force have become out of date may decide to update their plan, or part of it.</p> <p>PPG distinguishes between “minor” (non-material) updates to a neighbourhood plan that would not materially affect the policies in the plan and “substantive” updates. If the Town Council wished to make substantive neighbourhood plan updates (modifications) that materially affect the policies in the plan, it would be necessary to follow the process set out in guidance – ie, Regulation 14 consultation, Regulation 16 consultation, Examination and, possibly a Referendum. Whether a Referendum would be required depends on whether the modifications are so significant or substantial as to change the nature of the plan. Whether modifications change the nature of the plan is a decision for an independent examiner.</p> <p>In light of the above, it is suggested that paragraph 7.7 could be replaced with text along the following lines: <i>“When new issues are identified, or policies are found to be out of date, or in need of change, for example due to changing national or strategic planning policy, the Town Council, in consultation with Malvern Hills District Council, may decide to update the NDP, or part of it.”</i></p> <p>Paragraph 7.8 indicates that the Town Council will produce a report on the general conformity of strategic policies in the emerging SWDP Revision with Neighbourhood Plan at various stages. To avoid any misunderstanding, it should be noted that neighbourhood plans must be in general conformity with strategic policies in the development plan, not vice versa.</p>
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Appendices	
Glossary	It is suggested that the glossary is expanded to cover additional terms used in the Neighbourhood Plan, including major development, neighbourhood open spaces, micro businesses, micro generation, main town centre uses, active travel etc.