

HALLOW PARISH COUNCIL RESPONSE TO APPLICATION 21/01268/FUL LAND AT GREENHILL LANE, HALLOW, 55 DWELLINGS

Background and context

This site forms the Neighbourhood Development Plan site for Hallow, with the NDP agreed at Referendum in June 2021 and adopted on July 20th by Malvern Hills District Council (MHDC), and it will be incorporated into the South Worcestershire Development Plan Revised in due course. The informal and formal consultation processes for the NDP are outlined in the NDP (available on the Hallow Parish website). The preference for this site was expressed in 2019, and the site forms part of the original package of land offered to MHDC in 2015 for consideration for the SWDP 2016. The land was not used for SWDP 2016, but forms a logical extension to the adjoining site (Piper Homes, Hallow Leas).

The Parish Council appreciate pre-application discussion with Hayfield and the undertaking to make amendments. The PC will continue to participate in discussions with Hayfield in order to obtain the most suitable outcome for Hallow parish.

In considering our response we have taken advice from Stansgate Planning Consultancy, and used the services of a senior planner with the following qualifications: BSc(Hons) PGDipTP MRTPI. The major focus of this advice has been compliance or otherwise with the Neighbourhood Development Plan Policies.

Status of the Neighbourhood Development Plan and the basis for making a determination

The National Planning Policy Guidance states that a neighbourhood plan attains the same legal status as a local plan (and other documents that form part of the statutory development plan) once it has been approved at a referendum. At this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#)).

As the most recently adopted part of the statutory development plan the policies within the NDP should carry the most weight. Paragraph 30 of the NPPF states *'Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.'*

The SWDP lists which policies are strategic and which are generic and the policies referred to below are generic.

Parish council view and concerns at the present time

Hallow Parish Council regrets that at the present time it **objects** to the application and is prepared to work constructively with Hayfield and MHDC on these issues in order to progress the application to a more suitable state.

Issues of concern

Density

- (1) HPC requested the methodology for the calculation of density from Hayfield in July 2021, this has not been provided.

In the absence of the methodology from the developer our consultant has carried out calculations of the density of the proposed development. The site has been measured in blocks – both the developable area and the pipeline buffer/ open space areas.

The comparison has been made to the Phase 1 site (Pinchfield) as that is more akin to the Phase 3 site in terms of character and the impact of the pipeline.

Phase 1 – without open space – 2.66ha – 16.7 dph

Phase 1 – with open space – 4.9 ha – 13.2 dph

Phase 3 – without open space – 2.2ha – 25 dph

Phase 3 – with open space – 3 ha – 18.3 dph

The previous calculation quoted on the planning statement and in the officer report for the Phase 1 development was incorrect. These documents stated that the density was 18.6 dph but our consultant has recalculated using their figures of 5.02 ha and this results in a density of 13 dph.

The phase 3 development is therefore of a significantly higher density than the phase 1 development.

Based on this evidence the HPC remains of the view that the site should not exceed 50 dwellings, in line with NDP discussions and emails with the representative of Mickel and McTaggart (the owners), on the appropriate density for this rural locale. (This communication can be supplied).

- (2) SWDP 13 – Effective Use of Land

This policy states that housing density will be designed to enhance the character and quality of the local area – higher density where sites have high levels of accessibility including sites located in or close to existing city and town centres. On allocated sites within villages the Policy refers to an average net density of 30 dph however the site is in a sensitive village location where the density of surrounding development is significantly below 30 dph.

The supporting text to SWDP 13 states that planning applications will need to demonstrate how the density of the surrounding area informs the scheme design and how the development proposal enhances the area. HPC contend that this has not been accurately done, and that SWDP 13 is not met. In addition, the Hallow NDP Design Code (the most recent plan), requires issues of density to be appropriately met and related to adjoining locale and setting. HPC contend that this has not been met as evidenced by the comparisons between phase 1 and this application above.

Hayfield's submitted planning statement at paragraph 6.24 states that '*whilst the planning policy sets out a prescriptive density for villages such as Hallow to be 30 dwellings per hectare, the proposal equates to 17.7 dwellings per hectare*'. This is misleading on two counts: (1) the actual density calculation based on our consultant's calculation is 18.3 dph; and the density is not comparable to Phase 1 build; and (ii) there is no *prescriptive density* set out. In addition, the **latest plan requirements (NDP) actually apply**, and in this case HAL 3 and HAL 4 are not met because the density is not comparable to extant properties including Pinchfield (Phase 1). Density figures discussed at pre-application stage are non-binding, and HPC has no evidence that the NDP requirements were fully taken into consideration at that point despite having passed Regulation 16. HPC notes that it was not enabled to fully participate in density figure discussion at that early stage.

The applicant must demonstrate:

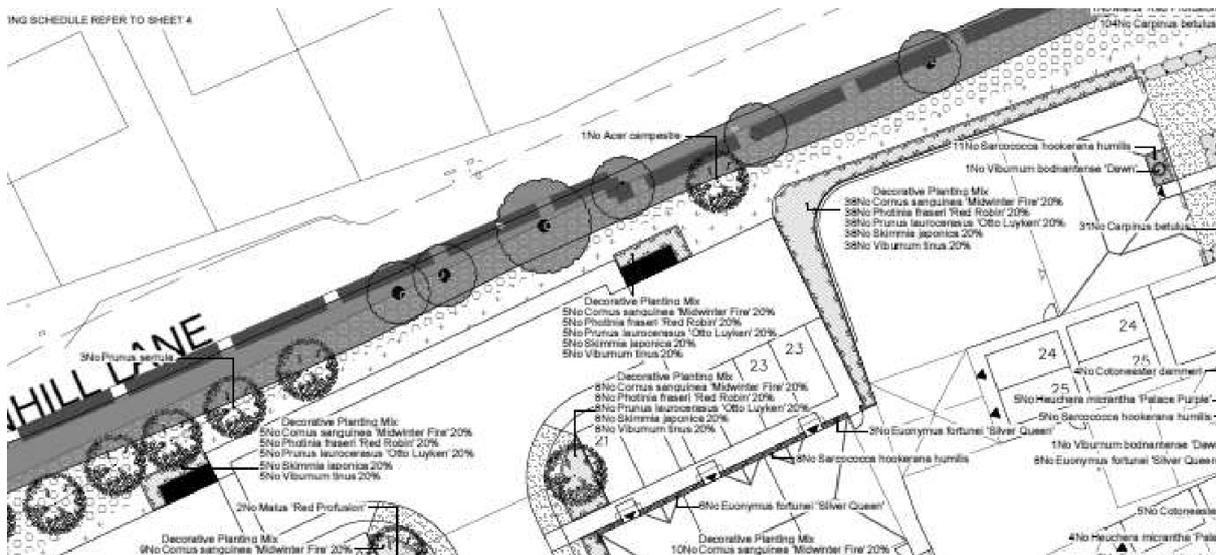
- Their actual methodology for calculation of density and the comparisons made.
- How this meets the Hallow Design Code requirements in full, and meets HAL 3, and HAL 4.
- MHDC must review the density figures, the methodology for calculation and comparisons made particularly to Pinchfield Phase 1, and consider whether this is appropriate for the rural location at edge of village,
- And MHDC are requested to ensure that the statement in the Design and Access document that *the scale and massing of the development will respond to those of the surrounding area and that the development will contribute to a positive change to the image of the area and that the development has been carefully designed to sit comfortably within its setting*, is actually correct. The **latest plan requirements (NDP) apply**.

The Parish Council notes that the plans extend the area under construction and road beyond the boundary of the NDP designated site MAP 8, HAL 1, p.45). The NDP designated site does not require the removal of the southern boundary hedge, however the proposal cannot be achieved with this hedge in place as it has to be removed to accommodate the road. Beyond the ecological damage caused by removal of the hedge (further discussed below), this demonstrates that the site is not in line with the NDP (MAP 8, p. 45). In addition, the hedge removal, and present layout and density do not meet HAL 4 (p.57).

(3) Buffer space

HAL1 - masterplan in the NDP shows significantly more landscape buffer to the edges of the site adjoining the road than is proposed in the planning application.

Relevant maps are embedded below:



In addition to reducing the buffer area, particularly to Greenhill residents, the screening trees and material are inadequate and the meadow planting for the northern and eastern boundary do not seem compatible with areas subject to large amounts of shade.

This all adds to the cluttered and over-dense look of the scheme. A maximum of 50 was discussed with Mickel and McTaggart's representative (the owners) in order to enable all aspects of Hallow NDP policy to be appropriately accommodated. At present they are not.

Affordable housing

SWDP 15B states - The number, size, type, tenure and distribution of affordable dwellings to be provided will be subject to negotiation, dependent on recognised local housing need, specific site and location factors: and at:

E - The final tenure mix of affordable housing on individual sites will be subject to negotiation. Generally, the preference will be for social rented, unless for example a contribution from an alternative affordable housing tenure is required to achieve scheme viability or local need has been demonstrated for a different affordable housing tenure.

At present HPC do not agree the focus on social rent and this is not compliant with NDP HAL2 which recognises that there is a need for dwellings with a **low-cost route to ownership**, the proposed tenure mix will not meet identified local housing need within the NDP and its supporting evidence. For the avoidance of doubt, the NDP policies have the most weight as the latest plan. **The number for social rent should be further reduced, and replaced with dwellings with a low-cost route to ownership. This is a matter of NDP compliance and not for SWDP 2016 generic policy making.**

The affordable housing is grouped and the majority of semi-detached units are affordable whilst the majority of market housing is detached. HAL2 requires a range of types, sizes and tenures. The grouping of the affordable housing, especially the housing fronting Greenhill Lane has the added impact of presenting a significant roofscape visible from Greenhill Lane, and significantly over-facing the bungalow properties in non-compliance with the Hallow Design Code. This is exacerbated by the use of hipped roofs rather than gables. This roofline and style are not in compliance with the NDP.

Design

NDP HAL 3 – requires applicants to demonstrate compliance to the Hallow Design Code, in this case specifically pages 39-44, and to meet para 6.26 of the NDP.

Hallow Design guide – the site is within the *Hallow Farmlands* character area which is predominantly open with sporadic small-scale development– the main built development in this area is on Greenhill Lane. Greenhill Lane comprises a mix of bungalows and two storey properties. They are generally small properties with a consistent roofline (p. 40-44).

The following are considered to be non-compliant areas of policy and conflict with the Hallow Design Code:

- The application proposes the use of buff brick on many of the dwellings - there is no buff brick in Hallow. The finish should be in a high-quality red brick finish or render – preferably rough cast render. The design guide states that prominent materials and architectural features include – red brick, render, tiled roofs and casement windows.
- Tiles should be a mix of grey and brindle – twin style plain tiles as on the Piper development.
- Plain brick eaves and verges (using brick oversail corbel detail) with metal rise and fall brackets as on the Piper scheme.
- There are very few hipped roofs in Hallow – no half hip which are shown on many plots – gables are traditional in Hallow and this needs to be reflected in the house types.
- Other features which will enhance the appearance and character of the properties should be included:
 - Chimneys – brick finish
 - Curved walls on corner boundaries – as Piper development
 - Balanced casement windows (not storm seal)
 - Porches

The positive features of this area of Hallow presented within the Design Code are: rural village feel and houses on spacious plots. To achieve this in the new development it has to be of lower density.

Additional issues:

- Over-facing nature to Greenhill properties, particularly the bungalows, exacerbated by 2 storey builds and large hipped roofs.
- The following would improve design: Brick finish chimneys; Bay windows; Projecting porches.
- Reduced use of clapboard fencing, especially in public areas, or where open to public view. Consideration of alternative styles and colour of fencing to achieve a more aesthetically pleasing look.
- The application must comply with HAL 5 “Dark Skies” (p. 64).
- The application must comply with HAL 7 “Important Views” (p. 70) in respect of views 17, 18, and 19, and view 17 most particularly (map page 39 Design Code). We would appreciate further assessment and information on impact of the development on views 17, 18, and 19 in the Design Code, and most particularly view 17 back towards the church spire and school bell tower (page 39). At present the two storey houses with hipped roofs present non-compliance with NDP view 17.

Greenspace treatment and compliance with HAL 4 in particular

Hallow Parish Council appreciates the offer of a workshop on greenspace and looks forward to discussing the most appropriate layout and use of the green space to the south of the site. Initial concerns are:

- This is the last remaining green space in this part of Main Road and should therefore produce a high-quality green space useable by all the village.
- A high-quality pond would be welcome.
- Further exploration of adequate drainage would be welcome.
- Screening and tree planting for those impacted by the site. Paths should not run close to properties, and screening and retention of some privacy for Bridles End cottage would be appreciated. In addition, the hedge to the boundary of Bridles End is in a poor state of management and requires improvement to enable long-term management by the occupants.
- Hedge retention, including the southern hedge to enable bio-diversity network to be retained where possible in line with accepted biodiversity value of hedgerows and networks (Woolton et al, 2013 for DEFRA; Thornton (2014); NFU (2021)).
- Easement and privacy to Myrtle Cottage-including small parcel of land in northwest corner currently hawthorn and bramble being incorporated into the garden of Myrtle Cottage. We estimate this is less than 1% of the Green space land area.
- No play area is required.
- The Parish Council cannot undertake any long-term responsibility for the management of green space. It does not have funds from council precept to do this. A long-term plan must be put into place.

Requirements for period of build

Residents of Greenhill Lane made representations to HPC on September 1st. We are also aware of other concerns from across the parish. These are:

- The path access to the site from Greenhill Lane should be closed for the period of the build, and consideration given to any re-routing of the PROW. No access for site workers should be available from this path.
- No parking of site vehicles or machinery in Greenhill Lane, Ladygo stores layby, or Browne's Way. Main Road is no parking by law and this must be observed, this includes vehicles waiting to access the site.
- Dust and dirt management during previous builds has been seen as inadequate, proper provision needs to be made.
- Noise and dust screens as required, particularly for Myrtle Cottage. The owners of this cottage have also requested a small piece of land for purchase to provide easement and some remaining privacy.
- A robust system for reporting non-compliance and for issues associated with the build that residents can directly use, including a direct dial phone number.
- Access to Greenhill Lane for residents to be maintained at all times.
- No access to Greenhill Lane for construction traffic at any time.

- No full road closure for Main Road, Hallow. This has seen considerable disruption since 2016.
- Site management must proactively ensure that fallow areas do not allow toxic weeds to grow and disperse seeds to local pasture land-Ragwort was a particular problem during the Pinchfield build.
- Waste management must proactively avoid accidental pollution of the local area by wind-blown waste, such as plastic particles from floor insulation installation.

Conclusion: Hallow Parish Council objects to this application, but would be pleased to continue to engage in discussion with Hayfield and MHDC in respect of this application, and look forward to exploring amendments and to commenting on any revisions made.

Hazel Kemshall

Chair Hallow PC; September 8th, 2021.