

MALVERN HILLS AONB JOINT ADVISORY COMMITTEE 5 NOVEMBER 2021

THE MALVERN HILLS AONB PLANNING REPORT 2020 - 2021

Recommendation

The Committee is recommended to:

- a) Note the report;**
- b) Raise and discuss any issues arising.**

Background

1. There are five Local Planning Authorities (LPAs) who are responsible for planning applications within the Malvern Hills Area of Outstanding Natural Beauty (MHAONB): Herefordshire Council, Worcestershire County Council, Gloucestershire County Council, Malvern Hills District Council and the Forest of Dean District Council. It is these LPAs which create the Local Plans and policies that apply to the AONB and which determine planning permissions within the AONB.
2. National planning policy requires that conserving and enhancing landscape and scenic beauty must be given great weight in AONBs. The AONB may also be a consideration in development proposals outside the AONB boundary, if the proposals might affect the AONB itself.
3. The AONB Management Plan (2019-24) is a material consideration in planning within the AONB and its setting, so planners should refer to the Management Plan and supporting guidance when making their decisions on both planning applications and policy formulation. Developers are also encouraged to refer to these documents when drawing up plans and designs.

The role of the AONB Unit in planning

4. The Malvern Hills AONB Unit contributes to the planning process in the following ways:
 - Assistance in preparing Local Plans with Local Planning Authorities including strategy and planning policy development.
 - Providing specialist advice to LPAs on individual planning applications, for example, those that are classified as major developments and/or have a significant effect on the natural beauty of the AONB. We also comment on individual development proposals where they would have an impact on the character of the AONB or where they might establish a precedent for future applications. NB The National Landscapes review of 2019 recommended that AONB Partnerships

become statutory consultees for planning applications within their boundaries and settings and a decision on this is awaited.

- Developing guidance on a range of planning related topics. AONB guidance amplifies the content of the Management Plan in relation to development in the AONB and so helps to deliver the plan.
- Supporting the preparation of Local Neighbourhood Plans (LNPs) which can contribute to the conservation and enhancement of the AONB.

5. The AONB Unit, via the National Association for AONBs, also contributes to the national debate about planning; for example, by commenting on the development of planning white papers and proposed changes to the planning system.

6. Planning casework was identified through the Weekly Lists prepared by each of the Local Planning Authorities. Table 1 below summarises the planning applications identified as being within the AONB or relevant to the AONB setting for 2020 - 2021. The numbers in brackets represent numbers of applications recorded last year (19 – 20) for comparison purposes.

A summary of planning applications in the AONB 2020-21

Table 1 - Number of planning applications identified as within the AONB or its setting, between April 2020 and March 2021

Local Authority	No. of applications identified	In the AONB boundary	In the AONB setting
Malvern Hills District Council	111 (105)	80 (82)	32 (23)
Herefordshire Council	65 (133)	62 (109)	2 (24)
Forest of Dean District Council	7 (2)	4 (2)	3 (0)
Gloucestershire County Council	0 (0)	0	0
Worcestershire County Council	0 (1)	0 (0)	0 (1)
Totals	183 (241)	146 (193)	37 (48)

(2019-20 figures in brackets)

7. The total number of applications identified in 2020 - 21 was only slightly lower than in 2019-2020, this is similar to the previous year which also saw a small decrease in the number of applications identified. Within these figures there was a slight increase in the number of applications identified in the Malvern Hills District Council and a large decrease in the numbers for Herefordshire Council. The reason for such a large decrease in Herefordshire is unknown but is most likely to be linked to Covid related difficulties for applicants.

8. Each application was assessed by the AONB officer to determine whether any response was required. Approximately 42% (78) of all identified applications (184) were determined as needing to be fully evaluated. This is a lower figure than for 2019

- 20 (117) but, given fewer applications overall, is only a slightly lower percentage than the previous year (48%).

9. Responses were made either as a full written response or, increasingly, as a short comment on the relevant planning portal. The increased use of the planning portal for direct comments has proved more efficient since this can often be done whilst appraising applications. These less formal comments are used where the AONB wishes to comment on e.g. colour or materials, rather than on layout or more complicated design issues.

Table 2 - Number of responses made to planning applications April 2020 to March 2021

Local Authority	No. of written responses	In the AONB boundary	In the AONB setting	No. of objections
Malvern Hills District Council	40 (45)	32 (30)	8(10)	6 (4)
Herefordshire Council	32 (43)	31 (38)	1 (5)	5 (8)
Forest of Dean District Council	0 (1)	0 (1)	0 (0)	0 (0)
Gloucestershire County Council	0(0)	0 (0)	0 (0)	0 (0)
Worcestershire County Council	0 (1)	0 (0)	0 (1)	0 (0)
Totals	72 (90)	63 (74)	9 (16)	11 (12)

(2019-20 figures in brackets)

10. The number of written responses to planning applications decreased this year by 18 (20% decrease) when compared to last year's numbers, with 5 fewer responses submitted to Malvern Hill District Council, 11 less for Herefordshire Council, and no responses for the Forest of Dean District Council. The lower number of responses submitted ties in with the decrease in the numbers of planning applications being identified and assessed. However, although there has been a decrease in the number of written responses made, the number of objections made remain broadly similar to the previous year. The percentage of objections made is approximately 13.5% for both years.

11. The decrease in numbers of planning applications identified, received and assessed seems largely due to the Covid lockdowns which were in place for much of 2020 – 21. Some changes in the WCC planning team and in the way in which applications searches are carried out (now wholly by the AONB Unit) may have also affected the decisions on the type and, therefore, the number of applications requiring a response.

12. It is believed that issues with staffing and with processing applications across all the LPA's may have meant that in 2020 – 21 the listing of applications on the portals may have been somewhat 'ad-hoc' and many have been sent through by email, sometimes at short notice. This has made assessing them less efficient. It should be noted however that, despite working from home and around home schooling for much of this period, individual planning officers have been extremely helpful in

highlighting applications, in sharing their own opinions and information and in allowing extensions of time for responses.

Written responses & planning decisions

Table 3 – Summary statistics for planning decisions April 2020 to March 2021

Local Authority	No. of written responses	Approved/ Prior approval not required	Refused/ Prior approval/ permission required/ Appeal dismissed	Withdrawn	Pending/ Pre-app/ Determination declined etc.	% successful*	Compliance **
Malvern Hills District Council	40 (45)	27 (30)	9 (9)	2 (0)	2 (6)	80% (53%)	
Herefordshire Council	32 (43)	28 (25)	2 (11)	1 (3)	1 (4)	77% (34%)	
Forest of Dean District Council	0 (1)	0 (0)	(0)	(0)	(0)	(100%)	N/A
Gloucestershire County Council	0 (0)	0 (0)	0 (0)	(0)	(0)	N/A	N/A
Worcestershire County Council	0 (1)	(1)	(1)	(0)	(0)	(100%)	N/A
Totals	72 (90)	55 (57)	10 (21)	(3)		79% (52%)	

(2019-20 figures in brackets)

* % of planning decisions which refused proposals due to their potential impact on the AONB and planning decisions which included full mitigation of potential impacts on the AONB

** < 50% = , 50% - 75% = , ≥ 75% =

13. Table 3 shows that the comments made by the AONB Unit in response to applications have been effective. 79% of applications had decisions where proposals were refused or had conditions attached to mitigate the effect of potential impact in the AONB. Conditions often related to colour and materials, and it is these seemingly small details which cumulatively prove the biggest threat by cumulatively impacting on the AONB character. These figures demonstrate the very positive impact that the planning work is having and the need for it to continue to safeguard the Malvern Hills AONB.

Objections – impact of AONB comments

14. Out of the 72 responses to planning proposals the AONB Unit made last year eleven of them were objections. Last year only 2 of those objections made by the AONB unit resulted in a refusal of the application, 8 were approved despite the AONB's objection and 1 is still pending. In one instance the AONB unit made an objection which was later removed following requested amendments to the scheme.

Planning decisions

15. As detailed above, 79% of planning decisions where the AONB responded complied with the AONB Unit's advice; this is a 27% increase from the previous year and demonstrates the value that this service is providing. The upsurge in figures could be attributed to better relationships with the LPA's and a better understanding of what can and can't be achieved through the planning process.
16. Although these figures are good, it should also be noted that of the 11 objections that were made only 2 of those resulted in a refusal. As a result some more work may need to be undertaken to examine why the AONB advice was not taken on board on those occasions where the unit has made objections but approval was still granted.
17. As detailed earlier the Covid-19 pandemic is likely to have had an impact on the numbers of applications that were submitted in this period and it will be useful to note if this is still perceived to have an impact on next year's figures. In addition, there has been a change in the way searches are undertaken, leading to a more focused approach to assessment of the planning applications that need a written response.
18. Last year it was suggested that the AONB Unit achieves greater benefits by focusing on a smaller number of applications where there are significant concerns over impacts on the AONB's special qualities, rather than on a larger number of minor applications. This also suggests that there is a need for the AONB Unit's continuing involvement in planning matters as well as further discussion/liaison with local planning officers. This is what we can see demonstrated in this year's report, which clearly shows the impact this approach is having.

Overarching trends

19. The following trends have been identified in the last year:

Materials and colours

20. As with previous years, on many occasions conditions in relation to materials and colours suggested by the AONB Unit have been included within approvals. Whilst this guarantees some control over choices, the conditions very rarely include a requirement for a specific material or a specific colour, merely advising that the applicant should liaise with the AONB. This means that there was often a need for additional AONB Unit involvement during the discharge of conditions stage. There were also a small number of cases when the AONB unit suggested an alternative colour and these suggestions were not applied to conditions.

21. The following application details a positive result after discussion about the use of colour on an agricultural storage building for an equine facility. (20/02061/FUL Tundridge Stud, Suckley, Worcester, WR6 5DR) Here the AONB unit asked the applicant to change the colour of the steel cladding from Juniper Green to a dark grey. The Local Planning Authority (LPA) responded "*As confirmed by the AONB Unit Juniper Green can often stand out in the landscape during the winter months and if the tall hedging that would screen the building was reduced it must be ensured that the colour of the building would recede into the landscape when viewed from public vantage points. Following these discussions, a revised plan has been*

submitted which now specifies that the roofing will be finished in anthracite grey and the wall cladding will be finished in olive green both of a leather grain effect. It was established as part of the discussions that a suitable dark grey could not be found for the wall covering and it was decided that Olive Green would be a more muted green as opposed to the vivid Juniper Green and would recede into the browns and greens of the winter season landscape". This is seen as a positive outcome for the AONB as it offers greater certainty over the final choices for external materials for the proposed structure. The AONB Partnership Unit would welcome similar conditions on other decision notices where practical.

22. An example of a less satisfactory outcome was for a large area of industrial storage units (P201130/F Land adjacent to Little London, Gloucester Road, Ledbury Herefordshire, HR8 2JB) This is another example of the AONB Unit requesting that a more suitable colour rather than juniper green is used, this being the 'go to' colour for most countryside barns and sheds. On this occasion the LPA did not take on this suggestion and stated the following "*the presence of a number of buildings already on site of a similar appearance means that the suggested building colours, by the applicant, are appropriate in this instance*".

23. In response to the on-going issue of the use of appropriate colour in developments within the AONB the AONB Unit hopes to commission an easy-to-use checklist for planning officers, providing information which they can use in determining and advising on applications.

Agricultural buildings/Permitted development applications

24. As noted in previous reports the AONB's comments are not always considered when considering applications for prior approval for agricultural buildings. Badly designed and inappropriately coloured agricultural buildings can have a disproportionate effect on the rural landscape. Of particular concern was a large barn (Ref P203187/PA7 The Brays, Mathon WR135PS) erected in a location highly visible from the AONB and featuring a very light coloured roof. This application site was close to another development which was also the subject of complaints from the AONB regarding the lack of consultation and suitable conditions on approval. The officer report states, '*In regard to the siting of the proposed building, although it is detached from an established farming unit, in this case the location is considered relatively secluded in the corner of a field with the benefit of established trees to the west which shield the site.*' There was no mention of the highly sensitive visual receptors on a large part of the Malvern Hills, from which this site is visible. This example prompted further correspondence with Herefordshire planners about agricultural buildings.

25. In a second example planning permission was given for a large barn at Woodfield Farm, Ledbury (Ref 200945) which was to be coloured Juniper Green with light grey cement roofing. The application was approved but no mention was made of colour despite the AONB making comments about this.

26. Although the communication regarding Permitted development applications seems to have improved there is still too much disregard of the need for buildings to 'fit' within the wider AONB landscape. In response to this issue the AONB Unit intends to commission a 'go-to' checklist with tips for suggesting colour and layout for barns and other rural buildings.



New barn, Mathon

The visual effect of agricultural buildings in the landscape will be considered at a training session for MHDC Councillors in 21-22.

Equine developments

27. The number of equine developments continues to increase, which is a concern in some areas of the AONB where the additional stables, fencing etc. has a large impact on both the appearance of the AONB and the quality of the pasture. Menages continue to be a popular addition to smallholdings and bring with them fencing, non-grass surfaces and often lighting. One example of a successful outcome is a large menage at Grounds Farm, Hancocks Lane, Welland (Ref 21/00142/FUL) where negotiations following pre-app objections by the AONB unit resulted in the menage being re-aligned to better fit with landscape character and with a traditional orchard adjacent being replanted.

28. As a result of this increase in equine applications work began on revising the Guidance on keeping horses in the landscape, increasing the information about planning issues and exploring the idea of equine management plans as part of planning permissions.

Affordable housing

29. The AONB Unit recognizes that a shortage of affordable housing can be an issue in National Landscapes and Policy BDP3 of the AONB Management Plan states that priority should be given to affordable housing. Best practice within other protected landscapes suggests that, where planning permission is granted, 100% affordable housing should be the starting point and that 75% should be the absolute minimum, with at least 50% of any affordable housing that is provided being affordable in perpetuity (e.g., social-rented housing).

30. The AONB Unit expressed their concerns over the affordable housing provision land at Former Bottling Plant, Primeswell Close, Colwall, located within the AONB. This application was for the erection of one apartment block comprising 23 no. retirement apartments and a carer's apartment; one apartment block comprising 9 no. retirement apartments; and associated works. The proposal does not appear to be in line with the indicative 40% of affordable housing target set out in Policy H1 of the Herefordshire Local Plan. We understand the need for the project to be affordable/profitable for the applicant but would encourage exploration of the potential for affordable housing, including social housing, on this site. This application is still pending so it is not yet known whether the AONB Units comments will be taken on board.

31. The AONB has referred to this best practice in its response to the SWDP review, asking that this is included, along with a requirement for housing need figures to reflect the parish in which housing is built rather than drawing on a much wider area, as has been the case in some recent developments.

Complex cases

32. As pressure grows for development land within the AONB the number of more complex planning applications rises. These cases often require a large input from both planners and the AONB Unit, both liaising with applicants and making formal comments, suggestions or objections. One such example is the application for building 9 flats within the Malvern Wells Conservation Area and AONB at the top of Wyche Road, Malvern. (Ref 21/00617/FUL 60 Old Wyche Road) The AONB has been involved in extensive discussions about this site, resulting in an eventual redesign by the applicants and a new revised application in March 2020. The planning negotiations continue and the application has still not been resolved. This type of intensive input looks set to increase.

Specialist advice

33. On some occasions it is necessary to involve more specialist consultants to provide both comments on applications and advice to the AONB. Examples of this include pre-app advice provided by AONB officers on the siting and appearance of solar panels at Baston Hall, Crews Hill, Alfrick (Ref 21/00194/PA), with help from other National AONB officers, where the applicant decided not to proceed with a solar array next to an area crossed with footpaths.

34. Detailed advice on materials and colour was given to an applicant to allow the satisfactory discharge of a planning condition for work to a historic property at Colwall (Ref P200248/FH) using advice provided by consultants. This property will feature in forthcoming 'good practice' notes. Specialist advice was also provided for a more modern development and adjacent to the Croft, Wellington Heath (P200681/F condition 7) allowing the new developments to blend in more successfully.

35. Technical specialist advice was provided to the AONB to assist with making a written submission to the Appeal for planning permission for homes North of Ledbury Viaduct. This was advice about the impact of the development upon the tranquillity of

the AONB. Unfortunately, the appeal by the developer was upheld by the planning inspector.

36. There is a limited pool of consultants available to carry out this work and one aim for the future must be to expand this, particularly as the same consultants are also in demand from applicants.

Pre-app advice

37. There has been an increase in the demand for pre-application advice and many applicants are approaching the AONB directly, given the backlog of planning work in local authorities.

38. We welcome discussion with applicants, which can often be constructive, but this short-cutting of the planning process has implications for both workload and effectiveness of the planning process. If this continues the AONB may wish to consider formalising the pre-app process and charging for advice.

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